

SCHEDULE 1

Regulation 3(1)

PERSONS ELIGIBLE FOR BURSARIES

1. A person who—
 - (a) is ordinarily resident in the area of the education authority on the qualifying day in relation to the course of study in respect of which that person seeks a bursary;
 - (b) has been ordinarily resident in the British Islands throughout the period of 3 years preceding the relevant date; and
 - (c) is settled in the United Kingdom within the meaning given by section 33(2A) of the Immigration Act 1971(1) on the relevant date.

Commencement Information

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

2. A person who—
 - (a) is—
 - (i) an EEA migrant worker or an EEA self employed person;
 - (ii) a Swiss employed person or a Swiss self employed person;
 - (iii) an EEA frontier worker or an EEA frontier self employed person; or
 - (iv) a Swiss frontier worker or a Swiss frontier self employed person;
 - (b) has been ordinarily resident in the territory comprising the European Economic Area and Switzerland throughout the period of 3 years immediately preceding the relevant date; and
 - (c) is—
 - (i) ordinarily resident in the area of the education authority on the qualifying day in relation to the course in respect of which that person seeks a bursary; or
 - (ii) not ordinarily resident on that day in the area of any education authority in Scotland and seeks a bursary in respect of a course of study at an educational establishment in the area of the education authority.

Commencement Information

II Sch. 1 para. 2 in force at 1.8.2007, see [reg. 1](#)

3. A person who—
 - (a) is—
 - (i) the family member of a person mentioned in paragraph 2(a); or
 - (ii) is entitled to support by virtue of Article 12 of Council Regulation (EEC) No. 1612/68 on the freedom of movement of workers(2), as extended by the EEA agreement;
 - (b) has been ordinarily resident in the territory comprising the European Economic Area and Switzerland throughout the period of 3 years immediately preceding the relevant date; and

(1) 1971 c. 77.

(2) O.J. No. L 257, 19.10.68, p.2 (O.J./S.E. 1968(II) p.475), amended by Council Regulation (EEC) No. 2434/92 (O.J. No. L 245, 26.8.92, p.1).

Status: Point in time view as at 01/12/2007.

Changes to legislation: There are currently no known outstanding effects for the The Education Authority Bursaries (Scotland) Regulations 2007, SCHEDULE 1. (See end of Document for details)

- (c) is—
- (i) ordinarily resident in the area of the education authority on the qualifying day in relation to the course in respect of which that person seeks a bursary, or
 - (ii) not ordinarily resident on that day in the area of any education authority in Scotland and seeks a bursary in respect of a course of study at an educational establishment in the area of the education authority.

Commencement Information

I3 Sch. 1 para. 3 in force at 1.8.2007, see [reg. 1](#)

- 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—
 - (i) ordinarily resident in the area of the education authority on the qualifying day in relation to the course in respect of which that person seeks a bursary; or
 - (ii) not ordinarily resident on that day in the area of any education authority in Scotland and seeks a bursary in respect of a course of study at an educational establishment in the area of the education authority;
 - (d) has been ordinarily resident in the territory comprising the European Economic Area and Switzerland throughout the period of 3 years immediately preceding the relevant date; and
 - (e) in the case where their ordinary residence referred to in sub sub 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 sub sub 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(3) (or corresponding provisions under the EEA agreement or the Switzerland Agreement(4)); 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

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

(4) Cm. 5639.

- (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.

[^{F1}(3) Sub-paragraph (1)(a) does not apply where the person applying for support is a person falling within sub-paragraph (2)(a)(ii).]

Textual Amendments

- F1** Sch. 1 para. 4(3) inserted (1.12.2007) by The Education (Amendments in respect of Graduate Endowment, Student Fees and Support) (Scotland) Regulations 2007 (S.S.I. 2007/503), regs. 1(1), **6(3)(a)**

Commencement Information

- I4** Sch. 1 para. 4 in force at 1.8.2007, see **reg. 1**

5. A person who—

- (a) at the date that the education authority received their application for a bursary is—
 - (i) a refugee who has been ordinarily resident in the British Islands at all times since that person was first recognised as a refugee; or
 - (ii) the spouse, civil partner, or child, of such a refugee; and
- (b) (i) is ordinarily resident in the area of the education authority on the qualifying day; or
 - (ii) seeks a bursary in respect of a course of study at an educational establishment in the area of the education authority.

Commencement Information

- I5** Sch. 1 para. 5 in force at 1.8.2007, see **reg. 1**

6. A person who—

- (a) (i) has applied for refugee status but has as a result of that application been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that although that person is considered not to qualify for recognition as a refugee, it is thought right to allow that person to enter or remain in the United Kingdom and that person has been granted leave to enter or remain accordingly;
 - (ii) has been ordinarily resident in the British Islands at all times since that person was first granted such leave to enter or remain; and
 - (iii) is ordinarily resident in the area of the education authority on the qualifying day, or seeks a bursary in respect of a course of study at an educational establishment in the area of the education authority; or
- (b) is the spouse, civil partner or child of a person of the kind described in sub paragraph (a) and who meets a residence requirement specified in sub paragraph (a)(iii).

Commencement Information

- I6** Sch. 1 para. 6 in force at 1.8.2007, see **reg. 1**

7. A person who—

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- (a) at the date that the education authority received that person's application for a bursary has been granted temporary protection and who has been ordinarily resident in the British Islands at all times since that person was first granted temporary protection;
- (b) has not attained the age of 18 years on the relevant date; and
- (c) is ordinarily resident in the area of the education authority on the qualifying day, provided that a bursary paid to a person only by virtue of that person qualifying under this paragraph shall not continue beyond the end of any academic year in which that person attains the age of 18 years.

Commencement Information

17 Sch. 1 para. 7 in force at 1.8.2007, see [reg. 1](#)

8. A person who—

- (a) is a non UKEC national or the child of such a national;
- (b) is ordinarily resident in the area of the education authority on the qualifying day in relation to the course of study in respect of which that person seeks a bursary;
- (c) has been ordinarily resident in the British Islands throughout the period of 3 years immediately preceding the relevant date; and
- (d) in the case where their ordinary residence referred to in sub paragraph (c) 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 sub paragraph (c).

Commencement Information

18 Sch. 1 para. 8 in force at 1.8.2007, see [reg. 1](#)

9. A person who—

- (a) is a non UK EC national or an EU overseas territories national or the family member of either;
- (b) has been ordinarily resident in the territory comprising the European Economic Area and Switzerland or the EU overseas territories throughout the period of 3 years immediately preceding the relevant date; and
- (c) seeks a bursary in respect of a course of study at an establishment in the area of the education authority.

Commencement Information

19 Sch. 1 para. 9 in force at 1.8.2007, see [reg. 1](#)

10. A person who—

- (a) is the child of a Swiss national who is entitled to support in the United Kingdom by virtue of Article 3(6) of Annex 1 to the Switzerland Agreement;
- (b) has been ordinarily resident in the territory comprising the European Economic Area and Switzerland throughout the period of 3 years immediately preceding the relevant date;
- (c) is ordinarily resident in the area of the education authority on the qualifying day in relation to the course in respect of which that person seeks a bursary; and

- (d) in the case where their ordinary residence referred to in paragraph (b) 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 (b).

Commencement Information

I10 Sch. 1 para. 10 in force at 1.8.2007, see [reg. 1](#)

11. A person to whom, or in respect of whom, a bursary has been paid in accordance with these Regulations within the year immediately preceding the relevant date, provided that this paragraph will not apply where it would result in the payment of a bursary to a person after the end of any academic year in which that person attained the age of 18 years where that person qualified only by virtue of paragraph 7.

Commencement Information

I11 Sch. 1 para. 11 in force at 1.8.2007, see [reg. 1](#)

[^{F2}**12.** A person who—

- (a) is the child of a Turkish worker;
- (b) is ordinarily resident in Scotland on the first day of the first academic year of the course; and
- (c) has been ordinarily resident in the territory comprising the European Economic Area, Switzerland and Turkey throughout the period of 3 years preceding the first day of the first academic year of the course.]

Textual Amendments

F2 Sch. 1 para. 12 inserted (1.12.2007) by The Education (Amendments in respect of Graduate Endowment, Student Fees and Support) (Scotland) Regulations 2007 (S.S.I. 2007/503), regs. 1(1), **6(3)(b)**

Status:

Point in time view as at 01/12/2007.

Changes to legislation:

There are currently no known outstanding effects for the The Education Authority Bursaries (Scotland) Regulations 2007, SCHEDULE 1.