

Status: This version of this contains provisions that are prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Students' Allowances (Scotland) Regulations 2007. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

PROSPECTIVE

SCHEDULE 2

ORDINARY RESIDENCE

3.—(1) In paragraph 2(4)(a), “an independent student” means a person who prior to the relevant date—

- (a) has attained the age of 25 years;
- (b) is married or in a civil partnership;
- (c) has no parent living; or
- (d) has been self supporting out of their earnings for periods aggregating not less than 3 years.

(2) A person shall be regarded as having been self supporting out of their earnings for any period during which that person—

- (a) was participating in arrangements for training for the unemployed under any scheme operated, sponsored or funded by any state authority or agency, national, regional or local;
- (b) was in receipt of benefit payable by any state authority or agency, national, regional or local, in respect of a person who is available for employment but who is unemployed;
- (c) was available for employment and had complied with any requirement of registration imposed by a body referred to in paragraphs (a) or (b) as a condition of entitlement for participation in arrangements for training or receipt of benefit;
- (d) received any pension, allowance or other benefit paid by reason of a disability to which that person is subject, or by reason of confinement, injury or sickness, paid by any state authority or agency, national, regional or local, by an employer or any former employer or by any other person;
- (e) held a Scottish Studentship or comparable award; or
- (f) could not reasonably be expected to be self supporting out of their earnings because that person had the care of a person under the age of 18 years who was wholly or mainly financially dependent upon them.

Commencement Information

II Sch. 2 para. 3 in force at 1.8.2007, see [reg. 1](#)

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Changes and effects yet to be applied to :

- Sch. 2 para. 3 coming into force by S.S.I. 2007/153 reg. 1
- Sch. 2 para. 3(2)(d) word inserted by S.S.I. 2012/72 reg. 30(4)(b)(i)
- Sch. 2 para. 3(1)(c) word omitted by S.S.I. 2012/72 reg. 30(4)(a)
- Sch. 2 para. 3(2) words omitted by S.S.I. 2012/72 reg. 30(4)(b)(iii)
- Sch. 2 para. 3(2)(e) words substituted by S.S.I. 2012/72 reg. 30(4)(b)(ii)
- Regulations revoked by S.S.I. 2022/157 Sch. 5

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- Blanket amendment words substituted by S.I. 2011/1043 art. 3-68-10

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 para. 4(3) inserted by S.S.I. 2007/503 reg. 3(4)(a)(ii)
- Sch. 1 para. 7A inserted by S.S.I. 2007/503 reg. 3(4)(b)
- Sch. 1 para. 11 inserted by S.S.I. 2007/503 reg. 3(4)(c)
- Sch. 1 para. 6A inserted by S.S.I. 2009/309 reg. 15
- Sch. 1 para. 12 inserted by S.S.I. 2012/72 reg. 29(7)
- Sch. 1 para. 6B inserted by S.S.I. 2016/82 reg. 9(3)
- sch. 1 para. 6C6D inserted by S.S.I. 2018/171 reg. 5
- sch. 1 para. 6E inserted by S.S.I. 2019/70 reg. 6(3)(a)
- sch. 1 para. 13 inserted by S.S.I. 2019/70 reg. 6(3)(b)
- sch. 1 para. 6F6G inserted by S.S.I. 2020/213 reg. 5(3)
- sch. 1 para. 9(3)(c) inserted by S.S.I. 2021/28 reg. 18(e)(iii)(bb)
- sch. 1 para. 11(aa) inserted by S.S.I. 2021/28 reg. 18(g)(ii)
- sch. 1 para. 9(2) omitted by S.S.I. 2021/28 reg. 18(e)(ii)
- sch. 1 para. 9(4) omitted by S.S.I. 2021/28 reg. 18(e)(iv)
- Sch. 1 para. 9(1)(a) substituted by S.S.I. 2013/80 reg. 23(3)(a)
- Sch. 1 para. 9(3)(b) substituted by S.S.I. 2013/80 reg. 23(3)(b)
- sch. 1 para. 9(1) substituted by S.S.I. 2021/28 reg. 18(e)(i)
- sch. 1 para. 13 substituted by S.S.I. 2021/28 reg. 18(i)
- sch. 1 para. 4(3) words inserted by S.S.I. 2021/28 reg. 18(c)(v)
- sch. 1 para. 11(a) words inserted by S.S.I. 2021/28 reg. 18(g)(i)
- sch. 1 para. 11(c) words inserted by S.S.I. 2021/28 reg. 18(g)(iii)
- sch. 1 para. 12(1) words inserted by S.S.I. 2021/28 reg. 18(h)
- Sch. 1 para. 4(3) words substituted by S.S.I. 2012/72 reg. 29(3)(b)
- Sch. 1 para. 11(b)(c) words substituted by S.S.I. 2012/72 reg. 29(6)
- sch. 1 para. 9(3)(a) words substituted by S.S.I. 2021/28 reg. 18(e)(iii)(aa)
- Sch. 2 para. 3(1)(ca) inserted by S.S.I. 2012/72 reg. 30(4)(a)
- reg. 2(3)(4) inserted by S.S.I. 2012/72 reg. 25(3)
- reg. 2(3) words inserted by S.S.I. 2016/82 reg. 9(2)
- reg. 2(3) words inserted by S.S.I. 2019/70 reg. 6(2)(a)
- reg. 2(3) words inserted by S.S.I. 2020/213 reg. 5(2)(a)
- reg. 2(3) words substituted by S.S.I. 2013/80 reg. 21(3)

- reg. 2(4) words inserted by S.S.I. 2016/82 reg. 9(2)
- reg. 2(4) words inserted by S.S.I. 2019/70 reg. 6(2)(b)
- reg. 2(4) words inserted by S.S.I. 2020/213 reg. 5(2)(b)
- reg. 2(4) words substituted by S.S.I. 2013/80 reg. 21(4)
- reg. 2(5) inserted by S.S.I. 2021/28 reg. 16(b)
- reg. 3(1A) inserted by S.S.I. 2017/180 reg. 13
- reg. 3(3)(4) inserted by S.S.I. 2012/72 reg. 26
- reg. 5(1)(c)(d) inserted by S.S.I. 2012/72 reg. 28(b)