

## Tuition fees for study in Scotland

1 July 2010

This Information Sheet explains the conditions you need to meet to be entitled to pay tuition fees at the 'home' rate and not the 'overseas' rate for study in Scotland. There is a separate fees Information Sheet for study in [England, Wales and Northern Ireland](#).

### **NOTE: "NO RECOURSE TO PUBLIC FUNDS"**

If you have "no recourse to public funds" included in your passport stamp, you are not in breach of your immigration conditions if you have access to education in the UK. "Public funds" are defined in the Immigration Rules, and the benefits and services listed do not include education or any education funding.

### **Will I pay the 'home' or 'overseas' rate of fee?**

Publicly funded educational institutions charge two levels of fee: the lower 'home' fee and the higher 'overseas' fee.

Please note that private sector institutions often have only one level of tuition fee, which all students must pay.

For courses in publicly funded educational institutions, some categories of student must be charged the 'home' fee and the various categories of 'home' student are explained below.

The level of fee you will have to pay depends on whether you meet certain criteria. Different criteria can be applied depending on whether you are studying a course at higher education level or further education level.

Most people who qualify for 'home' fees for study in Scotland are eligible to have their fees paid for them. For further information about this, see the UKCISA Information Sheet, [Student Support: applying in Scotland](#).

### **Is my course higher education or further education?**

Higher education courses include HNC and HND courses, undergraduate degrees (for example, BA, BSc, BEd) and postgraduate degrees (for example, MA, MSc or PhD).

Further education courses include Scottish Highers and Advanced Highers, SVQs and Access courses.

If you are not sure whether your course is higher education or further education, ask your place of study.

If your course is higher education, the institution will usually decide your fee status on the basis of the relevant fees regulations (as explained in [Categories for 'home' fees](#) and [Definitions](#)).

If your course is further education, the institution might, depending on your circumstances, consider charging you 'home' fees even if you do not come within the categories in the regulations (see [Special provisions for students on courses of further education](#)).

### **How much are 'overseas' fees?**

'Overseas' fees can range from £3,500 to about £18,000 per year depending on the institution, the level of course and the type of course. The fee will probably increase each year along with the level of inflation. You should contact the institutions you have applied to in order to find out what the fees are for your course and whether they can tell you what the fees will be for future years.

Your institution will probably ask you to give them some information about yourself and your family (see [Fee status: information checklist](#)) to help it assess your fee status. It will use the information you give to check if you fit into one of the [13 categories](#). You may be asked to provide documents (for example, passport, official letters) to support the information you give.

## Categories for 'home' fees: students who are entitled to 'home' fees

### General

If you fit into one of the following categories, an institution must charge you 'home' fees. This is only a brief summary of persons who must be charged at the 'home' fee rate. If your course is further education, check the information in [Special provisions for students on courses of further education](#), especially if it seems that none of the categories below apply to you.

If you are unsure whether you fit into any one of the categories below or if you need further information, check your situation with an adviser at your institution, your Students' Union or [UKCISA's Students' Advice Line](#).

### **CATEGORY 1:**

#### **Those who are 'settled' in the UK and meet the main residence requirements**

In order to qualify for 'home' fees under this category, you must meet all of the following criteria:

(a) you must be 'settled' in the UK [see [Box 1](#)] on 1 August, 1 January, 1 April or 1 July closest to the beginning of the first term of the first year of your course

#### **AND**

(b) you must also have been 'ordinarily resident' [see [Box 2](#)] in the UK and Islands (the Islands means the Channel Islands and the Isle of Man) for the full three year period before the date in (a) above. For example, if your course begins in September 2010, the date in (a) above will be 1 August 2010 and you must have been ordinarily resident in the UK and Islands from 1 August 2007 to 31 July 2010.

#### **AND**

(c) the main purpose for your residence in the UK and islands must not have been to receive full-time education during any part of that three-year period.

**NOTE:** It is not necessary to have had 'settled' immigration status in the UK [see [Box 1](#)] for three years.

### **Students from the Channel Islands and the Isle of Man**

If you are in receipt of an award from your Island authority, you are treated differently as there is an agreement between the Island authorities and UK higher education institutions. If you are 'self-financing', seek advice from your institution, Students' Union or UKCISA.

In addition, if you moved to the UK for your course of study (or a course of study you finished immediately before it), you will be treated as being ordinarily resident in the Islands and you will therefore be unable to meet (a) above.

### **CATEGORY 2:**

#### **Those who are 'settled' in the UK and have exercised a 'right of residence' in the EEA and/or Switzerland**

You satisfy the qualifying conditions for this category if :

(a) you are 'settled'\* in the United Kingdom [see [Box 1](#)] **AND**

(b) you have left the UK and exercised a right of residence (a right of residence covers those people and their family members who are in the EEA [see [Box 5](#)] and/or Switzerland as workers or self-employed people, or as students or self-sufficient people) but were 'settled'\* in the UK immediately before leaving **AND**

(c) you have been ordinarily resident [see [Box 2](#)] in the EEA and/or Switzerland for the three years preceding 1 August, 1 January, 1 April or 1 July closest to the beginning of the first term of the first year of your course **AND**

(d) in a case where the ordinary residence referred to in (c) above was wholly or mainly for the purposes of receiving full-time education, you were ordinarily resident in EEA/Switzerland immediately before that three-year period.

\*if you are the family member of a UK national, these requirements to be, or to have been, settled do not apply to you.

### **CATEGORY 3:**

#### **European Union (EU) nationals (including UK nationals), EU Overseas Territories nationals and family members**

To be eligible:

(a) you must be a national of an EU country [see [Box 3](#)], or a national of an EU overseas territory [see [Box 4](#)] or the 'relevant family member' [see [Box 7](#)] of either

**AND**

(b) you must have been ordinarily resident [see [Box 2](#)] in the European Economic Area (EEA) [see [Box 5](#)], Switzerland and/or the EU overseas territories for the three years before 1 August, 1 January, 1 April or 1 July closest to the beginning of the first term of the first year of your course

**AND**

(c) the main purpose of your residence in the EEA/Switzerland and/or EU overseas territories must not have been to receive full-time education during any part of the three-year period.

NOTES:

- If you become, or if a 'relevant family member' [see [Box 7](#)] becomes, an EU national or the national of an EU overseas territory after the start of your course, you can become entitled to 'home' fees from the start of the following academic year as long as you have already satisfied the residence conditions in (b) and (c) above, that is, at the start of the *first* year of your course (see the next note too).
- For the purposes of the residence conditions, any country that joins the EU is considered always to have been part of the EEA.

### **CATEGORY 4:**

#### **Non-UK EU nationals and children in the UK**

You satisfy the qualifying conditions if:

(a) you are an EU national (but not a UK national) or the child [see [Box 8](#)] of an EU national (who is not a UK national)

**AND**

(b) you are ordinarily resident [see [Box 2](#)] in Scotland on 1 August, 1 January, 1 April or 1 July closest to the beginning of the first term of your course

**AND**

(c) you were ordinarily resident in the UK and Islands for the three-year period before the date in (b)

**AND**

(d) if your residence described in (c) above was mainly for the purpose of receiving full-time education, you must have been ordinarily resident in the EEA/Switzerland immediately prior to the three-year period of ordinary residence in the UK and Islands.

### **CATEGORY 5:**

#### **Non-UK EU nationals and family members with the right of permanent residence in the UK**

##### **The 'right of permanent residence'**

EU nationals acquire the right of permanent residence after a five-year period of uninterrupted lawful residence in the UK. This same rule applies to family members who are not EU nationals and who have lived in the UK with an EU national for five years.

You are entitled to pay 'home' fees if:

(a) you have 'the right of permanent residence' in the UK under European Community (EC) law on 1 August, 1 January, 1 April or 1 July closest to the beginning of the first term of your course

**AND**

(b) you were ordinarily resident [see [Box 2](#)] in the UK and Islands for the three-year period before the date in (a) above

**AND**

(c) the main purpose for your residence in the UK and Islands must not have been to receive full-time education during any part of the three-year period

**UNLESS**

(d) you qualified for permanent residence due to residence for full-time education and you were ordinarily resident in the EEA/Switzerland immediately prior to the three-year period in (b)

### **NOTES ON CATEGORIES 2-5**

If you need to, please seek further advice from an adviser at your institution, your Students' Union or telephone [UKCISA's Students' Advice Line](#) about eligibility, especially under categories [4](#) and [5](#) or if you become, or a relevant family member [see [Box 7](#)] becomes, an EU national, part-way through the course, as you might become entitled to pay 'home' fees from the start of the following academic year.

### **CATEGORY 6:**

#### **Non-UK European Economic Area (EEA)/Swiss workers and family members**

In order to qualify for 'home' fees under this category, you must meet the following criteria:

(a) you must be an EEA national [see [Box 5](#)] (but NOT a UK national), or a Swiss national in the UK as a 'worker' [see [Box 9](#)], or the spouse/civil partner or child [see [Box 8](#)] or other 'relevant family member' [see [Box 7](#)] of such a 'worker'. If you are an EEA or Swiss 'frontier worker' [see [Box 9](#)] you must be working in Scotland

**AND**

(b) you must have been ordinarily resident [see [Box 2](#)] in the EEA [see [Box 5](#)] and/or Switzerland for the three years preceding 1 August, 1 January, 1 April or 1 July closest to the beginning of the first term of the first year of your course.

#### NOTES:

- If you are the child [see [Box 8](#)] of an EEA 'worker' who is no longer working or living in the UK, you can still be entitled to pay 'home' fees if you came to the UK to accompany your EEA 'worker' parent.
- If you become, or if your 'relevant family member' [see [Box 7](#)] becomes an EEA or Swiss 'worker' part-way through your course, seek advice on whether you will be entitled to pay 'home' fees from the start of the following academic year. You can seek advice about this from an adviser at your institution, your Students' Union or telephone [UKCISA's Students' Advice Line](#).

#### CATEGORY 7:

##### Child of a Swiss National

In order to qualify for 'home' fees under this category, you must meet the following criteria:

(a) you must be the child [see [Box 8](#)] of a Swiss national

#### AND

(b) you must have been ordinarily resident [see [Box 2](#)] in the EEA [see [Box 5](#)] and/or Switzerland for the three years immediately before 1 August, 1 January, 1 April or 1 July closest to the beginning of the first term of your course

#### AND

(c) if the main purpose for your residence in the EEA/Switzerland, as in (b) above, was wholly or mainly for the purpose of receiving full-time education, you must have been ordinarily resident in the EEA and/or Switzerland immediately before that three-year period.

#### NOTES:

- There is no requirement that your Swiss parent is, or has been, economically active in the UK.
- If you become the child of a Swiss national part-way through your course, you might become entitled to pay 'home' fees – you can seek advice on this from an adviser at your institution, your Students' Union or telephone [UKCISA's Students' Advice Line](#).

#### CATEGORY 8:

##### Child of a Turkish worker

To be eligible under this category:

(a) you must be the child [see [Box 8](#)] of a Turkish national, **AND**

(b) your Turkish national parent must be ordinarily resident [see [Box 2](#)] in Scotland and must be, or have been, lawfully employed in the UK, **AND**

(c) you must be ordinarily resident in Scotland on the first day of the first academic year of your course, **AND**

(d) you must have been ordinarily resident in the EEA [see [Box 5](#)] and/or Switzerland and/or Turkey for the three years before the first day of the first academic year of the course

This category was added on 1 December 2007 for students in Scotland.

**CATEGORY 9:  
Refugees and family**

You must have been recognised as a refugee by the UK Government and have remained ordinarily resident in the UK and Islands since then, or you must be the spouse or civil partner or child [see [Box 8](#)] of such a person.

If you are, or if your parent or spouse or civil partner is, recognised as a refugee after the start of the course, you will be entitled to pay 'home' fees from the start of the next academic year.

See [Box 10](#) for when someone granted Refugee Status has become a British Citizen.

**CATEGORY 10:  
Those not granted refugee status but allowed to remain in the UK, and family**

If you apply for asylum and the Home Office decides that you do not qualify for refugee status but that you should be allowed to stay in the UK, it normally grants Humanitarian Protection (HP) or Discretionary Leave (DL) or, in some cases, Indefinite Leave to Remain. Until 1 April 2003, Exceptional Leave to Enter or Remain (ELE/R) was granted in such circumstances.

If you were refused refugee status but granted leave as above, and you have remained ordinarily resident in the UK and Islands since the Home Office decision, you are entitled to pay 'home' fees.

Alternatively, if you are the spouse or civil partner or child [see [Box 8](#)] of someone who meets the above conditions, you are entitled to pay 'home' fees.

If you are, or if your parent or spouse or civil partner is, granted permission to stay in the UK after the start of your course, you will be entitled to pay 'home' fees from the start of the next academic year.

**CATEGORY 11:  
Children of asylum seekers and unaccompanied asylum-seeking children**

In order to qualify for 'home' fees under this category, you must:

(a) be the child [see [Box 8](#)] of an asylum seeker, or an unaccompanied asylum-seeking child

**AND**

(b) be living in Scotland on 1 August, 1 January, 1 April or 1 July closest to the beginning of the first term of your course

**AND**

(c) have been living in Scotland for the three-year period immediately before the date in (b)

**AND**

(d) have been under 18 years old on the date when you or your parent applied for asylum, and that application must have been made before 1 December 2006

**AND**

(e) be under 25 years old on the date in (b).

This category was added on 1 December 2007 for students in Scotland. If you meet these conditions but have so far paid 'overseas' fees, or if you claim, or your parent claims, asylum after the start of your course, your fee status may change. Seek advice from your institution, or students' union or contact [UKCISA's Students' Advice Line](#).

**CATEGORY 12:  
Exchange students**

If you are studying in the UK on the basis of a formal student exchange between your institution in your own country and your UK place of study, you will not normally have to pay fees. If you do have to pay fees, these will be at the 'home' rate.

### **CATEGORY 13: British Overseas Territories national**

In order to qualify for 'home' fees under this category, you must meet the following criteria:

(a) you must be a national of a British Overseas Territory [see [Box 6](#)] or the family member [see [Box 7](#)] of such a national

**AND**

(b) you must have been ordinarily resident [see [Box 2](#)] in either the United Kingdom or any of the British Overseas Territories for the three years immediately before 1 August, 1 January, 1 April or 1 July closest to the beginning of the first term of your course.

### **CATEGORY 14: Iraqi nationals granted indefinite leave to enter the UK under the Locally Engaged Staff Assistance Scheme (Direct Entry), and family**

In order to qualify for 'home' fees under this category, you must meet the following criteria:

(a) you must be an Iraqi national who has been granted indefinite leave to enter the United Kingdom, under the Locally Engaged Staff Assistance Scheme (Direct Entry) operated by the Home Department, or the spouse, civil partner or child of such a person;

**AND**

(b) you must have been ordinarily resident [see [Box 2](#)] in the United Kingdom and Islands at all times since you were first granted such indefinite leave to enter the United Kingdom.

## **Definitions**

### **Box 1**

#### **'Settled'**

'Settled' means being ordinarily resident in the UK without any immigration restriction on the length of your stay in the UK. The fees regulations refer to immigration law for the definition of 'settled'. To be 'settled' you must either have the Right of Abode or Indefinite Leave to Enter or Remain in the UK or have the right of permanent residence in the UK under EC law. If your passport describes you as a 'British citizen', then you have the 'Right of Abode'. Certain categories exempt from time limits on their stay in the UK, however, do not come within the definition of 'settled' – for example, diplomats and members of their households do not have specified time limits on their permission to stay in the UK but they are not 'settled' under the relevant immigration law.

**NOTE:** those who are 'settled' through having acquired the right of permanent residence under European Community (EC) law do not qualify as 'home' students under [category 1](#) but may qualify under [category 2, 3](#),

4, 5 or 6.

## Box 2

### Ordinarily resident

The relevant residence area is specified in each individual category, and is one of the following:

- the UK and Islands,
- the EEA and Switzerland,
- the EEA, Switzerland and the EU overseas territories, or
- the UK and British overseas territories.

You are ordinarily resident in the relevant area if you have habitually, normally and lawfully resided in that area from choice. Temporary absences from the residence area should be ignored.

If you can demonstrate that you have not been ordinarily resident in the relevant residence area only because you were, or your 'relevant family member' was, temporarily working outside the relevant residence area, you will be treated as though you have been ordinarily resident there for this period.

### MAIN PURPOSE OF RESIDENCE BEING FULL-TIME EDUCATION

Where a category includes a condition that the main purpose of your residence must not have been to receive full-time education, a useful question to ask is: "if you had not been in full-time education, where would you have been ordinarily resident?". If the answer is "outside the relevant residence area", this would indicate that the main purpose for your residence was full-time education. If the answer is that you would have been resident in the relevant residence area even if you had not been in full-time education, this would indicate that full-time education was not the main purpose for your residence in the relevant area.

For more detailed information about ordinary residence, see UKCISA's Information Sheet, [Ordinary residence: case law for fees and Student Support](#).

## Box 3

### European Union (EU) national

You are an EU national if you are a national or citizen of Austria, Belgium, Bulgaria, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania,

Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or the UK.

## Box 4

### **European Overseas Territories and European Overseas Territories national**

The European overseas territories are: Aruba, Faroe Islands, French Polynesia, French Southern and Antarctic Territories, Greenland, Mayotte, Netherland Antilles (Bonaire, Curaçao, Saba, Sint Eustatius and Sint Maarten, the Territory of New Caledonia and Dependencies or Wallis and Futuna Islands.

You are a European overseas territories national if you are a national of any of these territories.

## Box 5

### **The European Economic Area (EEA)**

The EEA is a larger area than the EU. It is made up of all the countries in the EU [listed in [Box 3](#)] plus Iceland, Liechtenstein and Norway.

For categories where the residence area includes the EEA, the residence area is made up of all 30 countries in the EEA including the whole of the island of Cyprus (that is, including Northern Cyprus).

## Box 6

### **British Overseas Territories and British Overseas Territories national**

The British overseas territories are Anguilla, Bermuda, British Antarctic Territory, British Indian Ocean Territory, British Virgin Island, Cayman Islands, Ducie and Oeno Islands, Falkland Islands, Gibraltar, Henderson, Montserrat, Pitcairn, South Georgia and the South Sandwich Islands, St Helena and Dependencies (Ascension Island and Tristan de Cunha) and Turks and Caicos Islands.

You are a British overseas territories national if you are a national of any of these territories.

## Box 7

### Relevant family members

#### EU NATIONALS, EU OVERSEAS TERRITORIES NATIONALS AND BRITISH OVERSEAS TERRITORIES NATIONALS

- spouse or civil partner
- direct descendants of the EU national/EU or British overseas territories national, or of the EU national/EU or British overseas territories national's spouse or civil partner, for example child/grandchild, who must also be under 21 or (if 21 or over) dependent on the EU national/EU or British overseas territories national or dependent on the EU national/EU or British overseas territories national's spouse or civil partner
- for self-sufficient EU nationals and all EU or British overseas territories nationals, the dependent direct ascendants of the EU national/EU or British overseas territories national, or dependent direct ascendants of the EU national/EU or British overseas territories national's spouse/civil partner, for example dependent parents, grandparents.

#### NON-UK EEA/SWISS WORKERS

- spouse or civil partner
- child of worker or child of worker's spouse or civil partner [see [Box 8](#) for meaning of child]
- dependent direct ascendants of the EEA worker or of the EEA worker's spouse/civil partner, for example parents, grandparents (there is no provision for the ascendants of Swiss workers).

## Box 8

### 'Child'

In this Information Sheet, a person is included as a 'child' if the parent is a step parent, guardian or a person who has parental responsibility for or care of them. 'Child' is not defined in terms of age, for example it does not mean only a person under the age of 18.

## Box 9

### EEA/Swiss 'worker'

'Worker' includes an EEA or Swiss national who is:

- employed
- self-employed
- a 'frontier worker' who is employed or self-employed.

A 'frontier worker' is an EEA or Swiss national who works in Scotland but who "resides in Switzerland or the territory of an EEA State other than the United Kingdom and returns to their residence in Switzerland or an EEA state, at least once a week".

What kind of work?

- the work can be full-time or part-time
- if you give up work to start a course, you should still be treated as a migrant worker if your course of study is related to your job or area of work
- if you have become 'involuntarily unemployed', you do not have to show that your course of study is related to your previous job – for example, if your post was made redundant, or if your contract ended and was not renewed. If you lost your job through misconduct, you would not be considered 'involuntarily unemployed'
- it can be work that you are doing while you are on the course, unless it is 'ancillary' to the course. 'Ancillary' means the work is part of the course or work you were offered only because you have been accepted on a particular course.

## Box 10

### When someone granted Refugee Status has become a British Citizen

Anyone granted Refugee Status by the UK government should, in UKCISA's understanding, still be considered to come within the definition of 'refugee' for the purposes of the relevant regulations even if they have now become a British citizen. If a decision maker considers otherwise, please ask them to check the case, heard in the Supreme Court, of 'ZN (Afghanistan) & Others v Entry Clearance Officer (Karachi) [2010] UKSC 21', particularly paragraphs 36 and 37.

This decision concerned an immigration decision rather than eligibility for 'home' fees or Student Support. The regulations for assessing fee status and Student Support eligibility define "refugee" as meaning:

"a person who is recognised by Her Majesty's government as a refugee within the meaning of the United Nations Convention relating to the Status of Refugees [...]"

In the Supreme Court decision at paragraph 37 Lord Clarke said: "The fact that British citizenship has been granted [...] does not change the fact that [...] a person [was or has been] granted asylum".

Therefore, it would seem unreasonable for a decision maker to conclude that the granting of British citizenship to someone with Refugee Status would mean that the UK government no longer considered that person to have a well-founded fear of persecution in their former home country.

### **What can I do if I think the institution has made a mistake in deciding my fee status?**

If you think a mistake has been made, do not sign any document or contract agreeing to pay the 'overseas' rate of fee. Contact the institution immediately and ask it to explain the decision. If you still think the decision is wrong, give the reasons why you think there has been a mistake. It is important to communicate in writing and to keep copies of all correspondence. If you are still not satisfied with the decision, contact an adviser at your institution, your Students' Union or telephone [UKCISA's Students' Advice Line](#).

### **Special provisions for students on courses of further education**

See '[Is my course higher education or further education](#)' for an explanation of what further education means

In addition to the categories on the previous pages, most institutions in Scotland will charge 'home' fees (or no fees at all) to the following students if they are on a course funded by the Scottish Funding Council:

- asylum seekers on part-time or full-time courses of English for Speakers of Other Languages (ESOL) or on other part-time non-advanced courses
- people who are on part-time ESOL courses.

***The arrangements for further education are subject to change. If you are in any doubt you should seek advice from your institution, Students' Union or [UKCISA's Students' Advice line](#).***

### **UKCISA Students' Advice Line**

Tel: 020 7107 9922

13.00-16.00 hours UK time Mon-Fri

Note that we cannot see personal callers.

### **Fee status: information checklist**

**Many institutions have a 'fee status questionnaire' which they will ask you to complete. This checklist describes the type of information which institutions may ask you to provide. Please note that this list is for your information and guidance only: individual institutions may ask for more or less information than is listed here.**

[print version of the fee status information checklist](#)

- Course start date (month and year)
- Your nationality/passport
- If you are married/in a civil partnership: nationality of your husband/wife/civil partner
- Nationality/nationalities of your parents: mother and father
- Nationality/nationalities of any other relevant family members

If you are already in the UK:

- Date you arrived in the UK (date, month, year)
- What is your immigration status in the UK? (For example, student; visitor). Please give dates of any changes or extensions.
- Date of expiry (end) of current Leave to Remain ('visa') (date, month, year)
- Current immigration status of your husband/wife/civil partner
- Current immigration status of your parents (if in the UK)
- Current immigration status of any other 'relevant family members' (if in the UK)
- Where you live/have lived:
  - (a) General (over at least the last six years)
  - (b) Past three years/three years before course start date
- Main reasons for residency (in all the countries you have lived in)
- Where your family lives/has lived (general)
- Main reasons for residency
- Have you or your parent applied for asylum in the UK?
- If Yes, what has happened

IF YOU ARE APPLYING FOR A FURTHER EDUCATION COURSE:

If you are an asylum seeker, are you planning to study ESOL full- or part-time or a part-time non-advanced course?

If you are not an asylum seeker, are you planning to study on a part-time ESOL course?

If you are calling from outside the UK, do not dial the (0) in the telephone numbers above. For example, if you want to call UKCISA from outside the UK, dial +44 20 7107 9922. If you are in the UK, do not dial +44, but do start the number with 0. For example, if you call UKCISA from within the UK, dial 020 7107 9922.

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