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SCOTTISH STATUTORY INSTRUMENTS

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**2010 No. 325**

**EDUCATION**

**The Education (Fees and Awards)  
(Scotland) Amendment Regulations 2010**

*Made* - - - - 13th September 2010  
*Laid before the Scottish  
Parliament* - - - - 15th September 2010  
*Coming into force* - - 7th October 2010

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 1 and 2 of the Education (Fees and Awards) Act 1983<sup>(1)</sup> and all other powers enabling them to do so.

**Citation and commencement**

1. These Regulations may be cited as the Education (Fees and Awards) (Scotland) Amendment Regulations 2010 and come into force on 7th October 2010.

**Amendment of the Education (Fees and Awards) (Scotland) Regulations 2007**

2. For paragraph 11 of Schedule 1 to the Education (Fees and Awards) (Scotland) Regulations 2007<sup>(2)</sup> substitute—

“11. A person shall be an excepted student if that person does not have a relevant connection with the United Kingdom and Islands under regulation 5 by reason only that—

- (a) that person;
- (b) that person’s spouse or civil partner;
- (c) either of that person’s parents; or
- (d) in the case of a dependant direct relative in the ascending line only, the child upon whom that person was dependant or that child’s spouse or civil partner,

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(1) 1983 c.40. Section 1 was relevantly amended by the Education Reform Act 1988 (c.40), section 237(1) and Schedule 12, paragraph 91; by the Further and Higher Education Act 1992 (c.13), section 93(1) and Schedule 8, paragraph 19; and by the Further and Higher Education (Scotland) Act 1992 (c.37), section 62(2) and Schedule 9, paragraph 8. Section 2(3)(a) and the word “other” in section 2(3)(b) were repealed by the Teaching and Higher Education Act 1998 (c.30), section 44(2) and Schedule 4. 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).

(2) S.S.I. 2007/152; amended by S.S.I. 2007/503 and 2009/188 and 309.

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**Status:** This is the original version (as it was originally made).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

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was temporarily either employed or studying outside the United Kingdom and Islands.”.

St Andrew’s House,  
Edinburgh  
13th September 2010

*MICHAEL W RUSSELL*  
A member of the Scottish Executive

## **EXPLANATORY NOTE**

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

These Regulations amend paragraph 11 of Schedule 1 to the Education (Fees and Awards) (Scotland) Regulations 2007 to make it clear that a person who does not have a relevant connection with the United Kingdom and Islands under regulation 5 will be an excepted student (in respect of whom higher fees cannot be charged in pursuance of regulation 7) where the only reason that that person does not have a relevant connection with the United Kingdom and Islands is as a result of that person (or a connected person) being temporarily either employed or studying outside the United Kingdom and Islands.