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EXECUTIVE NOTE

**THE EDUCATION MAINTENANCE ALLOWANCES (SCOTLAND) AMENDMENT
REGULATIONS 2011**

SSI 2011/261

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1. The above instrument was made in exercise of the powers conferred by section 73(f) of the Education (Scotland) Act 1980. The instrument is subject to negative procedure.

Policy Objectives

2. Since the roll-out of Education Maintenance Allowances (EMA) in 2004, the four nations of the United Kingdom have shared a reciprocal agreement where eligible students received EMA in the country in which they were studying. So for example, Scottish students studying in England had entitlement to English EMA.

3. The EMA is to be abolished in England. Consequently Scottish students studying there will no longer have access to EMA under the current legislation. Scottish Ministers intend that Scottish students, who would until now have had access to EMA under the reciprocal arrangements, should continue to have access to it and the Education Maintenance Allowances (Scotland) Regulations 2007 are amended by these Regulations to achieve this. At the same time the residence test for eligibility is being amended so that in the absence of any reciprocal arrangements Scottish Ministers will pay EMA to students ordinarily resident in Scotland. The position of non UK EU students in Scotland is unaffected by these changes.

4. A person in receipt of EMA is required to have attained the age of 16 and be no older than 20. The Education Maintenance Allowances (Scotland) Regulations 2007 are amended by these Regulations so that the applicant must have attained the age of 16 on or after 1st March 2008.

Impact Assessments

5. No impact assessments have been carried out as there are no equality or financial implications.

Financial Effects

6. The amendments have no significant cost implications. There will be an additional small number of students eligible to apply for EMA in Scotland.

Scottish Government
Employability, Skills and Lifelong Learning Directorate

26 May 2011