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SCOTTISH STATUTORY INSTRUMENTS

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**2019 No. 70**

**The Education (Fees and Student Support) (Miscellaneous Amendments) (EU Exit) (Scotland) Regulations 2019**

**Amendment of the Education Maintenance Allowances (Scotland) Regulations 2007**

**8.**—(1) The Education Maintenance Allowances (Scotland) Regulations 2007(1) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 2—

- (a) in paragraph (2) after “6B(a)(iii) and (b)” insert “, 6C(a)(iii) and (b), 6D(a)(iii) and (b), 6E(1)(c)”, and
- (b) in paragraph (3) after “6B(a)(iii) and (b)” insert “, 6C(a)(iii) and (b), 6D(a)(iii) and (b), 6E(1)(c)”.

(3) In schedule 1 (persons eligible for education maintenance allowances)—

(a) after paragraph 6D insert—

“**6E.**—(1) A person who—

- (a) has been granted discretionary leave to remain in the United Kingdom due to being identified as a victim of modern slavery,
- (b) has been ordinarily resident in the United Kingdom and Islands at all times since that person was first granted such discretionary leave to remain in the United Kingdom, and
- (c) is ordinarily resident in Scotland on the qualifying date.

(2) For the purposes of this paragraph, “modern slavery” includes human trafficking, slavery, servitude and forced or compulsory labour.”, and

(b) after paragraph 11 insert—

“**12.** A person who would have fallen within one or more of paragraphs 1 to 11 immediately before exit day is to be treated as falling within the same paragraph or paragraphs on and after exit day.”.

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(1) S.S.I. 2007/156, amended by S.S.I. 2007/503, S.S.I. 2009/188, S.S.I. 2009/309, S.S.I. 2011/261, S.S.I. 2012/72, S.S.I. 2013/80, S.S.I. 2016/82, S.S.I. 2017/180 and S.S.I. 2018/171.