
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 155

The Graduate Endowment (Scotland) Regulations 2007

PART I
GENERAL

Citation and commencement

1. These Regulations may be cited as the Graduate Endowment (Scotland) Regulations 2007 and shall come into force on 1st August 2007.

Interpretation

2. In these Regulations—

“academic year”, in relation to a course, means a period beginning on the first day of the first term of an academic year for that course and ending on the last day of the final term of that academic year for that course;

“the Act” means the Education (Graduate Endowment and Student Support) (Scotland) Act 2001;

“continuous programme of higher education” means a programme of education undertaken by an individual comprising—

(a) either—

- (i) a course leading to a Higher National Certificate immediately followed by a course leading to a Higher National Diploma (disregarding any intervening vacation); or
- (ii) a course leading to a Higher National Diploma; and

(b) a course of higher education not of a kind referred to in paragraph (a) above which commences in the academic year immediately following the end of the course referred to in paragraph (a) or in the following academic year;

“Directive 2004/38” means Directive [2004/38/EC](#) of the European Parliament and of the Council⁽¹⁾ on the rights of citizens of the Union and their family members to move and reside freely in the territory of the member States;

“due date” means 1st April immediately following the last day of the last academic year of the course of higher education in respect of which the liability to pay the graduate endowment arises;

“employment” means full-time or part-time employment which, in a normal week, involves a significant number of hours of work and “employed” shall be construed accordingly, and references to employment include references to the holding of any office and to any occupation for gain;

(1) O.J. No. L 158, 30.04.04, p.77.

“European Economic Area” means the European Community, and subject to the conditions laid down in the EEA agreement, the area comprised by Norway, Iceland and Liechtenstein;

“full-time course of higher education” means a course of fundable higher education, other than a course treated as not falling within section 5(3) of the Further and Higher Education (Scotland) Act 2005(2) by virtue of regulation 5, which is a sandwich course or a course—

- (a) which persons undertaking it are normally required by the institution providing it to attend (whether at premises of the institution or elsewhere) for a period of at least 24 weeks in each academic year except the final academic year and of at least eight weeks in the final academic year; and
- (b) the nature of which is such that a person undertaking it would normally require to undertake periods of study, tuition or work experience which together amount in each academic year to an average of at least 21 hours a week as respects the periods of attendance mentioned in paragraph (a) above for the year;

“liable graduate” means a graduate who is liable to pay the graduate endowment;

“loan” means a loan for the purposes of discharging the liability of a liable graduate to pay the graduate endowment made under the 1980 Act and these Regulations, including the interest accrued on the loan and any penalties or charges made in connection with it;

“parent” includes a step-parent, a guardian, any other person having parental responsibilities for a child and any person having care of a child, and “child” shall be construed accordingly;

“periods of work experience” means—

- (a) periods of industrial, professional or commercial experience associated with full-time study at an institution but at a place outwith the institution; and
- (b) in the case of a course which includes the study of one or more modern languages for not less than one half of the time spent studying on the course, and which includes periods of residence in a country whose language is a language of the course, such periods of residence during which the student is employed;

“relevant day” means the first day of the first academic year of a full-time course of higher education;

“sandwich course” means a course consisting of alternate periods of full-time study in an institution and periods of work experience so organised that, taking the course as a whole, the student attends for the periods of full-time study for an average of not less than 19 weeks in each year, and for the purposes of calculating their attendance the course shall be treated as beginning with the first period of full-time study and ending with the last such period; and

“the 1980 Act” means the Education (Scotland) Act 1980.