
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 180

The Education (Fees and Student Support) (Miscellaneous Amendments) (Scotland) Regulations 2017

Amendment of the Education (Student Loans) (Scotland) Regulations 2007

16. In regulation 2 (interpretation)—

(a) for paragraph (4) substitute—

“(4) For the purposes of paragraphs 1(b), 2(1)(b), 3(1)(b), 4(1)(d), 8(1)(c), 8A(1)(b), 9(b) and 10(c) of schedule 1, a person shall be treated as having been ordinarily resident in the area specified and for the period specified in those paragraphs if the Scottish Ministers are satisfied that—

(a) the person was not actually ordinarily resident in the relevant area for the specified period only because—

(i) that person, or his or her spouse or civil partner, or parent; or

(ii) in the case of a dependant direct relative in the ascending line, the child upon whom that person was dependent or that child’s spouse or civil partner,

was for the time being temporarily employed or studying outside the relevant area; or

(b) the person was born and has spent the greater part of his or life in the relevant area and that—

(i) his or her parents or either of them have been ordinarily resident in the relevant area throughout the specified period and he or she is not an independent student; or

(ii) he or she has been ordinarily resident in the relevant area for at least 1 year of the specified period and, in the case of qualifying by virtue of paragraph 1 of schedule 1, no part of that residence was wholly or mainly for the purposes of receiving full time education.”.

(b) after paragraph (7) insert—

(a) “(8) In paragraph 2(4)(b), an “independent student” means a person who prior the first day of the first academic year of the course—

(i) has attained the age of 25 years;

(ii) is married or in a civil partnership;

(iii) has no parent living;

(iv) had the care of a person under the age of 18 years who was wholly or mainly financially dependent on him or her; or

(v) has been self-supporting out of his or her earnings for periods aggregating not less than 3 years.

- (b) A person is to be regarded as having been self-supporting out of his or her earnings for any period during which that person—
 - (i) was participating in arrangements for training for the unemployed under any scheme operated, sponsored or funded by any state authority or agency (national, regional or local);
 - (ii) was in receipt of benefit payable by any state authority or agency (national, regional or local), in respect of a person who is available for employment but who is unemployed;
 - (iii) was available for employment and had complied with the requirements of registration imposed by a body referred to in paragraphs (i) or (ii) as a condition of entitlement for participation in arrangements for training or receipt of benefit;
 - (iv) received any pension, allowance or other benefit paid by reason of a disability to which that person is subject, or by reason of confinement, injury or sickness, paid by any state authority (national, regional or local), by an employer or any former employer or any other person; or
 - (v) held an advance postgraduate award or comparable award.”.