
SCOTTISH STATUTORY INSTRUMENTS

2018 No. 171

The Education (Fees and Student Support) (Miscellaneous Amendments) (Scotland) Regulations 2018

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

6.—(1) The Education (Student Loans) (Scotland) Regulations 2007(1) are amended in accordance with paragraphs (2) to (5).

(2) In regulation 2 (interpretation)—

- (a) in paragraph (1), in the definition of “loan”, in sub-paragraphs (a) and (aa), for “vocational course” in each place that it occurs substitute “taught course”; and
- (b) in paragraph (8)(a), for “paragraph 2(4)(b)” substitute “paragraph (4)(b)”.

(3) In regulation 4 (designated courses)—

(a) for paragraph (1)(b), substitute—

“(b) either—

- (i) in relation to a taught course leading to a Postgraduate Diploma or to a Postgraduate masters degree, a full-time course or a part-time course; or
- (ii) in relation to any other course, a full-time course or a sandwich course;”;

(b) at the end of paragraph (1)(d), insert—

“, but in relation to a taught course leading to a Postgraduate Diploma or to a Postgraduate masters degree, excluding—

- (i) part-time courses wholly provided by an educational institution or institutions outside Scotland; and
- (ii) full-time courses wholly provided by an educational institution or institutions outside Scotland, unless there is no equivalent course provided by any Scottish institution or institutions.”;

(c) after paragraph (4), insert—

“(4A) For the purposes of these Regulations, a taught course:

- (a) means a course which requires a minimum amount of teaching or contact time between the student and teaching staff at the institution, in the form of lectures, tutorials or seminars, and
- (b) includes a course which is delivered by distance learning, where the sole or principal method of teaching by the institution does not require the student to attend on campus, but instead where lessons or classes are conducted remotely via digital or electronic means and where course work is submitted by correspondence.

(1) S.S.I. 2007/154, relevantly amended by S.S.I. 2007/503, S.S.I. 2008/205, S.S.I. 2008/206, S.S.I. 2009/188, S.S.I. 2009/189, S.S.I. 2009/309, S.S.I. 2010/300, S.S.I. 2012/72, S.S.I. 2013/80, S.S.I. 2015/212, S.S.I. 2016/82 and S.S.I. 2017/180.

- (4B) For the purposes of these Regulations, a part-time course means a course where the normal period for completion of the total number of credits required for the course when studied at a full-time pace is extended over a longer period of time, but where—
- (a) the duration of the course does not exceed twice the usual duration of the full-time equivalent course leading to the same qualification; or
 - (b) in the absence of any full-time equivalent for the course in question, it is ordinarily possible to complete the course on a part-time basis in up to three academic years.”.
- (4) In schedule 1 (eligible students)—
- (a) after paragraph 6B, insert—
 - “**6C.** A person who—
 - (a) (i) is an Afghan national who has been granted limited leave to remain in the United Kingdom under the Locally Employed Staff Ex-Gratia Scheme operated by the Home Department;
 - (ii) has been ordinarily resident in the United Kingdom and Islands at all times since that person was first granted such limited leave to remain in the United Kingdom; and
 - (iii) is ordinarily resident in Scotland on the first day of the first academic year of the course; or
 - (b) is the spouse, civil partner or child of a person of the kind described in sub-paragraph (a) and who is ordinarily resident in Scotland on the first day of the first academic year of the course.
 - 6D.** A person who—
 - (a) (i) has been granted limited leave to remain in the United Kingdom as a stateless person under the immigration rules operated by the Home Department;
 - (ii) has been ordinarily resident in the United Kingdom and Islands at all times since that person was first granted such limited leave to remain in the United Kingdom; and
 - (iii) is ordinarily resident in Scotland on the first day of the first academic year of the course; or
 - (b) is the spouse, civil partner or child of a person of the kind described in sub-paragraph (a) and who is ordinarily resident in Scotland on the first day of the first academic year of the course.”; and
 - (b) in paragraph 8A, sub-paragraph (1)(c), for the word “vocational” substitute “taught”.
- (5) In schedule 2 (designated courses), in paragraphs 8 and 9, for “vocational” substitute “taught”.