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SCOTTISH STATUTORY INSTRUMENTS

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**2019 No. 70**

**The Education (Fees and Student Support) (Miscellaneous Amendments) (EU Exit) (Scotland) Regulations 2019**

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

7.—(1) The Education (Student Loans) (Scotland) Regulations 2007(1) are amended in accordance with paragraphs (2) to (6).

(2) In regulation 2(1) (interpretation), in the definition of “loan”—

- (a) in sub-paragraph (a) after “Postgraduate masters degree,” insert “or undertaking a full-time or part-time research course leading to a Postgraduate masters degree,”,
- (b) in sub-paragraph (aa) after “Postgraduate masters degree,” insert “or undertaking a full-time (but not a part-time) research course leading to a Postgraduate masters degree,”.

(3) In regulation 3(2)(d) (eligible students)—

- (a) at the end of head (iii), omit “or”, and
- (b) after head (iv) insert—

“or

(v) any allowance, bursary or award of a similar description paid by United Kingdom Research and Innovation(2), where that person is undertaking a research course leading to a Postgraduate masters degree,”.

(4) In regulation 4 (designated courses)—

- (a) in paragraph (1)(b)(i) after “Postgraduate masters degree,” insert “or in relation to a research course leading to a Postgraduate masters degree,”,
- (b) in paragraph (1)(d) after “Postgraduate masters degree,” insert “or to a research course leading to a Postgraduate masters degree,”, and
- (c) after paragraph (4A) insert—

“(4AA) For the purposes of these Regulations, a research course means a course where the primary manner of study and assessment is based on independent research conducted by the student.”.

(5) In schedule 1 (eligible students)—

- (a) after paragraph 6D insert—

“**6E.**—(1) A person who—

- (a) has been granted discretionary leave to remain in the United Kingdom due to being identified as a victim of modern slavery,

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(1) S.S.I. 2007/154, amended by S.S.I. 2007/503, S.S.I. 2008/205, S.S.I. 2008/206, S.S.I. 2009/188, S.S.I. 2009/189, S.S.I. 2009/309, S.S.I. 2010/300, S.S.I. 2012/272, S.S.I. 2013/380, S.S.I. 2015/212, S.S.I. 2016/82, S.S.I. 2017/180 and S.S.I. 2018/171.

(2) United Kingdom Research and Innovation is a body corporate established under section 91 of the Higher Education and Research Act 2017 (c.29).

- (b) has been ordinarily resident in the United Kingdom and Islands at all times since that person was first granted such discretionary leave to remain in the United Kingdom, and
  - (c) is ordinarily resident in Scotland on the first day of the first academic year of the course.
- (2) For the purposes of this paragraph, “modern slavery” includes human trafficking, slavery, servitude and forced or compulsory labour.”,
- (b) in paragraph 8A(1)(c) after “Postgraduate masters degree” insert “, or a research course leading to a Postgraduate masters degree.”, and
  - (c) after paragraph 11 insert—

“**12.** A person who would have fallen within one or more of paragraphs 1 to 11 immediately before exit day is to be treated as falling within the same paragraph or paragraphs on and after exit day.”.
- (6) In schedule 2 (designated courses) after paragraph 9 insert—

“**9A.** A research course leading to a Postgraduate masters degree.”.