
EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations, which come into force on 1st August 2001, amend the Students' Allowances (Scotland) Regulations 1999 (“the principal Regulations”). The principal Regulations govern allowances paid to students under the Education (Scotland) Act 1980.

The principal Regulations are amended to allow the Scottish Ministers to pay allowances to students on distance learning courses as well as students attending courses of education (regulation 3). In consequence, the requirement placed on the recipient of an allowance to “attend regularly” the course of education is replaced with an obligation to comply with the requirements of the course (regulation 5).

Regulation 4 removes the requirement for an application for an allowance to be made in writing and replaces it with a requirement for the application to be made in such form as the Scottish Ministers may require. This is to enable applications to be made electronically when electronic signatures are recognised as being legally binding by virtue of delegated legislation made under the Electronic Communications Act 2000.

The rules relating to when a person is to be treated as an “independent student” for the purposes of determining the ordinary residence of that student are amended. The requirement that married students must have been married for at least two years to be treated as an independent student is removed (regulation 6), and the circumstances in which a person is to be treated as having supported themselves out of their earnings are updated (regulation 7).