
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 80

**The Education (Fees, Awards and Student Support)
(Miscellaneous Amendments) (Scotland) Regulations 2013**

Amendment of the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007

16.—(1) Schedule 1 (persons eligible for allowances) is amended as follows.

(2) In paragraph 3(1)(a)(ii) for “Article 12 of [Council Regulation \(EEC\) No. 1612/68](#) on the freedom of movement of workers” substitute “Article 10 of Regulation (EU) No. 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union”.

(3) In paragraph 9—

(a) in sub-paragraph (1) for paragraph (a) substitute—

“(a) is, on the relevant date—

(i) an EC national, or

(ii) the family member of an EC national accompanying or joining that EC national in the United Kingdom;”;

(b) in sub-paragraph (3) for paragraph (b) substitute—

“(b) a United Kingdom national has utilised a right of residence if that person has—

(i) 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

(ii) resided in a state—

(aa) within the territory comprising the European Economic Area and Switzerland other than the United Kingdom; and

(bb) of which that person is a national,

in circumstances in which, had the person not been a national of that state, would have involved the person exercising a right under Article 7 of Directive 2004/38 or any equivalent right under the EEA agreement or the Switzerland Agreement.”.