
SCOTTISH STATUTORY INSTRUMENTS

2022 No. 362

**The Education (Fees and Student Support)
(Miscellaneous Amendment) (Scotland) Regulations 2022**

Amendment of the Student Support (Scotland) Regulations 2022

- 3.—(1) The Student Support (Scotland) Regulations 2022(1) are amended as follows.
- (2) In regulation 2(1) (interpretation), after the definition of “European Economic Area”, insert—
- ““evacuated or assisted British national from Afghanistan” means a British citizen, a British overseas territories citizen, a British National (Overseas), a British Overseas citizen, a British subject under the British Nationality Act 1981(2) or a British protected person within the meaning of that Act who was either—
- (a) evacuated from Afghanistan by or on behalf of the United Kingdom, a North Atlantic Treaty Organisation member state, Pakistan, Uzbekistan, Tajikistan, Iran or Qatar during the period of the operation known as Operation Pitting, which began on 14 August 2021 and ended on 28 August 2021, or
- (b) assisted by or on behalf of the United Kingdom, after 28 August 2021 and before 6 January 2022, to leave Afghanistan.”.
- (3) In regulation 29 (exercise of power to grant an education maintenance allowance), before “schedule 1” where it appears in paragraph (1)(c), insert “Part 1 of”.
- (4) In paragraph 2 of schedule 1 (EU nationals etc. with protected rights who have been living in the UK and Islands for three years), omit sub-paragraphs (2)(a) and (b).
- (5) In paragraph 6 of schedule 1 (workers who benefitted from the Freedom of Movement for Workers Regulation), after “is” where it appears in sub-paragraph (a), insert “or was”.
- (6) After paragraph 13 of schedule 1 (relocated Afghan citizens) insert—

“ Evacuated or Assisted British nationals from Afghanistan

13A. A person who—

- (a) is an evacuated or assisted British national from Afghanistan who—
- (i) has been ordinarily resident in the United Kingdom and Islands since they were evacuated from or otherwise left Afghanistan, and
- (ii) is ordinarily resident in Scotland on the relevant date, or
- (b) is the spouse, civil partner or child of a person described in sub-paragraph (a) and is ordinarily resident in Scotland on the relevant date.”.
- (7) In paragraph 14 of schedule 1 (Ukrainian nationals), for sub-paragraph (1)(b) substitute—
- “(b) has been ordinarily resident in the United Kingdom and Islands since their arrival in the United Kingdom after leaving Ukraine, and
- (c) is ordinarily resident in Scotland on the relevant date.”.

(1) S.S.I. 2022/157.

(2) 1981 c. 61.

(8) After paragraph 14 of schedule 1 (Ukrainian nationals) insert—

“United Kingdom nationals from Ukraine

14A. A person who—

- (a) is a United Kingdom national who—
 - (i) was residing in Ukraine immediately before 1 January 2022,
 - (ii) left Ukraine in connection with the Russian invasion which took place on 24 February 2022,
 - (iii) has been ordinarily resident in the United Kingdom and Islands since arriving in the United Kingdom after leaving Ukraine, and
 - (iv) is ordinarily resident in Scotland on the relevant date, or
- (b) is the spouse, civil partner or child of a person described in sub-paragraph (a) and is ordinarily resident in Scotland on the relevant date.”.

(9) In paragraph 21 of schedule 1 (EU nationals etc with protected rights who have not been living in the UK and Islands for 3 years), after sub-paragraph (a) insert—

“(ab) has not been ordinarily resident in the United Kingdom for the period of 3 years immediately preceding the relevant date,”

(10) In paragraph 2 of schedule 2 (residents of Ireland), for sub-paragraph (c) substitute—

“(c) has been ordinarily resident in the United Kingdom and Islands or Ireland throughout the period of 3 years immediately preceding the relevant date, and”.