SCOTTISH STATUTORY INSTRUMENTS

2025 No. 136

EDUCATION

The Education (Fees and Student Support) (Miscellaneous Amendment and Revocation) (Scotland) Regulations 2025

Made - - - -	*29th April 2025*
Laid before the Scottish Parliament	*1st May 2025*
Coming into force - -	*1st August 2025*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 49(3), 73(f), 73B and 74(1) of the Education (Scotland) Act 1980(**a**), section 1 of the Education (Fees and Awards) Act 1983(**b**) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Education (Fees and Student Support) (Miscellaneous Amendment and Revocation) (Scotland) Regulations 2025 and come into force on 1 August 2025.

Amendment of the Education (Fees) (Scotland) Regulations 2022

2. In the Education (Fees) (Scotland) Regulations 2022(**c**), in schedule 2 (ordinary residence)—

(a) for paragraph 1(2) substitute—

"(2) For the purposes of regulation 3(a) and schedule 1, a student who is resident in Scotland on the relevant date as a result of having moved to Scotland for the purpose of undertaking a course of education is to be considered to be ordinarily resident in the area from where they moved.",

(b) omit paragraph 3(3).

Amendment of the Student Support (Scotland) Regulations 2022

3.—(1) The Student Support (Scotland) Regulations 2022(**d**) are amended as follows.

(**a**) 1980 c. 44. Section 73(f) was amended by the Teaching and Higher Education Act 1998 (c. 30) ("the 1988 Act"), section 29(1) and by the Education (Graduate Endowment and Student Support) (Scotland) Act 2001 (asp 6) ("the 2001 Act"), section 3(2). Section 73B was inserted by the 1988 Act, section 29(2), and was amended by the 2001 Act, section 3(3), by the Income Tax (Earnings and Pensions) Act 2003 (c. 1), schedule 6, Part 2, paragraph 149, by the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3), section 34(1) and by the Bankruptcy (Scotland) Act 2016 (asp 21), schedule 8, paragraph 8. Section 74(1) was amended by the Self-Governing Schools etc. (Scotland) Act 1989 (c. 39), section 82(1) and schedule 10, paragraph 8(17). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46) ("the Scotland Act").

(**b**) 1983 c. 40. Section 1 was relevantly amended by the Education Reform Act 1988 (c. 40), section 237(1) and schedule 12, paragraph 91, by the Further and Higher Education Act 1992 (c. 13), section 93(1) and schedule 8, paragraph 19 and by the Further and Higher Education (Scotland) Act 1992 (c. 37), section 62(2) and schedule 9, paragraph 8. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act.

(**c**) S.S.I. 2022/156, as amended by S.S.I. 2022/362, S.S.I. 2023/142 and S.S.I. 2024/140.

(**d**) S.S.I. 2022/157, as amended by S.S.I. 2022/362, S.S.I. 2023/142 and S.S.I. 2024/140.

(2) In regulation 2 (interpretation) for the definition of "loan" in paragraph (1) substitute—

""loan" means in relation to—

(a) a student undertaking a course at an RUK institution, a loan towards that student's tuition fees,

(b) a student undertaking a taught course leading to a postgraduate diploma or to a postgraduate masters degree, or undertaking a research course leading to a postgraduate masters degree, a loan towards that student's tuition fees,

(c) a student undertaking a full-time (but not a part-time) taught course leading to a postgraduate diploma or to a postgraduate masters degree, or undertaking a full-time (but not a part-time) research course leading to a postgraduate masters degree, a loan towards that student's maintenance,

(d) a student who is a person mentioned in paragraph 2(3) (EU nationals etc. with protected rights who have been living in the UK and Islands for three years) of schedule 1 or in schedule 2, a loan towards that student's tuition fees,

(e) any other student, a loan towards that student's maintenance,

under the Act and any regulations made under the Act, including the interest accrued on the loan and any penalties or charges made in connection with it.".

(3) In paragraph 8 of schedule 1 (refugees)—

(a) in the opening words after "who" insert "at the date that the Scottish Ministers received their application for student support",

(b) for sub-paragraph (a) substitute—

"(a) is a refugee who has been ordinarily resident in the United Kingdom and Islands since that person was first recognised as a refugee, and is resident in Scotland on the relevant date, or".

(4) In schedule 3 (ordinary residence)—

(a) for paragraph 1(2) substitute—

"(2) For the purposes of schedules 1 and 2, a person who is resident in Scotland on the relevant date as a result of having moved to Scotland for the purpose of undertaking a course of education is to be considered to be ordinarily resident in the area from where they moved.",

(b) in paragraph 3, omit sub-paragraphs (3) and (4).

Revocations

4. The enactments specified in the schedule are revoked.

GRAEME DEY
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
29th April 2025

SCHEDULE

Regulation 4

Revocations

1. The Education (Fees and Awards) (Scotland) Regulations 2007(**a**).

2. The Education (Amendments in respect of Graduate Endowment, Student Fees and Support) (Scotland) Regulations 2007(**b**).

3. The Education (Fees and Awards for EC Nationals and UK Returners) (Scotland) Regulations 2009(**c**).

4. The Education (Fees, Awards and Student Support) (Miscellaneous Amendments) (Scotland) Regulations 2009(**d**).

5. The Education (Fees and Awards) (Scotland) Amendment Regulations 2010(**e**).

6. The Education (Fees, Awards and Student Support) (Miscellaneous Amendments) (Scotland) Regulations 2012(**f**).

(**a**) S.S.I. 2007/152.
(**b**) S.S.I. 2007/503.
(**c**) S.S.I. 2009/188.
(**d**) S.S.I. 2009/309.
(**e**) S.S.I. 2010/325.
(**f**) S.S.I. 2012/72.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Fees) (Scotland) Regulations 2022 ("the Fees Regulations") and the Student Support (Scotland) Regulations 2022 ("the Student Support Regulations").

Regulation 2 of these Regulations amends schedule 2 of the Fees Regulations to clarify that a person residing in Scotland on the relevant date as a result of having moved there for the purpose of undertaking a course of education is not to be considered as ordinarily resident in Scotland.

Regulation 3 of these Regulations amends the Student Support Regulations. Regulation 3(2) makes minor alterations to the definition of "loan". Regulation 3(3) amends the definition of "refugee" to clarify that the spouse, civil partner or child of a refugee must have that status at the date that their application for student support is received by the Scottish Ministers. Regulation 3(4) amends schedule 3 of the Student Support Regulations to clarify that a person residing in Scotland on the relevant date as a result of having moved there for the purpose of undertaking a course of education is not to be considered as ordinarily resident in Scotland.

Regulation 4 and the schedule of these Regulations revoke the Education (Fees and Awards) (Scotland) Regulations 2007 and relevant amending enactments.

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£5.78

http://www.legislation.gov.uk/id/ssi/2025/136

ISBN 978-0-11-106280-7

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