
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 155

The Graduate Endowment (Scotland) Regulations 2007

PART II

LIABILITY FOR THE GRADUATE ENDOWMENT

Liable Graduates

3.—(1) Subject to the following paragraphs and regulations 4 and 5, a graduate of the following description shall be liable to pay the graduate endowment under section 1(1) of the Act, namely a graduate who—

- (a) has undertaken a full-time course of higher education which commenced on or after 1st August 2001 which is the first full-time course of higher education undertaken by them;
- (b) has undertaken that course for a period of at least 3 academic years or, where that course is undertaken as part of a continuous programme of higher education, for a period of at least 2 academic years; and
- (c) is a person mentioned in paragraphs 2 to 7 of Schedule 1.

(2) A graduate who has undertaken a full-time course of higher education which commenced on or after 1st August 2001 shall not be liable to pay the graduate endowment if that course is undertaken as part of a continuous programme of higher education which commenced prior to 1st August 2001.

(3) This paragraph applies to graduates who have undertaken a full-time course of higher education who prior to the completion of that course—

- (a) transferred from one institution to another to undertake the same or any other full-time course of higher education;
- (b) ceased to undertake that course but transferred to another full-time course of higher education at the same institution; or
- (c) ceased to undertake that course but transferred to another course of higher education which is not a full-time course of higher education.

(4) In the case of a graduate to whom paragraph (3) applies, for the purposes of paragraph (1)—

- (a) all of the full-time courses of higher education undertaken by them which follow on immediately from the preceding course (disregarding any intervening vacation) shall be treated as a single course of full-time higher education; and
- (b) the period taken into account for the purposes of paragraph (1)(b) above shall be the entire period during which the graduate undertook the full-time courses of higher education referred to in sub-paragraph (a) above.

Exempt Graduates

4.—(1) A graduate shall be exempt from liability for the graduate endowment if, on the relevant day applicable to the course of higher education in respect of which the graduate would otherwise be liable to pay the graduate endowment, the graduate—

- (a) has attained the age of 25 years;
- (b) is married or in a civil partnership; or
- (c) has been self-supporting out of their earnings for periods aggregating not less than 3 years.

(2) A graduate shall be exempt from liability for the graduate endowment if, at any time during the course of higher education in respect of which the graduate would otherwise be liable to pay the graduate endowment, the graduate—

- (a) is eligible for an allowance under the Students' Allowances (Scotland) Regulations 2007⁽¹⁾ in respect of their being a lone parent;
- (b) is eligible for an allowance under those Regulations in respect of their being a disabled student; or
- (c) is a person mentioned in paragraph 8 of Schedule 1 and would have been eligible for either of the allowances mentioned in sub-paragraphs (a) and (b) above if the graduate had been a person mentioned in paragraph 2 of that Schedule.

(3) For the purposes of paragraph (1)(c) above, a person shall be regarded as having been self supporting out of their earnings for any period or periods during which that person satisfies any of the conditions set out in paragraph 3(2) of Schedule 2.

(4) For the purposes of paragraph (1) above, the relevant day applicable to a course of higher education shall be—

- (a) as respects a course starting in the period 1st August to 31st December, 1st August;
- (b) as respects a course starting in the period 1st January to 31st March, 1st January;
- (c) as respects a course starting in the period 1st April to 30th June, 1st April; and
- (d) as respects a course starting in the period 1st July to 31st July, 1st July,

in each case the relevant date being in the year of commencement of the first academic year in which the graduate undertook the course of higher education.

Exempt Courses

5.—(1) For the purposes of section 1 of the Act, the following classes of course shall be treated as not falling within section 5(3) of the Further and Higher Education (Scotland) Act 2005:—

- (a) a course at a higher level in preparation for a higher diploma or certificate;
- (b) a course of post-graduate studies (including a higher degree course); and
- (c) a course at a higher level in preparation for a qualification from a professional body.

(2) For the purposes of section 1 of the Act, the following courses shall be treated as not falling within the said section 5(3):—

- (a) a first degree course in nursing or midwifery; or
- (b) a first degree course in one of the subjects listed in Schedule 3 to these Regulations.

Provision of Information

6.—(1) Every liable graduate, and any person whom the Scottish Ministers consider may become a liable graduate, shall, as soon as reasonably practicable after being requested to do so, provide the Scottish Ministers with such information as they consider necessary arising out of or in connection with their liability for, or the payment by them of, the graduate endowment.

(1) S.I.2007/153.

(2) Every institution which provides any course of higher education shall, as soon as reasonably practicable after being requested to do so, provide the Scottish Ministers with such information as they consider necessary in respect of liable graduates and persons who may become liable graduates.