

**2006 No. 326**

**EDUCATION**

**The Education (Student Loans for Tuition Fees) (Repayment and Allowances) (Scotland) Amendment Regulations 2006**

<i>Made</i> - - - -	<i>8th June 2006</i>
<i>Laid before the Scottish Parliament</i>	<i>9th June 2006</i>
<i>Coming into force</i> - -	<i>1st July 2006</i>

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 for Tuition Fees) (Repayment and Allowances) (Scotland) Amendment Regulations 2006 and shall come into force on 1st July 2006.

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

2. The Repayment of Student Loans (Scotland) Regulations 2000(b) shall be amended as follows—

- (a) in regulation 6(a) (application of payment received), after “the Graduate Endowment (Scotland) Regulations 2001” insert “, regulation 11 of the Education (Student Loans for Tuition Fees) (Scotland) Regulations 2006(c)”; and
- (b) in regulation 7 (time for repayments)—
  - (i) in paragraph (2)(a) omit “and”; and
  - (ii) after paragraph 2 (b) insert—  
“; and
- (c) such part of their student loan as relates to a particular notification of eligibility under the Education (Student Loans for Tuition Fees) (Scotland) Regulations 2006(d) until the year of assessment beginning after the date on which that eligibility terminates under regulation 7 of those Regulations.”.

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(a) 1980 c.44; section 73(f) was amended by the Teaching and Higher Education Act 1998 (c.30) (“the 1998 Act”), 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 1998 Act, section 29(2) and amended by the Education (Graduate Endowment and Student Support) (Scotland) Act 2001, section 3(3) and by the Income Tax (Earnings and Pensions) Act 2003 (c.1), Schedule 6, paragraph 149; section 74(1) 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. 2000/110, amended by S.S.I. 2000/200, 2001/227 and 2005/314.

(c) S.S.I. 2006/333.

(d) S.S.I. 2006/333.

### **Amendment of the Students' Allowances (Scotland) Regulations 1999**

**3.** In regulation 3 (persons eligible for allowances) of the Students' Allowances (Scotland) Regulations 1999<sup>(a)</sup>–

- (a) in paragraph (1) for “The Secretary of State” substitute “Subject to paragraph (3), the Scottish Ministers”; and
- (b) after paragraph (2) insert–

“(3) Students who are eligible for a loan under the Education (Student Loans for Tuition Fees) (Scotland) Regulations 2006<sup>(b)</sup> and are undertaking a course provided by an educational institution or institutions in the United Kingdom but outside Scotland are not eligible for an allowance in respect of tuition fees under these Regulations.”.

*NICOL STEPHEN*

A member of the Scottish Executive

St Andrew's House,  
Edinburgh  
8th June 2006

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<sup>(a)</sup> S.S.I. 1999/1131, as amended by S.S.I. 2001/229.  
<sup>(b)</sup> S.S.I. 2006/333.

## **EXPLANATORY NOTE**

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

These Regulations make amendments to two instruments, the Repayment of Student Loans (Scotland) Regulations 2000 (the repayment Regulations) and the Students' Allowances (Scotland) Regulations 1999 (the allowances Regulations). These changes are required as a result of the provision of new student loans for tuition fees charged by institutions in the UK, but outside Scotland, under the Education (Student Loans for Tuition Fees) (Scotland) Regulations 2006. These loans ("RUK tuition fee loans") are provided to pay for tuition fees charged by institutions in the rest of the UK.

The repayment Regulations govern the repayment of all student loans made under section 73 of the Education (Scotland) Act, which includes RUK tuition fee loans. The amendments detailed in regulation 2(a) ensure that repayments by students who have received an RUK tuition fee loan will be applied firstly to outstanding interest due under the 2006 Regulations. The amendment in regulation 2(b) ensures that RUK tuition fee loans do not become payable until the year after the year in which the student's eligibility for that loan terminates.

The amendment of the allowances Regulations in regulation 3 ensures that students are not able to claim tuition fee support twice, both under the 2006 Regulations and additionally under the allowances regulations.

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