
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Repayment of Student Loans (Scotland) Regulations 2000 (“the Repayment Regulations”), the Education (Student Loans for Tuition Fees) (Scotland) Regulations 2006 (“the SLTF 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”) and the Education (Fees) (Scotland) Regulations 2011 (“the Fees Regulations”).

Amendments relating to student loan repayments

Regulation 2 amends the Repayment Regulations to make provision for when the amount of a student loan paid by a borrower via deductions by their employer under Part 4 of the Education (Student Loans) (Repayment) Regulations 2009 (S.I. 2009/470) is to be considered to have been paid by the borrower and received by the Scottish Ministers.

Amendments relating to student support eligibility for victims of modern slavery

Regulations 3(a), 4(a), 5(a), 6(3)(a), 7(5)(a), 8(3)(a) and 9(3)(a) extend to victims of modern slavery access to student funding and restrictions on the level of fees that may be charged under the SLTF 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 discretionary leave to remain in the UK as a result of being recognised as a victim of modern slavery; have been ordinarily resident in the UK and Islands at all times since they were first granted such discretionary leave to remain; and be ordinarily resident in Scotland at the commencement of their course.

Amendments relating to tuition fee loans for postgraduate research masters courses

Regulation 7(2), (3), (4), (5)(b) and (6) extend the eligibility criteria in the Loans Regulations to make student loans for tuition fees and maintenance available to students undertaking research masters courses on the same basis as students undertaking taught courses leading to a Postgraduate Diploma or Postgraduate masters degree. A research course is defined as one where the main method of study and assessment is based on a student’s own research. Research masters students will be ineligible for student loans if they are in receipt of any allowance, bursary or award of a similar description from United Kingdom Research and Innovation, the national funding agency for science and research in the UK.

Amendments relating to the UK’s withdrawal from the EU

Regulations 3(b), 4(b), 5(b), 6(3)(b), 7(5)(c), 8(3)(b) and 9(3)(b) ensure that the eligibility criteria relating to student funding and tuition fees under the SLTF Regulations, the Bursaries Regulations, the Nursing Regulations, the Allowances Regulations, the Loans Regulations, the EMA Regulations

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

and the Fees Regulations continue to apply to the same categories of persons after the UK's withdrawal from the European Union.

Consequential amendments

Regulations 6(2), 8(2) and 9(2) make consequential amendments to the Allowances Regulations, the Loans Regulations and the EMA Regulations to apply the meaning of ordinary residence in Scotland in relation to the new residence categories inserted into those regulations by these Regulations and by the Education (Fees and Student Support) (Miscellaneous Amendments) (Scotland) Regulations 2018 ([S.S.I. 2018/171](#)).