

**2001 No. 228**

**EDUCATION**

**The Education (Student Loans) (Scotland) Regulations 2000  
Amendment Regulations 2001**

*Made* 11th June 2001

*Laid before the Scottish Parliament* 11th June 2001

*Coming into force* 1st August 2001

The Scottish Ministers, in exercise of the powers conferred by sections 73(f), 73B and 74(1) of the Education (Scotland) Act 1980(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Education (Student Loans) (Scotland) Regulations 2000 Amendment Regulations 2001 and shall come into force on 1st August 2001.

**Amendment of the Education (Student Loans) (Scotland) Regulations 2000**

2. The Education (Student Loans) (Scotland) Regulations 2000(b) are amended as follows.

3. In the definition of “eligible student” in regulation 2(1), in regulations 3(4), 4(2), 4(2)(f) and 7(2), for “attendance at”, and in regulation 6(1) for “attendance on”, there is substituted “undertaking”.

4. In regulations 3(4), 7(1)(a)-(c), 9(2)(c) and 12(5), for “attend”, there is substituted “undertake”.

5. In regulation 2(2) in each place where it occurs, and in regulations 3(4) and 13(8) for “attending” there is substituted “undertaking”.

6. In regulation 4(2)(g)–

- (a) after “part-time course,” there is inserted “on the relevant date”;
- (b) “has” is omitted;
- (c) at the beginning of paragraphs (i), (iii) and (iv), “has” is inserted; and
- (d) in paragraph (ii), for “been” there is substituted “is” and “for at least two years” is omitted.

7. In regulations 6(3) and 6(9) “signed” is omitted.

8. In regulation 13(5), after “course” there is inserted “if attendance at the course is a requirement of it”.

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(a) 1980 c.44. Section 73(f) was amended by the Teaching and Higher Education Act 1998 (c.30), section 29(1) and by the Education (Graduate Endowment and Student Support) (Scotland) Act 2001 (asp 6), section 3(2). Section 73B was inserted by the Teaching and Higher Education Act 1998, section 29(2) and was amended by the Education (Graduate Endowment and Student Support) (Scotland) Act 2001, section 3(3). Section 74 was amended by the Self-Governing Schools etc. (Scotland) Act 1989 (c.39) Schedule 10, paragraph 8(17). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.S.I. 2000/200.

9. For regulation 15(1) there is substituted—

“Subject to paragraph (2), loans made in each twelve month period commencing on each 1st August shall bear interest at a rate which will result in an annual percentage rate of charge determined in accordance with the Consumer Credit (Total Charge for Credit) Regulations 1980<sup>(a)</sup> equal to the percentage by which the retail prices all items index published by the Office for National Statistics for the month of March immediately preceding the commencement of that period has increased compared with that for the previous March.”.

St Andrew’s House,  
Edinburgh  
11th June 2001

*ALASDAIR MORRISON*  
Authorised to sign by the Scottish Ministers

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(a) S.I. 1980/51, amended by S.I. 1983/1562, 1989/596.

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

These Regulations, which come into force on 1st August 2000, amend the Education (Student Loans) (Scotland) Regulations 2000 (“the principal Regulations”). The principal Regulations govern loans under the Education (Scotland) Act 1980 for eligible students attending designated courses of higher education.

The principal Regulations are amended to allow the Scottish Ministers to pay loans to students on distance learning courses as well as students actually attending courses of education (regulations 3-5). A minor consequential amendment is made to regulation 13 of the principal Regulations which governs entitlement to a loan when absent from a course to ensure that the regulation applies only where attendance is a requirement of the course (regulation 8).

Regulation 6 amends the conditions which a part-time student must meet to be eligible for a loan by clarifying the date on which the relevant conditions must be satisfied and removing the requirement that married students must have been married for a period of two years.

Regulation 9 amends regulation 15 of the principal Regulations to remove the need for annual regulations to change to the level of interest payable on loans.

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