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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Education (Fees and Awards) (Scotland) Regulations 2007, the Students' Allowances (Scotland) Regulations 2007, the Education Maintenance Allowances (Scotland) Regulations 2007, the Graduate Endowment (Scotland) Regulations 2007, the Education Authority Bursaries (Scotland) Regulations 2007, the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007, the Education (Student Loans) (Scotland) Regulations 2007 and the Education (Student Loans for Tuition Fees) (Scotland) Regulations 2006.

Amendments are made in respect of children of asylum seekers and young asylum seekers to allow them to be treated as excepted students in respect of fees in order that they may be charged the lower rate of fees rather than the rate set for overseas students. Amendments are also made to allow fee support to be received in respect of these persons. The amendments relate only to persons who were under 18 years old at the time application for asylum was made, which application must have been made prior to December 2006, and under 25 years old at the appropriate date relative to the beginning of the course.

Amendments are made to comply with article 9 of Decision No. 1/80 of the Association Council of 19th September 1980 on the development of the Association between the European Community and Turkey. The Association Council was created by the agreement establishing an association between the European Community and Turkey which was signed in Ankara on 12th September 1963 by the Republic of Turkey on the one hand and the Member States of the EEC and the Community on the other. The agreement was concluded, approved and confirmed on behalf of the Community by Council Decision [64/732/EEC](#) of 23rd December 1963 (O.J. No. 217, 27.12.1964, p.3685).

Article 9 of Decision No. 1/80 of the Association Council of 19th September 1980 on the development of the Association provides: "Turkish children residing legally in a Member State of the Community with their parents who are or have been legally employed in that Member State, shall be admitted to courses of general education, apprenticeship and vocational training under the same educational entry qualifications as the children of nationals of that Member State. They may in that Member State be eligible to benefit from the advantages provided for under the national legislation in this area."

These Regulations also make amendments to remove, in relation to family members of persons who have utilised a right of residence in the EEA and Switzerland, the necessity to have settled status within the meaning of the Immigration Act 1971. The requirement for ordinary residence in either Scotland or the United Kingdom and Islands at the appropriate date relative to the beginning of the course is removed for those persons who have utilised a right of residence in the EEA and Switzerland and for their family members.

These Regulations also amend the Graduate Endowment (Scotland) Regulations 2007 to correct a drafting error relating to statutory cross-references to the Further and Higher Education (Scotland) Act 2005 which should have been to the Further and Higher Education (Scotland) Act 1992.