

POLICY NOTE

ST MARY'S MUSIC SCHOOL (AIDED PLACES) (SCOTLAND) AMENDMENT (No. 2) REGULATIONS 2022

SSI 2022/377

1. The above instrument was made in exercise of the powers conferred by section 73(f) and 74(1) of the Education Scotland Act 1980.
2. The instrument is subject to negative procedure.

Purpose of the instrument.

3. The purpose of the instrument is to make further amendments to the provisions relating to EEA and Swiss nationals to ensure that they remain eligible to apply to the aided places scheme ('the Scheme') for pupils attending St Mary's Music School ('the School') following the UK's Exit from the EU.

Policy Objectives

4. The St Mary's Music School (Aided Places) (Scotland) Amendment (No. 2) Regulations 2022 ('the 2022 (No. 2) Regulations') amend the St Mary's Music School (Aided Places) (Scotland) Regulations 2015 ('the 2015 Regulations'), which provide the legislative framework for the administration of the Scheme.
5. The 2022 (No. 2) Regulations make amendments to the eligibility criteria for the Scheme in relation to EEA and Swiss nationals which are set out in paragraph 2 of schedule 1 of the 2015 Regulations. These amendments provide that EEA and Swiss nationals entitled to apply to the EU Settlement Scheme are eligible to apply to the Scheme as long as they are resident in the British Islands on the relevant date, which is 1st January in the year that their aided place would start. The residency requirement does not apply to children who are frontier workers or family members of frontier workers. The amendments also provide that Irish nationals and UK nationals who have been resident in either the British Islands or the Republic of Ireland for 2 years immediately preceding the relevant date are eligible for an aided place.

Consultation

6. There is no statutory obligation to consult in relation to the Scheme, however, the School has been consulted on the amendments made by the Regulations throughout the process and raised no objections.

Impact Assessments

7. It is considered that a Business and Regulatory Impact Assessment is not required for these amendment Regulations as there is no change in cost to the School and no impact on demand for places.

8. An Equalities Impact Assessment was undertaken for The St Mary's Music School (Aided Places) (Scotland) Amendment Regulations 2022 and and, since these amendments are not the result of any change in policy, it is considered that no new equalities issues arise.

Financial Effects

9. There will be no financial impact on the School.

Scottish Government
Learning Directorate
December 2022