
STATUTORY INSTRUMENTS

1998 No. 2324 (S.122)

EDUCATION, SCOTLAND

**The Education (Fees and Awards)
(Scotland) Amendment Regulations 1998**

Made - - - - *17th September 1998*
Laid before Parliament *21st September 1998*
Coming into force - - *12th October 1998*

The Secretary of State, in exercise of the powers conferred on him by section 1 of the Education (Fees and Awards) Act 1983(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and extent

1. These Regulations may be cited as the Education (Fees and Awards) (Scotland) Amendment Regulations 1998, shall come into force on 12th October 1998 and shall extend to Scotland only.

Amendment of the Education (Fees and Awards) (Scotland) Regulations 1997

2.—(1) The Education (Fees and Awards) (Scotland) Regulations 1997(2) shall be amended in accordance with the following paragraphs.

(2) In regulation 6, at the beginning there shall be inserted the words “Subject to regulation 6A,”.

(3) After regulation 6 there shall be added the following new regulation—

“6A.—(1) The provisions of regulation 6(c) shall not apply in respect of a student in relation to his attending a course of a kind specified in paragraph (2) where—

(a) he has previously attended a course of a kind specified in paragraph (2) during an academic year beginning before 1st September 1997 and had in relation to his attending that course a relevant connection with the United Kingdom and Islands; and

(b) he begins to attend the course in question—

(1) 1983 c. 40; section 1 was relevantly amended by the Education Reform Act 1988 (c. 40), Schedule 12, paragraph 91 and the Further and Higher Education (Scotland) Act 1992 (c. 37), Schedule 9, paragraph 8.
(2) S.I.1997/93, amended by S.I. 1997/2008.

- (i) immediately after successfully completing the course referred to in subparagraph (a); or
 - (ii) immediately after successfully completing a course in relation to which the provisions of regulation 6(c) do not apply by reason of this regulation.
- (2) The kinds of course for the purposes of paragraph (1) are those specified in paragraphs (a), (b), (c) and (e) of section 38(2) of the Further and Higher Education (Scotland) Act 1992⁽³⁾.
- (3) In determining for the purposes of this regulation whether a student begins to attend a course immediately after another course any intervening vacation shall be disregarded.
- (4) For the purposes of this regulation a student successfully completes a course only if he qualifies for the award to which the course leads.”.

St Andrew's House,
Edinburgh
17th September 1998

Helen Liddell
Minister of State, Scottish Office

(3) 1992 c. 37.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Fees and Awards) (Scotland) Regulations 1997 (“the principal Regulations”), Part II of which permits further and higher education institutions to charge a higher fee to overseas students than to home students. The criteria set by the principal Regulations for qualification for home fee status were amended by the Education (Fees and Awards) (Scotland) Amendment Regulations 1997 (“the Amendment Regulations”) to include an additional requirement that the student should be “settled in the United Kingdom” within the meaning of the Immigration Act 1971.

Regulation 2 of the Amendment Regulations provided that this additional requirement of settled status would not apply in respect of a student commencing his course before 1st September 1998.

These Regulations further amend the principal Regulations to provide that where a student—

- (a) started a course before 1st September 1997; and
- (b) in respect of that course was treated as having a relevant connection with the United Kingdom and Islands and thus qualified for home fee status, the requirement of settled status will not apply for obtaining home fee status in respect of a course or series of courses following immediately on that course.

This provision applies only to courses leading to a higher diploma or certificate, first degree courses, teachers' training courses and courses at higher education level leading to a professional qualification.