
SCOTTISH STATUTORY INSTRUMENTS

2022 No. 377

**The St Mary's Music School (Aided Places)
(Scotland) Amendment (No. 2) Regulations 2022**

Amendment of the St Mary's Music School (Aided Places) (Scotland) Regulations 2015

2.—(1) The St Mary's Music School (Aided Places) (Scotland) Regulations 2015⁽¹⁾ are amended as follows.

(2) In regulation 2 (interpretation)—

- (a) omit the definitions of “EEA State” and “European Economic Area”,
- (b) in the definition of “resident”, after “means” insert “(in relation to residence in the United Kingdom for the purposes of paragraph 2(1)(a) of Part 1 of schedule 1 only)”.

(3) In paragraph 2 of schedule 1 (scheme for aided places at St Mary's Music School - residence)

(a) for sub-paragraph (1)(b) and (ba) substitute—

“(b) be a person with protected rights who—

(i) is resident in the British Islands on the relevant date; or

(ii) is a family member (within the meaning of the residence scheme immigration rules)⁽²⁾ of a frontier worker;

(bza) be a frontier worker;

(ba) be an Irish national or a United Kingdom national who has been resident in the British Islands or the Republic of Ireland throughout the period of two years immediately preceding the relevant date;”

(b) in sub-paragraph (2)—

(i) omit “, (1)(b)”,

(ii) for “the European Economic Area”, in each place it occurs, substitute “the Republic of Ireland”,

(c) after sub-paragraph (3)⁽³⁾ insert—

“(4) In this paragraph—

“EEA EFTA separation agreement” and “Swiss citizens’ rights agreement” have the meanings given by section 39(1) of the European Union (Withdrawal Agreement) Act 2020⁽⁴⁾;

“frontier worker” has the meaning given by regulation 3 (meaning of frontier worker) of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020⁽⁵⁾;

⁽¹⁾ [S.S.I. 2015/248](#), relevantly amended by [S.S.I. 2019/144](#) and [S.S.I. 2022/173](#).

⁽²⁾ There is no definition of “family member” in the residence scheme immigration rules but there are various definitions that include that term. The relevant definitions for a family member of a frontier worker are “family member of a relevant EEA citizen” and “joining family member of a relevant sponsor”.

⁽³⁾ Paragraph 1(3) was inserted by [S.S.I. 2022/173](#).

⁽⁴⁾ 2020 c. 1.

⁽⁵⁾ [S.I. 2020/1213](#).

“person with protected rights” means a person who—

- (a)
 - (i) has made an application under the residence scheme immigration rules where that application is still being considered;
 - (ii) has been granted leave to enter or remain following such an application; or
 - (iii) otherwise has rights deemed to apply by virtue of Article 18(1)(b) or (d) or (2) (issuance of residence documents) of the EU withdrawal agreement, Article 17(1)(b) or (d) or (2) (issuance of residence documents) of the EEA EFTA separation agreement, or Article 16(1)(b) or (d) or (2) (issuance of residence documents) of the Swiss citizens’ rights agreement;
- (b) is an Irish national who, pursuant to section 3ZA (Irish citizens) of the Immigration Act 1971⁽⁶⁾, does not require leave to enter or remain in the UK;

“residence scheme immigration rules” has the meaning given by section 17(1) (Interpretation: Part 3) of the European Union (Withdrawal Agreement) Act 2020.”.

⁽⁶⁾ 1971 c. 77. Section 3ZA was inserted by section 2(2) of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (c. 20).