



# Education (Graduate Endowment and Student Support) (Scotland) Act 2001

## 2001 asp 6

### **1 The graduate endowment**

- (1) A graduate who is of such description as may be specified in regulations made by the Scottish Ministers shall be liable to pay to the Scottish Ministers in respect of the higher education benefits afforded to the graduate an amount to be known as the graduate endowment.
- (2) The graduate endowment is—
  - (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.
- (3) A graduate who—
  - (a) has attained such age as may be specified in regulations under subsection (1) above; or
  - (b) falls within such other class of graduate as may be specified in, or determined under, such regulations,shall be exempt from liability for the graduate endowment.
- (4) 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.
- (5) In this section—

“the 1992 Act” means the Further and Higher Education (Scotland) Act 1992 (c. 37);

“graduate” means a person who, having undertaken a course of higher education at a publicly-funded institution—
  - (a) has been awarded a degree in respect of such course; or

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*Status: This is the original version (as it was originally enacted).*

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- (b) has not been awarded such a degree but, on ceasing to undertake such course, satisfied the academic requirements for the award of such a degree;

“higher education”, subject to any regulations made under subsection (6) below, shall be construed in accordance with section 38 of the 1992 Act;

“higher education benefits”, in relation to a graduate, means—

- (a) the financial support provided in respect of the graduate by way of a grant, loan or other payment such as is mentioned in the definition of “publicly-funded institution” below; and
- (b) any financial support provided to the graduate by way of any—
  - (i) allowance for living costs; or
  - (ii) loan,

payable by virtue of section 73(f)(i) of the Education (Scotland) Act 1980 (c. 44);

“publicly-funded institution” means—

- (a) an institution which, by virtue of section 4 or 40 of the 1992 Act, is in receipt of a grant, loan or other payment; or
- (b) a central institution (as defined in section 135(1) of the Education (Scotland) Act 1980 (c. 44)) which is in receipt of a grant, loan or other payment from the Scottish Ministers; 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.

- (6) The Scottish Ministers may by regulations prescribe that such course, or class of course, falling for the time being within section 38 of the 1992 Act as may be specified in the regulations shall, for the purposes of this section, be treated as not falling within that section.
- (7) Any power of the Scottish Ministers under this section to make regulations shall be exercisable by statutory instrument; and, subject to subsection (8) below, any such statutory instrument shall be subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (8) A statutory instrument containing the first regulations under this section shall not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the Scottish Parliament.