
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 72

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

Amendment of the Education (Student Loans for Tuition Fees) (Scotland) Regulations 2006

- 6.—(1) Schedule 1 (eligible students) is amended as follows.
- (2) In paragraph 2(1)(a)(iv) for “worker” substitute “employed person”.
- (3) In paragraph 4—
- (a) in sub-paragraph (1)—
- (i) in paragraph (a) after “1971” insert “on the first day of the first academic year of the course”; and
- (ii) in paragraph (b) after “settled in the United Kingdom” insert “within the meaning given by section 33(2A) of the Immigration Act 1971”; and
- (b) in sub-paragraph (3) for “does” substitute “and the requirement in sub-paragraph (1)(b) to be settled in the United Kingdom within the meaning given by section 33(2A) of the Immigration Act 1971 immediately before leaving the United Kingdom do”.
- (4) For paragraph 8 substitute—
- “8.—(1) A person who—
- (a) is, on the first day of the first academic year of the course, a non UKEC national or the family member of such a national;
- (b) is ordinarily resident in Scotland on the first day of the first academic year of the course;
- (c) has been ordinarily resident in the United Kingdom and Islands throughout the period of 3 years immediately preceding the first day of the first academic year of the course; and
- (d) in the case where their ordinary residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the European Economic Area and Switzerland immediately prior to the period of residence referred to in paragraph (c).
- (2) Where a state accedes to the EU after the first day of the first academic year of the course and a person is a national of that state, the requirement in sub-paragraph (1)(a) to be a non UK EC national on the first day of the first academic year of the course is treated as being satisfied.”.
- (5) After paragraph 10 insert—
- “11. A person to whom, or in respect of whom, a loan has been paid in accordance with these Regulations within the year immediately preceding the first day of the academic year of the course for which that person is currently seeking a loan, provided that the person is continuing to undertake the same course.”.