
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 188

**The Education (Fees and Awards for EC Nationals
and UK Returners) (Scotland) Regulations 2009**

Amendment of the Students' Allowances (Scotland) Regulations 2007

16. In Schedule 1 (persons eligible for allowances)–

(a) For paragraph 4(1)(b) substitute–

“(b) was ordinarily resident in Scotland (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) and settled in the United Kingdom immediately before leaving the United Kingdom and who has utilised a right of residence;” and

(b) for paragraph 9 substitute–

“9.—(1) A person who–

- (a) is an EC national (other than a person who is a United Kingdom national who has not utilised a right of residence) or an EU overseas territories national or a 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 an allowance in respect of a course of education at an establishment in Scotland.

(2) For the purposes of this paragraph, a United Kingdom national has utilised a right of residence if that person 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.”