

SCHEDULE 1

Regulation 3(1)

PERSONS ELIGIBLE FOR ALLOWANCES

1. A person who—
 - (a) is ordinarily resident in Scotland on the relevant day;
 - (b) has been ordinarily resident in the United Kingdom and Islands throughout the period of 3 years immediately preceding the relevant day; and
 - (c) is settled in the United Kingdom within the meaning of the Immigration Act 1971(1) on the relevant day.
2. A person who is an EEA migrant worker who—
 - (a) is entitled to the payment of an allowance by virtue of Article 7(2) or (3) of Council Regulation (EEC) 1612/68 on freedom of movement for workers within the Community (which was extended to apply to the whole of the European Economic Area by the EEA Agreement)(2) 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) has been ordinarily resident in the European Economic Area throughout the period of 3 years immediately preceding the relevant day; and
 - (c) is ordinarily resident in Scotland on the relevant day.
3. A person who is the spouse of an EEA migrant worker and who—
 - (a) has been ordinarily resident in the European Economic Area throughout the period of 3 years immediately preceding the relevant day;
 - (b) is installed in the United Kingdom with his spouse; and
 - (c) is ordinarily resident in Scotland on the relevant day.
4. A person who is the child of an EEA migrant worker and who—
 - (a) is entitled to the payment of an allowance 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;
 - (b) has been ordinarily resident in the European Economic Area throughout the period of 3 years immediately preceding the relevant day; and
 - (c) is ordinarily resident in Scotland on the relevant day.
5. A person who—
 - (a) at the date of the Secretary of State receiving his application for an allowance, is—
 - (i) a refugee who has been ordinarily resident in the United Kingdom and Islands at all times since he was first recognised as a refugee; or
 - (ii) the spouse, child or step-child of such a refugee; and
 - (b) is ordinarily resident in Scotland on the relevant day.
6. A person who—
 - (a)

(1) 1971 c. 77.

(2) OJ No.L257, 19.10.68, p.2 (OJ/SE 1968 (II) p.475).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (i) has been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that, although he is considered not to qualify for recognition as a refugee, it is thought right to allow him to enter or remain in the United Kingdom and he has been granted leave to enter or remain accordingly;
 - (ii) is ordinarily resident in Scotland on the relevant day; and
 - (iii) has been ordinarily resident in the United Kingdom and Islands throughout the period of 3 years immediately preceding the relevant day; or
- (b) is the spouse, child or step-child of a person of the kind described in sub-paragraph (a) and who meets the residence requirements specified in sub-paragraphs (a)(ii) and (a)(iii).
7. A person who—
- (a) is a national, or the child or step-child of a national, of a member state of the European Community;
 - (b) has been ordinarily resident in the European Economic Area throughout the period of 3 years immediately preceding the relevant day;
 - (c) has not been ordinarily resident in the United Kingdom and Islands throughout that 3 year period; and
 - (d) seeks an allowance in respect of a course of education at an establishment in Scotland.
8. A person to whom, or in respect of whom, an allowance has been paid in accordance with these Regulations, or with the Students' Allowances (Scotland) Regulations 1996, within the year immediately preceding the relevant day.