
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 72

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

Amendment of the Students' Allowances (Scotland) Regulations 2007

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

(2) In paragraph (1)—

- (a) in the definition of “EU overseas territories” after “Greenland” omit “Henderson”;
- (b) omit the definition of “EU overseas territories national”; and
- (c) 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;”.

(3) After paragraph (2) insert—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“(3) For the purposes of paragraph (1)(a) of Schedule 1 a person who is ordinarily resident in Scotland as a result of having moved from the Islands for the purpose of undertaking a course of education is to be considered to be ordinarily resident in the Islands.

(4) For the purposes of paragraph (1)(a) of Schedule 1 a person who is ordinarily resident in Scotland as a result of having moved from a part of the United Kingdom other than Scotland for the purpose of undertaking a course of education is to be considered to be ordinarily resident in the part of the United Kingdom from where they moved.”.