
SCOTTISH STATUTORY INSTRUMENTS

2018 No. 171

The Education (Fees and Student Support) (Miscellaneous Amendments) (Scotland) Regulations 2018

Amendment of the Education (Student Loans for Tuition Fees) (Scotland) Regulations 2006

2.—(1) The Education (Student Loans for Tuition Fees) (Scotland) Regulations 2006(1) are amended in accordance with paragraphs (2) to (6).

(2) In regulation 2 (interpretation)—

- (a) in paragraph (4)(b)(i), for “that person is not an independent student”, substitute “the person who is undertaking a course of education is not an independent student”;
- (b) at the beginning of paragraph (4)(b)(ii), insert “the”; and
- (c) in paragraph (9)(a), for “paragraph 2(4)(b)” substitute “paragraph (4)(b)”.

(3) In regulation 3(3) (eligible students), omit sub-paragraph (b) and the preceding “or”.

(4) In regulation 4(1)(b) (designated courses), omit from “except” to “degree,”.

(5) After paragraph 6B of schedule 1 (eligible students), insert—

“6C. A person who—

- (a) (i) is an Afghan national who has been granted limited leave to remain in the United Kingdom under the Locally Employed Staff Ex-Gratia Scheme operated by the Home Department(2);
- (ii) has been ordinarily resident in the United Kingdom and Islands at all times since that person was first granted such limited leave to remain in the United Kingdom; and
- (iii) is ordinarily resident in Scotland on the first day of the first academic year of the course; or
- (b) is the spouse, civil partner, child or stepchild of a person of the kind described in sub-paragraph (a) and who is ordinarily resident in Scotland on the first day of the first academic year of the course.

6D. A person who—

- (a) (i) has been granted limited leave to remain in the United Kingdom as a stateless person under the immigration rules operated by the Home Department;
- (ii) has been ordinarily resident in the United Kingdom and Islands at all times since that person was first granted such limited leave to remain in the United Kingdom; and

(1) S.S.I. 2006/333, relevantly amended by S.S.I. 2007/158, S.S.I. 2007/503, S.S.I. 2009/188, S.S.I. 2009/189, S.S.I. 2009/309, S.S.I. 2010/300, S.S.I. 2012/72, S.S.I. 2013/80, S.S.I. 2015/212, S.S.I. 2016/82, S.S.I. 2017/180 and S.I. 2010/1010.

(2) The current Home Office guidance is available here: <https://www.gov.uk/government/publications/afghanistan-locally-employed-staff-ex-gratia-scheme/afghanistan-locally-employed-staff-ex-gratia-scheme-further-information-on-eligibility-criteria-and-offer-details>.

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

- (iii) is ordinarily resident in Scotland on the first day of the first academic year of the course; or
 - (b) is the spouse, civil partner, child or stepchild of a person of the kind described in sub-paragraph (a) and who is ordinarily resident in Scotland on the first day of the first academic year of the course.”
- (6) In schedule 2 (designated courses), omit paragraphs 8 and 9.