An Act of the Scottish Parliament to make provision for certain individuals to make payments in respect of the provision of certain courses of higher education undertaken by them; to make further provision as respects financial support for students; and to make provision exempting students from liability for council tax.

1 The graduate endowment

(1) Where an individual—

(a) has undertaken a course of higher education at an institution which is, by virtue of section 4 or 40 of the Further and Higher Education (Scotland) Act 1992 (c.37), in receipt of a grant, loan or other payment; and

(b) is of such description as may be specified in regulations made by the Scottish Ministers,

that individual shall be liable to pay to the Scottish Ministers in respect of the provision of that course a graduate endowment.

(2) The Scottish Ministers may by regulations—

(a) make provision for and in connection with the times at which, and manner in which, graduate endowments are to be paid; and

(b) make such other provision as they consider necessary and expedient for and in connection with the graduate endowment.

(3) Any individual who—

(a) has attained such age as may be specified in regulations under subsection (1)(b) above; or

(b) falls within such other class, or classes, of individuals as may be so specified,

shall be exempt from liability for the graduate endowment.

(4) For the purposes of this section—

“graduate endowment” means—

(a) such amount as may be specified in regulations made by the Scottish Ministers; or
(b) such amount as may be so specified as increased, on such dates as may be so specified, by reference to such percentage increases in the retail prices index as may be so specified;

“higher education”, subject to any regulations made under subsection (5) below, shall be construed in accordance with section 38 of the Further and Higher Education (Scotland) Act 1992 (c.37); and

“the retail prices index” means—

(a) the general index of retail prices (for all items) published by the Office for National Statistics; or

(b) where that index is not published for a month, any substituted index or figures published by that Office.

(5) The Scottish Ministers may by regulations prescribe that such course, or class of course, falling for the time being within the said section 38 as may be specified in the regulations shall, for the purposes of this section, be treated as not falling within that section.

(6) Any power of the Scottish Ministers under this section to make regulations shall be exercisable by statutory instrument; and any such statutory instrument shall be subject to annulment in pursuance of a resolution of the Scottish Parliament.

2 Financial support for students

(1) The Education (Scotland) Act 1980 (c.44) shall be amended as follows.

(2) In paragraph (f) of section 73 (power of Scottish Ministers to pay allowances), for the word “attending” there shall be substituted “—

(a) undertaking; or

(b) who have undertaken”.

(3) In subsection (2) of section 73B (power to require amounts payable under loans to be paid directly to institutions), for the word “attending” there shall be substituted “undertaking”.

(4) In subsection (1) of section 73D (maximum amounts of certain allowances: application of section), the words “attendance on” shall cease to have effect.

3 Council tax: students to be exempt from liability

(1) The Local Government Finance Act 1992 (c.14) shall be amended as follows.

(2) In subsection (4) of section 75 (exemption of certain persons from liability to pay council tax)—

(a) after the word “discount” there shall be inserted “either”; and

(b) after the word “impaired)” there shall be inserted “or, being a student, by virtue of paragraph 4 of that Schedule”.

(3) In subsection (2) of section 77 (exemption of certain spouses from liability to pay council tax)—

(a) after the word “discount” there shall be inserted “—

(a)”; and
(b) after the word “impaired)” there shall be inserted “; or

(b) being a student, by virtue of paragraph 4 of that Schedule.”.

4 Short title and commencement

(1) This Act may be cited as the Education (Graduate Endowment and Student Support) (Scotland) Act 2000.

(2) Subject to subsection (3) below, this Act shall come into force on Royal Assent.

(3) Section 3 of this Act shall come into force on such day as the Scottish Ministers may appoint by order made by statutory instrument; and any such order may make such transitional or savings provision as appears to the Scottish Ministers to be necessary or expedient.
An Act of the Scottish Parliament to make provision for certain individuals to make payments in respect of the provision of certain courses of higher education undertaken by them; to make further provision as respects financial support for students; and to make provision exempting students from liability for council tax.

Introduced by: Henry McLeish
On: 5 October 2000
Supported by: Nicol Stephen
Bill type: Executive Bill