

SCHEDULE 1

PERSONS ELIGIBLE FOR STUDENT SUPPORT

PART 1

PERSONS ELIGIBLE FOR TUITION FEE AND LIVING COST SUPPORT

Persons who are settled in the United Kingdom and have exercised a right of residence elsewhere

7.—(1) A person who—

- (a) is settled in the United Kingdom within the meaning given by section 33(2A) of the Immigration Act 1971 on the relevant date,
- (b) was ordinarily resident in Scotland for at least 3 continuous years and settled in the United Kingdom within the meaning given by section 33(2A) of the Immigration Act 1971 immediately before leaving the United Kingdom and who has utilised a right of residence before IP completion day,
- (c) was ordinarily resident on IP completion day in—
 - (i) Gibraltar or the territory comprising the European Economic Area and Switzerland, or
 - (ii) the United Kingdom or Islands, immediately following a period of ordinary residence in Gibraltar or the territory comprising the European Economic Area and Switzerland,

and has remained ordinarily resident in the United Kingdom, Islands, Gibraltar or the territory comprising the European Economic Area and Switzerland from IP completion day to the relevant date,

- (d) has been ordinarily resident in the United Kingdom, Islands, Gibraltar or the territory comprising the European Economic Area and Switzerland throughout the period of 3 years immediately preceding the relevant date, and
 - (e) is undertaking a course for which the relevant date is earlier than 31 July 2028.
- (2) For the purposes of this paragraph, a person has utilised a right of residence if that person—
- (a) is—
 - (i) a United Kingdom national,
 - (ii) a family member of a United Kingdom national for the purposes of Article 7 of Directive 2004/38 (or corresponding provisions under the EEA agreement or the Switzerland Agreement)), or
 - (iii) a person who had a right of permanent residence arising under Directive 2004/38, and
 - (b) either—
 - (i) has 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) in the case of a person who had a right of permanent residence in the United Kingdom arising under Directive 2004/38, has gone to the state within the territory comprising the European Economic Area and Switzerland of which that person is a national or of which the person in relation to whom that person is a family member is a national.

Changes to legislation: *The Student Support (Scotland) Regulations 2022, Paragraph 7 is up to date with all changes known to be in force on or before 19 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) Sub-paragraph (1)(a) and the requirement in sub-paragraph (1)(b) to be settled in the United Kingdom within the meaning given by section 33(2A) of the Immigration Act 1971 immediately before leaving the United Kingdom do not apply where the person applying for support is a person falling within sub-paragraph (2)(a)(ii) and is accompanying or joining that United Kingdom national in the United Kingdom.

Commencement Information

II Sch. 1 para. 7 in force at 1.8.2022, see **reg. 1**

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 para. 13B inserted by [S.S.I. 2024/140 reg. 3\(13\)](#)
- Sch. 1 para. 17A inserted by [S.S.I. 2024/140 reg. 3\(18\)](#)
- Sch. 4 para. 7A-7C inserted by [S.S.I. 2024/140 reg. 3\(22\)](#)
- reg. 11(2)(d)(vi) and word inserted by [S.S.I. 2024/140 reg. 3\(3\)\(b\)](#)