
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 72

**The Education (Fees, Awards and Student Support)
(Miscellaneous Amendments) (Scotland) Regulations 2012**

Amendment of the Education (Fees and Awards) (Scotland) Regulations 2007

19.—(1) Regulation 2 (interpretation) is amended as follows.

(2) In paragraph (1)—

- (a) in the definition of “British overseas territories” after “Gibraltar,” insert “Henderson,”;
- (b) in sub-paragraph (a) of the definition of “EEA frontier self-employed person” for “Scotland” substitute “the United Kingdom”;
- (c) in sub-paragraph (a) of the definition of “EEA frontier worker” for “Scotland” substitute “the United Kingdom”;
- (d) in the definition of “EU overseas territories” after “Greenland” omit “Henderson”;
- (e) omit the definition of “EU overseas territories national”;
- (f) for the definition of “family member” substitute—

““family member” means—

- (a) in relation to an EEA frontier worker, an EEA migrant worker, an EEA frontier self-employed person, an EEA self-employed person, a Swiss employed person, a Swiss frontier employed person, a Swiss frontier self-employed person or a Swiss self-employed person—
 - (i) their spouse or civil partner; or
 - (ii) their direct descendants or those of their spouse or civil partner who are—
 - (aa) under the age of 21; or
 - (bb) their dependants or those of their spouse or civil partner; or
 - (iii) their dependent direct relatives in the ascending line or those of their spouse or civil partner;
- (b) in relation to an EC national or a non UK EC national who is not self-sufficient within the meaning of Article 7(1)(b) of Directive 2004/38—
 - (i) their spouse or civil partner; or
 - (ii) their direct descendants or those of their spouse or civil partner who are—
 - (aa) under the age of 21; or
 - (bb) their dependants or those of their spouse or civil partner; and
- (c) in relation to an EC national or a non UK EC national who is self-sufficient within the meaning of Article 7(1)(c) of Directive 2004/38 or, for the purposes of paragraph 4 of Schedule 1, a United Kingdom national—
 - (i) their spouse or civil partner; or

- (ii) their direct descendants or those of their spouse or civil partner who are—
 - (aa) under the age of 21; or
 - (bb) their dependants or those of their spouse or civil partner; or
 - (iii) their dependent direct relatives in the ascending line or those of their spouse or civil partner;”;
 - (g) for the definition of “the Islands” substitute—

““Islands” means the Channel Islands and the Isle of Man”;
 - (h) for the definition of “Swiss frontier worker” substitute—

““Swiss frontier employed person” means a Swiss national who—

 - (a) is an employed person (within the meaning of Annex 1 to the Switzerland Agreement) in the United Kingdom; and
 - (b) resides in Switzerland or in the territory of an EEA state other than the United Kingdom and returns to their residence in Switzerland or that EEA state, as the case may be, daily or at least once a week;”;
 - (i) in the definition of “Swiss frontier self-employed person” for “Scotland” substitute “the United Kingdom”.
- (3) After paragraph (4) insert—
- 19.**—“(5) For the purposes of these Regulations, and subject to paragraph (6), in assessing whether a person has a relevant connection with the United Kingdom and Islands or is an excepted student for the charging of relevant fees, a course is deemed to have started on the date that the first constituent part of any programme of education which contributes to the final award for that course commenced.
- (6) In assessing whether a person has a relevant connection with the United Kingdom and Islands or is an excepted student for the charging of relevant fees—
- (a) a programme of education leading to—
 - (i) a Degree;
 - (ii) a Higher National Diploma; or
 - (iii) a Higher National Certificate; and
 - (b) such other programmes of education as the Scottish Ministers may determine, are to be treated as separate and distinct courses.”.