
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Student Loans for Tuition Fees) (Scotland) Regulations 2006 (“the SLTF Regulations”), the Education Authority Bursaries (Scotland) Regulations 2007 (“the Bursaries Regulations”) the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007 (“the Nursing Regulations”), the Students’ Allowances (Scotland) Regulations 2007 (“the Allowances Regulations”), the Education (Student Loans) (Scotland) Regulations 2007 (“the Loans Regulations”), the Education Maintenance Allowances (Scotland) Regulations 2007 (“the EMA Regulations”) and the Education (Fees) (Scotland) Regulations 2011 (“the Fees Regulations”).

Amendments relating to the eligibility of persons with a period of long residence in the UK

Regulations 5, 7, 11, 14, 19 and 23 amend the eligibility criteria applying to persons who are regarded as being settled in in the UK in the SLTF Regulations, the Bursaries Regulations, the Nursing Regulations, the Allowances Regulations, the Loans Regulations and the EMA Regulations. If a person is not regarded as being settled in the UK then he or she may now qualify for support by virtue of a period of long residence in the UK. To be eligible for support, any applicant under the age of 18 must have lived in the UK for a period of 7 years prior to the commencement of the course of education. A person aged 18 or over must have lived in the UK for either half of his or her life or a period of 20 years prior to the commencement of the course of education. Regulation 24 amends the Fees Regulations so that such persons are also regarded as having a relevant connection with Scotland for the purposes of the charging of tuition fees.

Amendments relating to the eligibility of persons for an allowance under the Nursing Regulations

Regulation 10 makes amendments to the Nursing Regulations so as to require a person to be ordinarily resident in Scotland on the relevant date in order to be eligible for support. The Regulations previously enabled support to be provided to those ordinarily resident anywhere in the UK and Islands.

Miscellaneous amendments

Regulation 3(a) removes a superfluous definition from the SLTF Regulations.

Regulations 3(b) and (c) and 16 amend the SLTF Regulations and the Loans Regulations to add provisions to assist with the interpretation of the eligibility criteria in relation to the meaning of ordinary residence.

Regulations 4 and 17 amend the SLTF Regulations and the Loans Regulations to clarify that the Scottish Ministers may determine that a course of education, which is not already designated under the Regulations, is designated for the purposes of regulation 3(2) of each set of Regulations. Regulations 6 and 20 also add a course for the Certificate of Higher Education to the list of designated courses mentioned in Schedule 2 of the SLTF Regulations and the Loans Regulations.

Regulations 9 and 13 amend the Nursing Regulations and the Allowances Regulations to clarify that, in paying an allowance, the Scottish Ministers may determine to pay different allowances for different purposes and impose different terms and conditions in relation to different allowances.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Regulation 18 amends the Loans Regulations so that a person who is eligible for a particular allowance under the Allowances Regulations (which Ministers may determine) will not be eligible for a student loan.

Regulation 22 corrects a minor error in the EMA Regulations.