

Draft Order laid before the Scottish Parliament under section 34(4) of the Further and Higher Education (Scotland) Act 2005 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2006 No.

EDUCATION

The Student Fees (Specification) (Scotland) Order 2006

<i>Made</i>	- - - -	2006
<i>Coming into force</i>	- -	2006

The Scottish Ministers, in exercise of the powers conferred by sections 9(6) and (7) and 34(2) of the Further and Higher Education (Scotland) Act 2005⁽¹⁾ and of all other powers enabling them in that behalf, after fulfilling the requirements of section 9(13) to (15) of that Act, hereby make the following Order, a draft of which has, in accordance with section 34(4) of that Act, been laid before and approved by resolution of the Scottish Parliament:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Student Fees (Specification) (Scotland) Order 2006 and shall come into force on 3rd July 2006.

(2) In this Order—

- (a) a “2006/07 academic year” is any academic year commencing during the period from 1st August 2006 until 31st July 2007 and subsequent academic years shall be construed accordingly;
- (b) a “deferred student” is a student, who is not an existing student, who has been accepted on to a course at a fundable body and has agreed in writing with that fundable body, before 1st August 2005, to defer entry to that course;
- (c) an “educational institution” is not limited to a fundable body and includes an institution offering higher education outside of Scotland;
- (d) an “existing student” is any student who has commenced a course, at an educational institution, prior to 1st August 2006 and is continuing to study that course;
- (e) a “higher level course of education” is any course at a higher level, including a honours or ordinary degree course and a Bachelor of Medicine and Bachelor of Surgery degree course or a Bachelor of Science degree course in medicine which is a preparatory course for the study of a Bachelor of Medicine and Bachelor of Surgery course, with the exception of—

- (i) a course of post-graduate studies (including a higher degree course); and
 - (ii) a course at a higher level in preparation for a qualification from a professional body;
- (f) a “new student” is a student, who is not a deferred student or an existing student, who commences a course at a fundable body on or after 1st August 2006.

Specification of fees for the 2006/07 academic year

2.—(1) Subject to paragraph (5), the Scottish Ministers specify the following fees payable for a 2006/07 academic year.

(2) Full time new students who are studying at fundable bodies shall pay, as the case may be, a fee of—

- (a) £1,700 in connection with their attending any honours or ordinary degree course which is not a medical degree course specified in (b);
- (b) £2,700 in connection with their attending a Bachelor of Medicine and Bachelor of Surgery degree course or a Bachelor of Science degree course in medicine which is a preparatory course for the study of a Bachelor of Medicine and Bachelor of Surgery course;
- (c) £1,700 in connection with their attending a Postgraduate Certificate in Education or Professional Graduate Diploma in Education course;
- (d) £1,200 in connection with their attending any higher level course of education which is not specified in (a) or (b).

(3) Full time existing students who are studying at fundable bodies shall pay a fee of £1,200 in connection with their attending any higher level course of education, Postgraduate Certificate in Education or Professional Graduate Diploma in Education course.

(4) Full time deferred students who are studying at fundable bodies shall pay a fee of £1,200 in connection with their attending any higher level course of education, Postgraduate Certificate in Education or Professional Graduate Diploma in Education course.

(5) Paragraphs (1) to (4) shall not apply in relation to any fees which are payable in accordance with the Education (Fees and Awards) (Scotland) Regulations 1997(2) by students who do not have a relevant connection with the United Kingdom and Islands and are not excepted students under those Regulations.

Specification of fees for academic years subsequent to the 2006/07 academic year

3. The Scottish Ministers may determine, in relation to any academic year subsequent to a 2006/07 academic year, that the fees payable for that year, by such classes of persons and in connection with their attending such courses as specified under article 2(1) to (4), as the case may be, are—

- (a) in each case no higher than the fees specified under article 2(1) to (4), as the case may be; or
- (b) in any case higher than the fees specified under article 2(1) to (4), as the case may be, provided that any increase in fees is no greater than is required in order to maintain the value in real terms of those specified fees.

(2) S.I.1997/93 as amended by S.I. 1997/2008, regulations 3(3) to (5) and 5, S.I. 1998/2324, regulation 2(2) and (3), S.S.I. 2004/469, regulation 4(3)(a) and (5)(a), S.S.I. 2005/217, regulation 4(2)(c), (3) and (4), S.S.I. 2005/545, regulation 4(2) and (3) and S.S.I. 2005/572, Article 18(a) and (b) and 19(a) and (b).

St Andrew's House,
Edinburgh
2006

A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of the Order)

This Order specifies what fees are to be payable by certain classes of students attending certain courses in the 2006/07 academic year. The 2006/07 academic year is defined as any academic year which has a start date between 1st August 2006 and 31st July 2007, inclusive. Subsequent academic years will be construed accordingly i.e. with reference to start dates during a 1st August to 31st July period.

The Order specifies fees for full time students only and does not apply to part time student fees. The fees apply to new students, existing students and deferred students. Whether a student is a new student, an existing student or a deferred student is determined by when the student commenced their course, or when the student agreed to defer entry into their course. If a student started their course prior to 1st August 2006 they are an existing student, but if they started their course on or after that date they are new students, unless they have previously agreed to defer. To qualify as a deferred student the student must have agreed with the relevant fundable body, by 1st August 2005, to defer entry to their course. Students who have started their courses before 1st August 2006 at educational institutions outside Scotland, but chose to continue their course at a fundable body in Scotland after that date qualify as existing students.

Article 2(2)(a), read with 2(1) and (2), provides that full time new students studying (non-medicine) honours or ordinary degrees shall pay a fee of £1,700. Article 2(2)(b), read with 2(1) and (2), provides that full time new students studying a medicine degree shall pay a fee of £2,700. Article 2(2)(c), read with 2(1) and (2), provides that full time new students studying postgraduate initial teacher training courses shall pay a fee of £1,700. Article 2(2)(d), read with (1) and (2), provides that full time new students studying any other higher level education course shall pay a fee of £1,200. Article 2(3) provides that full time existing students i.e. those who have started a course already (whether in or outwith Scotland), who are continuing that course at a fundable body shall pay a fee of £1,200. Article 2(3) applies to full time existing students who are continuing with any higher level course of education or postgraduate initial teacher training courses. Article 2(4) provides that full time deferred students studying any higher level course of education or postgraduate initial teacher training courses shall pay a fee of £1,200.

These specified fees will form part of the conditions of grant imposed on fundable bodies under section 9 of the Further and Higher Education (Scotland) Act 2005. Under this section the Scottish Ministers specify fees, then will require the Scottish Further and Higher Education Funding Council (through the terms of the grant to that Council) to set this fee level through further conditions of grant on fundable bodies. Fundable bodies then require this level of fee from students.

Article 2(5) provides that these fees do not apply to overseas students (i.e. those who do not have a relevant connection to the United Kingdom and Islands and are not excepted students) as the Education (Fees and Awards) (Scotland) Regulations 1997 already makes provision for overseas students.

The fees payable by students have not previously been set by Order. However, previously, Scottish Ministers used conditions of grant between themselves, the Scottish Higher Education Funding Council and the Scottish Further Education Funding Council and fundable bodies to set fees. The fee for students studying all higher level courses of education and postgraduate initial teacher training was set at £1,175 in academic year 2005/2006. Therefore, fees for higher level courses of education and postgraduate initial teacher training for existing and deferred students and additionally, fees for new students who are not studying a degree or postgraduate initial teacher training are rising from

£1,175 to £1,200, which represents an increase slightly below the level of inflation. The fees for new students who are studying (non-medicine) honours or ordinary degrees or postgraduate initial teacher training courses will rise from £1,175 to £1,700. The fees for new students studying a medicine degree will rise from £1,175 to £2,700.

Article 3 allows Scottish Ministers to set fees for subsequent academic years by determination, rather than by Order, only if either, such fees are no greater than the 2006/07 fees or such fees are only higher than the 2006/07 fees in so far as is necessary to maintain the value of the fees in real terms. In considering the value of fees in real terms Scottish Ministers may have regard to any retail price index. (Information on retail price index is available on www.statistics.gov.uk.) This provision allows fees to remain at the same level, be reduced or be increased in line with inflation without making further legislation.

A Regulatory Impact Assessment has been completed for this Order and is available from the Scottish Executive.