

Education, Children and Young People Committee
Wednesday 4 March 2026
9th Meeting, 2026 (Session 6)

Note by the Clerk on the Education (Fees and Student Support) (Miscellaneous Amendment) (Scotland) Regulations 2026 (SSI 2026/63)

Overview

1. At this meeting, the Committee will consider the following Scottish Statutory Instrument (SSI), which is subject to the negative procedure. The Committee is invited to consider the instrument and decide what, if any, recommendations to make.
2. More information about the instrument is summarised below:

Title of instrument: [The Education \(Fees and Student Support\) \(Miscellaneous Amendment\) \(Scotland\) Regulations 2026](#)

Laid under: [The Education \(Scotland\) Act 1980](#) and [The Education \(Fees and Awards\) Act 1983](#)

Laid on: 9 February 2026

Procedure: Negative

Deadline for committee consideration: 16 March 2026

Deadline for Chamber consideration: 20 March 2026

Procedure

3. Under the negative procedure, an instrument is laid after it is made and is subject to annulment by resolution of the Parliament for a period of 40 days beginning on the day it is laid.
4. Once laid, the instrument is referred to:
 - the Delegated Powers and Law Reform (DPLR) Committee, for scrutiny on various technical grounds, and
 - a lead committee, whose remit includes the subject-matter of the instrument, for scrutiny on policy grounds.
5. Any MSP may propose, by motion, that the lead committee recommend annulment of the instrument. If such a motion is lodged, it must be debated at a meeting of the Committee, and the Committee must then report to the Parliament (by the advisory deadline referred to above).

6. If there is no motion recommending annulment, the lead committee is not required to report on the instrument.

Delegated Powers and Law Reform Committee consideration

7. The DPLR Committee considered the instrument at its meeting on 17 February 2026 and reported on it in its report [Subordinate Legislation considered by the Delegated Powers and Legislation Committee on 17 February 2026](#). No points were raised by the DPLR Committee.

Purpose of the instrument

8. 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.
9. The Policy Note accompanying the instrument is included in Annexe A. It includes a summary of consultation undertaken on the instrument, impact assessments carried out, and the anticipated financial effects.

Committee consideration

10. So far, no motion recommending annulment has been lodged.
11. Members are invited to consider the instrument and decide whether there are any points they wish to raise. If there are, options include:
 - seeking further information from the Scottish Government (and/or other stakeholders) through correspondence, and/or
 - inviting the Minister (and/or other stakeholders) to attend the next meeting to give evidence on the instrument.

It would then be for the Committee, at the next meeting, to consider the additional information gathered and decide whether to make recommendations in relation to the instrument.

12. If members have no points to raise, the Committee should note the instrument (that is, agree that it has no recommendations to make).
13. However, should a motion recommending annulment be lodged later in the 40-day period, it may be necessary for the Committee to consider the instrument again.

**Clerks to the Committee
February 2026**

Annexe A: Scottish Government Policy Note

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