



Graduate Endowment Abolition (Scotland) Act 2008

2008 asp 3

The Bill for this Act of the Scottish Parliament was passed by the Parliament on 28th February 2008 and received Royal Assent on 4th April 2008

An Act of the Scottish Parliament to abolish the graduate endowment; and for connected purposes.

1 Abolition of the graduate endowment

- (1) Sections 1 and 2 of the 2001 Act are repealed (and consequently the principal regulations are revoked).
- (2) In schedule 3 to the Further and Higher Education (Scotland) Act [2005 \(asp 6\)](#), paragraph 10 is repealed.

2 Extinguishing of liabilities

- (1) This section applies to graduate endowment liability in relation to which the due date is 1 April 2008 or after.
- (2) Any such graduate endowment liability is extinguished.
- (3) And any such graduate endowment liability (whether extinguished by this section or previously discharged) is to be regarded as having never existed.

3 Saving of prior liabilities

- (1) This section applies to graduate endowment liability in relation to which the due date is before 1 April 2008.
- (2) To the extent required for the purposes of or in connection with any such graduate endowment liability—
 - (a) section 1 of the 2001 Act, and
 - (b) the principal regulations,continue to have the effect that they had immediately before the coming into force of this Act (despite the repeals made by section 1).

4 Reports on impact of Act

- (1) The Scottish Ministers must, within—
 - (a) the period of one year beginning on the day this Act received Royal Assent, and
 - (b) each of the four subsequent periods of one year,lay before the Scottish Parliament a report assessing the impact that section 1 of this Act has had in relation to widening access to higher education.
- (2) Without prejudice to the generality of subsection (1), a report under that subsection must include such information on—
 - (a) the proportion of Scottish domiciled entrants to higher education falling within subsection (3), and
 - (b) the proportion of such entrants who complete their course of higher education, as the Scottish Ministers consider necessary to enable a comparison to be made with the equivalent figures for entrants to higher education in each academic session since 2001-02.
- (3) An entrant to higher education falls within this subsection if the entrant is from one of the 20 per cent lowest ranked areas in the Scottish Index of Multiple Deprivation.

5 Effect on student support

- (1) The Scottish Ministers are, in making budget proposals to the Scottish Parliament, to ensure that any provision proposed for the purposes of student support is not adversely affected because of the abolition by this Act of the graduate endowment.
- (2) In this section—

“budget proposals” means proposals, in relation to a Bill for a Budget Act, for the use of resources,

“student support” means the provision of allowances for living costs, and loans, under section 73(f)(i) of the Education (Scotland) Act 1980 (c. 44).

6 Definitions

- (1) In this Act, “graduate endowment liability” is liability, existing by virtue of section 1 of the 2001 Act and the principal regulations, of a person to—
 - (a) pay to the Scottish Ministers the amount of the graduate endowment, or
 - (b) repay to the Scottish Ministers any loan (including interest) made by them under those provisions for the purposes of discharging the person’s liability to pay the graduate endowment.
- (2) In this Act—

the “2001 Act” is the Education (Graduate Endowment and Student Support) (Scotland) Act 2001 (asp 6),

the “principal regulations” are the Graduate Endowment (Scotland) Regulations 2007 (S.S.I. 2007/155),

“the graduate endowment” is to be construed in accordance with the 2001 Act,

“due date” is to be construed in accordance with the principal regulations.

7 Commencement and short title

- (1) This Act comes into force on the day after Royal Assent.
- (2) The short title of this Act is the Graduate Endowment Abolition (Scotland) Act 2008