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SCOTTISH STATUTORY INSTRUMENTS

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**2012 No. 72**

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

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

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

(2) In paragraph (1)—

(a) after the definition of “employment” insert—

““EU national” means a person who is a national of any member State;”;

(b) 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 EU national or a non UK EU 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 EU national or a non UK EU 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;”;

(c) for the definition of “loan” substitute—

“loan” means—

- (a) in relation to a student undertaking a vocational course leading to a Postgraduate Diploma or to a Postgraduate masters degree, a loan towards that student’s tuition fees under the Act and any regulations made under the Act, including the interest accrued on the loan and any penalties or charges made in connection with it; and
  - (b) in relation to any other student, a loan towards that student’s maintenance under the Act and any regulations made under the Act, including the interest accrued on the loan and any penalties or charges made in connection with it;”;
- (d) for the definition of “non UK EC national” substitute—
- “non UK EU national” means a person who is a national of any member State other than the United Kingdom;”;
- (e) for the definition of “Swiss frontier worker” substitute—
- “Swiss frontier employed person” means a Swiss national who—
- (a) is an employed person (within the meaning of Annex 1 to the Switzerland Agreement) in Scotland; and
  - (b) resides in Switzerland or in the territory of an EEA state other than the United Kingdom and returns to their residence in Switzerland or that EEA state, as the case may be, daily or at least once a week;”;
- (3) In paragraph (3) for “8(b)” substitute “8(1)(b)”.
- (4) In paragraph (4) for “8(c)” substitute “8(1)(c), 8A(1)(b)”.
- (5) In paragraph (7) omit sub-paragraph (a).