POLICY NOTE

THE EDUCATION (FEES AND STUDENT SUPPORT) (MISCELLANEOUS AMENDMENT) (SCOTLAND) REGULATIONS 2026

SSI 2026/63

The above instrument was made in exercise of the powers conferred by sections 49(3), 73(f), 73B and 74(1) of the Education (Scotland) Act 1980, and section 1 of the Education (Fees and Awards) Act 1983. This instrument is subject to negative procedure.

Summary Box

These regulations make amendments to the Education (Fees) (Scotland) Regulations 2022 ("the Fees regs") and the Student Support (Scotland) Regulations 2022 ("the Student Support regs"). The policy objectives of the amendments are summarised below. These changes will come into force on 1 August 2026.

Policy Objectives

Changes to the Relocated Afghan citizens provisions

Regulation 2 amends paragraph 12 (Relocated Afghan citizens) of schedule 1 (Fees-Excepted Students) of the Fees regs and regulation 3 amends paragraph 13 (Relocated Afghan citizens) of schedule 1 Part 1 (Persons Eligible for Tuition Fee and Living Cost Support) of the Student Support regs. The purpose of these amendments is to extend the eligibility for the home tuition fee rate and student support to individuals who have been granted leave to enter/remain in the UK via the Home Office Afghanistan Response Route (ARR) (https://www.gov.uk/guidance/afghanistan-response-route) and their spouse, civil partner or child.

The ARR was introduced by the UK Government in April 2024 in response to a data incident in which some personal details of applicants to the Afghan Relocations and Assistance Policy (ARAP) and the Afghanistan Locally Employed Staff Ex-Gratia scheme may have been compromised. The ARR was established by the UK Government for individuals who had previously not been found eligible under the ARAP or any other route which provides settled status but were now considered to be at the highest risk of reprisals by the Taliban because of the data incident.

Currently, those granted a status under the ARR would not be considered eligible for the home tuition fee rate and student support as they do not meet the requirements of having been ordinarily resident in the UK for 3 years and are not covered under the current Relocated Afghan citizens provision.

To ensure those granted leave to enter or remain under the ARR and their spouse, civil partner or child can receive the home tuition fee rate and student support on the same basis as those under the previous Afghan schemes, an amendment is proposed to the regulations to provide for this.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (the Act), the Scottish Ministers certify that, in their view, the Education (Fees and Student Support) (Miscellaneous Amendment) (Scotland) Regulations 2026 are compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

Due to the nature of this change, no public consultation was considered necessary.

Impact Assessments

An Equality Impact Assessment and Children's Rights and Wellbeing Impact Assessment have been completed in relation to these Regulations.

Financial Effects

The Minister for Higher and Further Education confirms that no Business and Regulatory Impact Assessment (BRIA) is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Directorate for Lifelong Learning and Skills

30 January 2026