

## POLICY NOTE

### THE EDUCATION (FEES AND STUDENT SUPPORT) (MISCELLANEOUS AMENDMENTS) (SCOTLAND) REGULATIONS 2020

#### SSI 2020/213

The above instrument was made in exercise of the powers conferred by sections 49(3), 73(f), 73B and 74(1) of the Education (Scotland) Act 1980 and section 1 of the Education (Fees and Awards) Act 1983. The instrument is subject to negative procedure.

#### Policy Objectives

These Regulations make a number of miscellaneous amendments to 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”). The policy objectives of the main amendments are summarised below.

*Providing access to student support for those persons who have been granted Calais leave and ‘leave in line’ granted by virtue of being a dependent child of a person granted Calais leave.*

Regulations 2, 3, 4, 5(3), 6 and 7 (3) amend the eligibility criteria set out in the SLTF Regulations, the Bursaries Regulations, the Nursing Regulations, the Allowances Regulations, the Loans Regulations, and the EMA Regulations. Regulation 8 (3) amends the list of excepted students set out in the Fees Regulations. The purpose of the amendments is to enable a person who has been granted Calais Leave as well as those awarded leave by virtue of being a dependent child of a person granted Calais Leave to access student support and to have the status of ‘home student’ for the purposes of access to student support funding.

*The amendments also have the purpose of enabling persons who have been granted indefinite leave to remain as a victim of domestic violence to access student support and to have the status of ‘home students’ for the purposes of access to student support funding.*

Regulations 2, 3, 4, 5(3), 6, and 7(3) amend the eligibility criteria set out in the SLTF Regulations, the Bursaries Regulations, the Nursing Regulations, the Allowances Regulations, the Loans Regulations, and the EMA Regulations. Regulation 8(3) amends the list of excepted students set out in the Fees Regulations. The purpose of the amendments is to enable a person who has been granted indefinite leave to remain in the UK as a victim of domestic violence to access student support and to have the status of ‘home student’ for the purposes of access to student support funding.

## **Miscellaneous amendments**

Regulations 5(2), 7(2) and 8(2) amend the Allowances Regulations, the Loans Regulations and the EMA Regulations to make consequential amendments to apply the meaning of ordinary residence in Scotland in relation to the new residence categories inserted into those regulations by these Regulations.

Regulation 8(2) is intended to correct a cross-reference in regulation 2(3) and (4) of the Fees Regulations inserted by regulation 9(2) of the Education (Fees and Student Support) (Miscellaneous Amendments) (EU Exit) (Scotland) Regulations 2019.

## **Consultation**

A consultation was not considered necessary due to the nature of the amendments.

## **Impact Assessments**

Equality Impact Assessments have been carried out for the amendments relating to Calais Leave and those granted Indefinite Leave as victims of domestic violence and will be published on the Scottish Government website. EQIAs for the other amendments were not considered necessary due to the nature of the amendments.

## **Financial Effects**

A BRIA is not necessary as the instrument has no impact upon business, charities or voluntary bodies.

Scottish Government  
Directorate for Advanced Learning and Science  
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