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SCOTTISH STATUTORY INSTRUMENTS

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**2020 No. 213**

**The Education (Fees and Student Support) (Miscellaneous Amendments) (Scotland) Regulations 2020**

**Amendment of the Education Maintenance Allowances (Scotland) Regulations 2007**

7.—(1) The Education Maintenance Allowances (Scotland) Regulations 2007(1) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 2 (interpretation)—

- (a) in paragraph (2), after “6E(1)(c)” insert “, 6F(c), 6G(c)”,
- (b) in paragraph (3), after “6E(1)(c)” insert “, 6F(c), 6G(c)”.

(3) In schedule 1 (persons eligible for education maintenance allowances), after paragraph 6E insert—

“**6F.** A person who—

- (a) has been granted indefinite leave to remain in the United Kingdom under any of the following provisions of the immigration rules, as defined in section 33(1) of the Immigration Act 1971—
  - (i) paragraph 289B (victims of domestic violence),
  - (ii) paragraph D-DVILR.1.1. of Appendix FM (victims of domestic abuse), or
  - (iii) paragraph 40 of Appendix Armed Forces (victims of domestic violence: partners of members of the armed forces),
- (b) has been ordinarily resident in the United Kingdom and Islands since that person was first granted such leave, and
- (c) is ordinarily resident in Scotland on the qualifying date.

**6G.** A person who—

- (a) has extant leave to remain in the United Kingdom under paragraph 352J, 352K, 352L or 352T (Calais leave and “leave in line” granted by virtue of being a dependent child of a person granted Calais leave) of the immigration rules, as defined in section 33(1) of the Immigration Act 1971,
- (b) has been ordinarily resident in the United Kingdom and Islands since that person was first granted such leave, and
- (c) is ordinarily resident in Scotland on the qualifying date.”.