

*These notes relate to the Graduate Endowment Abolition (Scotland)
Act 2008 (asp 3) which received Royal Assent on 4 April 2008*

GRADUATE ENDOWMENT ABOLITION (SCOTLAND) ACT 2008

EXPLANATORY NOTES

THE ACT – SECTION BY SECTION

Section 2: Extinguishing of liabilities

9. Section 2 applies to those liable graduates whose due date is 1 April 2008 or after. This means any liable graduate who successfully completed his or her course on or after 1 April 2007. Subsection (2) extinguishes the liability to pay the GE for this category of person.
10. Subsection (3) provides that the GE liability is regarded as never having existed. This addresses the fact (as was foreseen) that the Act commenced (on the day following Royal Assent) after 1 April 2008. On 1 April 2008 the liable graduates in this category will be under a legal obligation to make payment in discharge of their GE liability and any student who successfully completes his or her course between this date and the day the Act comes into force will become a liable graduate (with a due date of 1 April 2009). It also addresses any possibility that such liable graduates might seek to make payment ahead of those due dates. For these circumstances, subsection (3) ensures that the extinguishing of the liability has effect from when the liability first arose.