
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend, the Education (Student Loans for Tuition Fees) (Scotland) Regulations 2006 (“the Tuition Fees Loans Regulations”), the Education Authority Bursaries (Scotland) Regulations 2007 (“the Bursaries Regulations”), the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007 (“the Nursing Regulations”), the Students’ Allowances (Scotland) Regulations 2007 (“the Allowances Regulations”), the Education (Student Loans) (Scotland) Regulations 2007 (“the Loans Regulations”), the Education Maintenance Allowances (Scotland) Regulations 2007 (“the EMA Regulations”), the Education (Fees) (Scotland) Regulations 2011 (“the Fees Regulations”) and the Education (Fees and Student Support) (Miscellaneous Amendments) (Scotland) Regulations 2017 (“the 2017 Regulations”).

Amendments relating to the eligibility of Afghan interpreters

Regulations 2(5), 3, 4, 5, 6(4), 7 and 8 extend to former Afghan employees of the British armed forces and their families eligibility for access to student funding and restrictions on the level of fees that may be charged under the Tuition Fees Loans Regulations, the Bursaries Regulations, the Nursing Regulations, the Allowances Regulations, the Loans Regulations, the EMA Regulations and the Fees Regulations. To be eligible, Afghan nationals must have been granted limited leave to remain in the UK under the Locally Employed Staff Ex-Gratia Scheme (LES); have been ordinarily resident in the UK and Islands at all times since they were granted leave under the LES; and be ordinarily resident in Scotland on the first day of the first academic year of their course. Support is also extended to any spouse, civil partner or child of a person granted leave under the LES, subject to the same condition of ordinary residence in Scotland at the commencement of the course.

Amendments relating to the eligibility of stateless persons

Regulations 2(5), 3, 4, 5, 6(4), 7 and 8 extend to stateless persons and their families eligibility for access to student funding and restrictions on the level of fees that may be charged under the Tuition Fees Loans Regulations, the Bursaries Regulations, the Nursing Regulations, the Allowances Regulations, the Loans Regulations, the EMA Regulations and the Fees Regulations. To be eligible, individuals must have been granted limited leave to remain in the UK as a stateless person under the Home Office immigration rules; have been ordinarily resident in the UK and Islands at all times since they were first granted such leave to remain; and be ordinarily resident in Scotland at the commencement of their course. Support is also extended to any spouse, civil partner or child of a stateless person, subject to the same condition of ordinary residence in Scotland at the commencement of the course.

Amendments relating to tuition fee loans for postgraduate students

Regulations 2(3), (4) and (6) remove references to postgraduate courses from the Tuition Fees Loans Regulations, reversing amendments introduced by the Education (Fees, Awards and Student Support) (Miscellaneous Amendments) (Scotland) Regulations 2012.

The Tuition Fees Loans Regulations will now only provide for tuition fee loans for eligible undergraduate students attending courses offered by an institution located in the UK but outside Scotland.

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

The Loans Regulations will continue to make provision for tuition fee loans for eligible full-time and part-time postgraduate students and maintenance loans for eligible full-time postgraduate and undergraduate students.

Amendments relating to student loan funding for postgraduate students

Regulation 6(3) amends the eligibility criteria in the Loans Regulations applying to specific types of postgraduate courses.

The amendments qualify the maximum length of part-time postgraduate courses which are eligible for loan funding. Tuition fee loans will only be payable to postgraduate students who are undertaking a course on a part-time basis where the duration of study does not exceed twice the length of the full-time equivalent course. Where there is no full-time equivalent course, part-time courses which take up to three years to complete will be eligible for funding. All other part-time postgraduate courses are excluded.

In addition, the amendments clarify that eligible postgraduate courses include taught courses, defined as a course which requires a specified level of teaching or contact time between the student and the course provider. This replaces the previous terminology of “vocational” postgraduate courses, a term which was not defined.

The definition of taught courses also makes specific provision for courses undertaken by distance and digital learning. Tuition fee and living cost loans will be made available to eligible students on full-time and part-time distance learning postgraduate courses under the same terms and conditions and on the same basis as they are made to eligible students on full-time or part-time campus-based postgraduate courses.

Miscellaneous amendments

Regulations 2(2), 6(2)(b) and 9 correct minor drafting errors in previous amendments made under the 2017 Regulations.