

**2015 No. 212**

**EDUCATION**

**The Education (Student Support) (Miscellaneous Amendments)  
(Scotland) Regulations 2015**

<i>Made</i> - - - -	<i>26th May 2015</i>
<i>Laid before the Scottish Parliament</i>	<i>28th May 2015</i>
<i>Coming into force</i> - -	<i>1st August 2015</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 73(f), 73B and 74(1) of the Education (Scotland) Act 1980(a) and all other powers enabling them to do so.

**Citation and commencement**

1. These Regulations may be cited as the Education (Student Support) (Miscellaneous Amendments) (Scotland) Regulations 2015 and come into force on 1st August 2015.

**Amendment of the Education (Student Loans for Tuition Fees) (Scotland) Regulations 2006**

2. In regulation 3(3) of the Education (Student Loans for Tuition Fees) (Scotland) Regulations 2006 (eligible students)(b)—

- (a) after sub-paragraph (a) insert “or”;
- (b) omit sub-paragraph (c) and the word “or” immediately preceding it.

**Amendment of the Education (Student Loans) (Scotland) Regulations 2007**

3.—(1) The Education (Student Loans) (Scotland) Regulations 2007(c) are amended in accordance with the following paragraphs.

(2) In the definition of “loan” in regulation 2(1) (interpretation)(d)—

- (a) in paragraph (a) after “undertaking a” insert “full-time or part-time”;

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(a) 1980 c.44. Section 73(f) was amended by the Teaching and Higher Education Act 1998 (c.30) (“the 1998 Act”), section 29(1) and by the Education (Graduate Endowment and Student Support) (Scotland) Act 2001 (asp 6) (“the 2001 Act”), section 3(2). Section 73B was inserted by the 1998 Act, section 29(2) and was amended by the 2001 Act, section 3(3); by the Income Tax (Earnings and Pensions) Act 2003 (c.1), Schedule 6, Part 2, paragraph 149; and by the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3), section 34(1). Section 74(1) was amended by the Self-Governing Schools etc. (Scotland) Act 1989 (c.39), section 82(1) and Schedule 10, paragraph 8(17). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46) (“the Scotland Act”).

(b) S.S.I. 2006/333. Regulation 3(3)(c) was amended by S.S.I. 2012/72.

(c) S.S.I. 2007/154, as amended by S.S.I. 2007/503, S.S.I. 2008/205 and S.S.I. 2008/206, S.S.I. 2009/188, S.S.I. 2009/189 and S.S.I. 2009/309, S.S.I. 2010/300, S.S.I. 2012/72, S.S.I. 2013/80 and S.S.I. 2013/1881.

(d) The definition of “loan” in regulation 2(1) was substituted by S.S.I. 2012/72.

(b) after paragraph (a) before the word “and” insert—

“(aa) in relation to a student undertaking a full-time (but not a part-time) vocational course leading to a Postgraduate Diploma or to a Postgraduate masters degree, a loan towards that student’s maintenance under the Act and any regulations made under the Act, including the interest accrued on the loan and any penalties or charges made in connection with it;”.

(3) For regulation 3(2A) (eligible students)(a), substitute—

“(2A) Paragraph (2)(b) does not apply when assessing a person’s eligibility for a loan falling within paragraph (a) of the definition of loan in regulation 2(1)”.

*ANGELA CONSTANCE*  
A member of the Scottish Government

St Andrew’s House,  
Edinburgh  
26th May 2015

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(a) Paragraph 2A of regulation 3 was inserted by S.S.I. 2012/72.

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

These Regulations amend the Education (Student Loans for Tuition Fees) (Scotland) Regulations 2006 (“the 2006 Regulations”) (S.S.I. 2006/333) and the Education (Student Loans) (Scotland) Regulations 2007 (S.S.I. 2007/154).

Regulation 2 amends regulation 3 of the 2006 Regulations (eligible students) to remove the reference to persons who hold a first degree from an educational institution in the United Kingdom or a comparable qualification from an educational institution outside the United Kingdom.

Regulation 3 amends the definition of “loan” in regulation 2 of the 2007 Regulations (interpretation) to provide that references to “loan” mean, for a student undertaking a full-time vocational course leading to a Postgraduate Diploma or a Postgraduate masters degree, a loan towards that student’s tuition fees or a loan towards that student’s maintenance. It also substitutes regulation 3(2A) to provide that age restrictions in paragraph (2)(b) of regulation 3 do not apply when determining the eligibility of such a student for a loan towards such a student’s maintenance. The age restrictions will continue to apply in relation to the eligibility of such students for a tuition fee loan.

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