

SCHEDULE 2

Regulations 10 and 13

POST-GRADUATE AGRICULTURAL STUDENTSHIPS AND NEWBATTLE ABBEY COLLEGE MAINTENANCE AWARDS - EXCEPTED CANDIDATES

1.—(1) It shall not be lawful in pursuance of regulation 10 or 13 to adopt rules of eligibility for maintenance awards which exclude from eligibility a person who is an excepted candidate within the meaning of this Schedule.

(2) In this Schedule, “the relevant date” means, in relation to a candidate for a maintenance award, the date of his application therefor.

2.—(1) A person shall be an excepted candidate if he is—

(a) an EEA migrant worker who—

(i) satisfies the conditions mentioned in sub-paragraph (2), and

(ii) is eligible for a maintenance award by virtue of Article 7(2) or (3) of Council Regulation (EEC) No. 1612/68 on freedom of movement of workers within the Community (which was extended to apply to the whole European Economic Area by the EEA Agreement) or, where he is a national of the United Kingdom, by virtue of an enforceable Community right to be treated no less favourably than a national of another member state in relation to matters which are the subject of Article 7(2) and (3);

(b) the spouse of an EEA migrant worker and he—

(i) satisfies the conditions mentioned in sub-paragraph (2), and

(ii) is installed in the United Kingdom with his spouse; or

(c) the child of an EEA migrant worker and he—

(i) satisfies the conditions mentioned in sub-paragraph (2), and

(ii) is eligible for a maintenance award by virtue of Article 12 of the above mentioned Council Regulation or, where his migrant worker parent is a national of the United Kingdom, by virtue of an enforceable Community right to be treated no less favourably than the child of a national of another member state in relation to matters which are the subject of Article 12.

(2) The conditions referred to in sub-paragraph (1) are that—

(a) he has been ordinarily resident in the European Economic Area throughout the period of three years immediately preceding the relevant date, and

(b) his residence there during any part of that three year period has not been wholly or mainly for the purpose of receiving full-time education.

3. Subject to paragraph 5, a refugee ordinarily resident in the United Kingdom and Islands who has not ceased to be ordinarily resident there since he was recognised as a refugee, and the spouse or child of such a refugee, shall be an excepted candidate.

4.—(1) Subject to paragraph 5, a person shall be an excepted candidate—

(a) for the purposes of Part III if he does not have the relevant connection with Scotland mentioned in regulation 9,

(b) for the purposes of Part IV if he does not have the relevant connection with England mentioned in regulation 12,

by reason only that—

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- (i) he, his spouse or his parent was temporarily employed outside Scotland or England, as the case may be; or
  - (ii) he or his spouse was temporarily receiving full-time education outside Scotland or England, as the case may be.
- (2) Subject to paragraph 5, a person shall be an excepted candidate if he fails to satisfy the criterion specified in paragraph 2(2)(a) by reason only that—
- (a) he, his spouse or his parent was temporarily employed outside the European Economic Area; or
  - (b) he or his spouse was temporarily receiving full-time education outside the European Economic Area.
- 5.** Such persons as are mentioned in paragraph 3 or 4 shall be excepted candidates only where the maker of the awards has so determined.