SCOTTISH STATUTORY INSTRUMENTS

2026 No. 63

EDUCATION

The Education (Fees and Student Support) (Miscellaneous Amendment) (Scotland) Regulations 2026

Made - - - -	*5th February 2026*
Laid before the Scottish Parliament	*9th February 2026*
Coming into force - -	*1st August 2026*

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) (Scotland) Regulations 2026 and come into force on 1 August 2026.

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

2.—(1) The Education (Fees) (Scotland) Regulations 2022(**c**) are amended as follows.

(2) In paragraph 12(a)(i) of schedule 1 (relocated Afghan citizens), for "or granted leave under the Afghan Relocations and Assistance Policy Scheme" substitute ", the Afghan Relocations and Assistance Policy Scheme(**d**) or the Afghanistan Response Route(**e**)".

(**a**) 1980 c. 44. Section 73(f) was amended by the Teaching and Higher Education Act 1998 (c. 30) ("the 1998 Act"), section 29(1) and the Education (Graduate Endowment and Student Support) (Scotland) Act 2001 (asp 6) ("the 2001 Act"), section 3(2). Section 73B was inserted by the 1998 Act, section 29(2), and was amended by the 2001 Act, section 3(3), the Income Tax (Earnings and Pensions) Act 2003 (c. 1), schedule 6, Part 3, paragraph 149, the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3), section 34(1) and 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, the Further and Higher Education Act 1992 (c. 13), section 93(1) and schedule 8, paragraph 19 and 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 relevantly amended by S.S.I. 2024/140.

(**d**) A copy of the Afghan Relocations and Assistance Policy Scheme can be viewed at https://www.gov.uk/government/publications/afghan-relocations-and-assistance-policy?msclkid=2a8bc686c7a511ec8a2b8132cb36424d.

(**e**) A copy of the Afghanistan Response Route can be viewed at https://www.gov.uk/guidance/afghanistan-response-route.

Amendment of the Student Support (Scotland) Regulations 2022

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

(2) In paragraph 13(a)(i) of Part 1 of schedule 1 (relocated Afghan citizens), for "or granted leave under the Afghan Relocations and Assistance Policy Scheme" substitute ", the Afghan Relocations and Assistance Policy Scheme or the Afghanistan Response Route".

BEN MACPHERSON
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
5th February 2026

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").

The Fees Regulations provide that it is unlawful to charge higher relevant fees in respect of students listed in schedule 1 (excepted students). These Regulations amend paragraph 12 of schedule 1 of the Fees Regulations to add a new category of excepted students, namely individuals who have been granted Indefinite Leave to Enter or Remain under the Home Office Afghanistan Response Route ("ARR"), and includes their spouse, civil partner or child.

These Regulations also amend paragraph 13 of schedule 1 of the Student Support Regulations to extend eligibility for student support to individuals who have been granted Indefinite Leave to Enter or Remain under the Home Office ARR, and to their spouse, civil partner or child.

A copy of the ARR can be viewed at https://www.gov.uk/guidance/afghanistan-response-route.

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(**a**) S.S.I. 2022/157, as relevantly amended by S.S.I. 2024/140.

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