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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 80**

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

**Amendment of the Education (Fees and Awards) (Scotland) Regulations 2007**

**19.**—(1) Schedule 1 (fees – excepted students) is amended as follows.

(2) In paragraph 3(b) 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 date referred to in regulation 5(a)—

(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.”.