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SCOTTISH STATUTORY INSTRUMENTS

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**2007 No. 152**

**The Education (Fees and Awards) (Scotland) Regulations 2007**

**PART II**

**FEEES FOR TUITIION ETC.**

**Scope of Part II**

**3.** This Part shall have effect as respects the charging of relevant fees in respect of students undertaking a course provided by—

- (a) a fundable body providing fundable higher education in terms of section 5(3) of the Further and Higher Education (Scotland) Act 2005(1);
- (b) a central institution within the meaning of section 135(1) of the Education (Scotland) Act 1980(2); or
- (c) a further education establishment provided by an education authority or managed by a board of management in terms of Part I of the Further and Higher Education (Scotland) Act 1992(3),

and any reference in this Part to a student shall be construed accordingly.

**Relevant fees**

**4.—(1)** For the purpose of this Part “relevant fees” means the aggregate of—

- (a) any fees for admission, registration or matriculation (including matriculation exemption);
- (b) any sessional or tuition fees;
- (c) any composition fee; and
- (d) any graduation fee,

in each case excluding any element thereof representing or attributable to such fees as are mentioned in paragraph (2).

(2) The fees referred to in paragraph (1) are—

- (a) any fees charged by an external body in respect of an examination or validation of a course or otherwise charged by such a body whose requirements must (for the purposes of a course) be met; and
- (b) charges for board and lodging.

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(1) 2005 asp 6.

(2) 1980 (c. 44).

(3) 1992 (c. 37); relevantly amended by the Further and Higher Education (Scotland) Act 2005 (asp 6).

### **Relevant connection with the United Kingdom and Islands**

5. Subject to regulation 6, for the purposes of this Part a student has a relevant connection with the United Kingdom and Islands if—

- (a) that student has been ordinarily resident there throughout the 3 year period immediately preceding 1st August, 1st January, 1st April or 1st July closest to the beginning of the first term of the student's course;
- (b) that student's residence there during any part of that 3 year period has not been wholly or mainly for the purpose of receiving full-time education unless the person is settled as referred to in paragraph (c) as a result of residence for full-time education which has led to a right of permanent residence arising under Directive 2004/38 and that person was ordinarily resident in the territory comprising the European Economic Area and Switzerland immediately prior to the start of that period of residence; and
- (c) at the date referred to in paragraph (a) that student is settled in the United Kingdom within the meaning of the Immigration Act 1971(4).

6.—(1) The provisions of regulation 5(c) shall not apply in respect of a student in relation to that student undertaking a course of a kind specified in paragraph (2) where that student—

- (a) has previously undertaken a course of a kind specified in paragraph (2) during an academic year beginning before 1st September 1997 and had, in relation to that student undertaking that course, a relevant connection with the United Kingdom and Islands; and
- (b) begins to undertake the course in question—
  - (i) immediately after successfully completing the course referred to in sub paragraph (a); or
  - (ii) immediately after successfully completing a course in relation to which the provisions of regulation 5(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 5(3) of the Further and Higher Education (Scotland) Act 2005.

(3) In determining for the purposes of this regulation whether a student begins to undertake 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 that student qualifies for the award to which the course leads.

### **Charging of higher relevant fees**

7. Subject to Schedule 1, it shall be lawful to charge higher relevant fees in the case of students who do not have a relevant connection with the United Kingdom and Islands than in the case of students having such a connection.

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(4) 1971 (c. 77); section 33(2A) was inserted by paragraph 7 of Schedule 4 to the British Nationality Act 1981 (c. 61).