

SCHEDULE 1

ELIGIBLE STUDENTS

- 4.—(1) A person who—
- (a) is settled in the United Kingdom within the meaning given by section 33(2A) of the Immigration Act 1971;
 - (b) left the United Kingdom and utilised a right of residence after having been settled in the United Kingdom and, where the person is a national of the United Kingdom, was ordinarily resident in Scotland immediately prior to exercising that right and the Scottish Ministers are satisfied that such residence was not in any sense attributable to, or connected with, any period of residence in Scotland within the 3 years immediately preceding in respect of which any part of its purpose was wholly or mainly that of receiving full-time education;
 - (c) is ordinarily resident in Scotland on the day on which the first term of the first academic year of the course actually begins;
 - (d) has been ordinarily resident in the territory comprising the European Economic Area and Switzerland throughout the period of 3 years immediately preceding the first day of the first academic year of the course; and
 - (e) in the case where that persons’ ordinary residence referred to in paragraph (d) 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 (d).
- (2) For the purposes of this paragraph, a person has utilised a right of residence if that person—
- (a) is—
 - (i) a United Kingdom national;
 - (ii) a family member of a United Kingdom national with rights under Article 7 of Directive 2004/38(1) (or corresponding provisions under the EEA agreement or the Switzerland Agreement(2)); or
 - (iii) a person who has a right of permanent residence arising under Directive 2004/38; and
 - (b) either—
 - (i) has exercised a right under Article 7 of Directive 2004/38 or any equivalent right under the EEA agreement or the Switzerland Agreement in a state other than the United Kingdom; or
 - (ii) in the case of a person who has a right of permanent residence in the United Kingdom arising under Directive 2004/38, has gone to the state within the territory comprising the European Economic Area and Switzerland of which that person is a national or of which the person in relation to whom that person is a family member is a national.

(1) O.J. No. L 158, 30.04.04, p.77.

(2) Cm. 5639.

Status: This version of this contains provisions that are prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Education (Student Loans) (Scotland) Regulations 2007. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

II Sch. 1 para. 4 in force at 1.8.2007, see [reg. 1](#)

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View outstanding changes

Changes and effects yet to be applied to :

- Sch. 1 para. 4 coming into force by S.S.I. 2007/154 reg. 1
- Sch. 1 para. 4(1)(c) omitted by S.S.I. 2007/503 reg. 8(3)(a)(i)
- Sch. 1 para. 4(1)(b) substituted by S.S.I. 2009/188 reg. 17
- sch. 1 para. 4(1) substituted by S.S.I. 2021/28 reg. 22(c)(i)
- Sch. 1 para. 4(1)(a) words inserted by S.S.I. 2012/72 reg. 35(3)(a)(i)
- Sch. 1 para. 4(1)(b) words inserted by S.S.I. 2012/72 reg. 35(3)(a)(ii)
- sch. 1 para. 4(2)(a)(ii) words substituted by S.S.I. 2021/28 reg. 22(c)(ii)
- sch. 1 para. 4(2)(a)(iii) words substituted by S.S.I. 2021/28 reg. 22(c)(iii)
- sch. 1 para. 4(2)(b)(ii) words substituted by S.S.I. 2021/28 reg. 22(c)(iv)
- Regulations revoked by S.S.I. 2022/157 Sch. 5

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- Blanket amendment words substituted by S.I. 2011/1043 art. 3-68-10

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 para. 4(3) inserted by S.S.I. 2007/503 reg. 8(3)(a)(ii)
- Sch. 1 para. 10 inserted by S.S.I. 2007/503 reg. 8(3)(b)
- Sch. 1 para. 6A inserted by S.S.I. 2009/309 reg. 17
- Sch. 1 para. 8A inserted by S.S.I. 2012/72 reg. 35(5)
- Sch. 1 para. 11 inserted by S.S.I. 2012/72 reg. 35(6)
- Sch. 1 para. 6B inserted by S.S.I. 2016/82 reg. 10(2)
- sch. 1 para. 6C6D inserted by S.S.I. 2018/171 reg. 6(4)(a)
- sch. 1 para. 6E inserted by S.S.I. 2019/70 reg. 7(5)(a)
- sch. 1 para. 12 inserted by S.S.I. 2019/70 reg. 7(5)(c)
- sch. 1 para. 6F6G inserted by S.S.I. 2020/213 reg. 6
- sch. 1 para. 8A(3)(c) inserted by S.S.I. 2021/28 reg. 22(e)(iii)(bb)
- sch. 1 para. 10(aa) inserted by S.S.I. 2021/28 reg. 22(g)(ii)
- sch. 1 para. 10A-10D inserted by S.S.I. 2021/28 reg. 22(h)
- sch. 1 para. 8A(4) omitted by S.S.I. 2021/28 reg. 22(e)(iv)
- sch. 1 para. 12 omitted by S.S.I. 2021/28 reg. 22(j)
- Sch. 1 para. 8A(1)(a) substituted by S.S.I. 2013/80 reg. 27(3)(a)
- Sch. 1 para. 8A(3)(b) substituted by S.S.I. 2013/80 reg. 27(3)(b)
- sch. 1 para. 8A(1) substituted by S.S.I. 2021/28 reg. 22(e)(i)
- sch. 1 para. 8A(2) substituted by S.S.I. 2021/28 reg. 22(e)(ii)
- sch. 1 para. 8A(1)(c) word substituted by S.S.I. 2018/171 reg. 6(4)(b)
- sch. 1 para. 8A(1)(c) words inserted by S.S.I. 2019/70 reg. 7(5)(b)
- sch. 1 para. 4(3) words inserted by S.S.I. 2021/28 reg. 22(c)(v)
- sch. 1 para. 10(a) words inserted by S.S.I. 2021/28 reg. 22(g)(i)
- sch. 1 para. 10(c) words inserted by S.S.I. 2021/28 reg. 22(g)(iii)
- sch. 1 para. 11(1) words inserted by S.S.I. 2021/28 reg. 22(i)(i)
- Sch. 1 para. 4(3) words substituted by S.S.I. 2012/72 reg. 35(3)(b)
- sch. 1 para. 8A(3)(a) words substituted by S.S.I. 2021/28 reg. 22(e)(iii)(aa)

- sch. 1 para. 11(2) words substituted by S.S.I. 2021/28 reg. 22(i)(ii)
- Sch. 2 para. 89 inserted by S.S.I. 2012/72 reg. 36
- sch. 2 para. 10 inserted by S.S.I. 2017/180 reg. 20
- sch. 2 para. 9A inserted by S.S.I. 2019/70 reg. 7(6)
- sch. 2 para. 8 word substituted by S.S.I. 2018/171 reg. 6(5)
- sch. 2 para. 9 word substituted by S.S.I. 2018/171 reg. 6(5)
- reg. 2(8) inserted by S.S.I. 2017/180 reg. 16(b)
- reg. 2(8)(a) words substituted by S.S.I. 2018/171 reg. 6(2)(b)
- reg. 2(9) inserted by S.S.I. 2021/28 reg. 21(f)
- reg. 3(2)(d)(v) and word inserted by S.S.I. 2019/70 reg. 7(3)(b)
- reg. 3(2)(d)(iii) and word inserted by S.S.I. 2017/180 reg. 18
- reg. 3(2)(d)(iii) word omitted by S.S.I. 2019/70 reg. 7(3)(a)
- reg. 3(2)(d)(iv) and word inserted by S.S.I. 2018/307 reg. 3(b)
- reg. 3(2A) inserted by S.S.I. 2012/72 reg. 33(2)
- reg. 3(2A) substituted by S.S.I. 2015/212 reg. 3(3)
- reg. 3(6)(7) inserted by S.S.I. 2012/72 reg. 33(3)
- reg. 4(1)(b)(i) words inserted by S.S.I. 2019/70 reg. 7(4)(a)
- reg. 4(1)(d)(i)(ii) and words inserted by S.S.I. 2018/171 reg. 6(3)(b)
- reg. 4(4A)(4B) inserted by S.S.I. 2018/171 reg. 6(3)(c)
- reg. 4(4AA) inserted by S.S.I. 2019/70 reg. 7(4)(c)