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## SCOTTISH STATUTORY INSTRUMENTS

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### 2022 No. 157

## The Student Support (Scotland) Regulations 2022

### PART 2

#### Allowances

##### Persons eligible for allowances

3.—(1) The Scottish Ministers may pay an allowance, in accordance with the provisions of section 73(f) (power of Secretary of State to make grants to education authorities and others) of the Act and this Part, to or in respect of any person undertaking a course of education who is a person described in one or more paragraphs of schedule 1 but a person will not be eligible for an allowance if the Scottish Ministers have determined that the person has shown themselves by their conduct to be unfit to receive an allowance.

(2) In paying an allowance under paragraph (1), the Scottish Ministers may determine to—

- (a) pay different allowances for different purposes, and
- (b) impose different terms and conditions in relation to different allowances.

(3) Schedule 3 is to have effect for determining whether a person is to be treated, for the purposes of schedule 1 as being, or having been, ordinarily resident in a place at, or for, a particular time.

(4) For the purposes of this Part, and subject to paragraph (5), in assessing a person's eligibility under schedule 1 for an allowance for a course of education, that course of education will be deemed to have started on the date that the first constituent part of any programme which contributes to the final award for that course of education commenced.

(5) In assessing a person's eligibility under schedule 1 for an allowance for a course of education—

- (a) a programme leading to—
  - (i) a degree,
  - (ii) a Higher National Diploma, or
  - (iii) a Higher National Certificate, and
- (b) such other programmes as the Scottish Ministers may determine,

are to be treated as separate and distinct courses of education.

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##### Commencement Information

**II** [Reg. 3](#) in force at 1.8.2022, see [reg. 1](#)

##### Amount of allowances

4.—(1) The amount of an allowance will be determined by the Scottish Ministers and, subject to paragraph (2), may include sums in respect of—

**Changes to legislation:** The Student Support (Scotland) Regulations 2022, PART 2 is up to date with all changes known to be in force on or before 29 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) tuition and other fees payable in respect of the holder of the allowance,
- (b) travelling expenses necessarily incurred, or to be incurred, by the holder in undertaking the course of education in respect of which the allowance is awarded,
- (c) the maintenance of the holder and of any persons dependent on them during periods of full time study and during vacations, and
- (d) other expenses incurred, or to be incurred, by the holder in taking advantage of educational facilities.

(2) An allowance payable to, or in respect of, a person who is eligible for an allowance only by virtue of Part 2 of schedule 1 may include sums only in respect of tuition and other fees payable in respect of that person.

(3) In determining the amount of an allowance, the Scottish Ministers may take account of the sums, if any, which, in accordance with principles determined by them from time to time, the holder, the holder's partner, the holder's parents and the holder's parents' partners can reasonably be expected to contribute towards the holder's expenses.

(4) The amount of the determination of an allowance may be revised at any time if the Scottish Ministers think fit having regard to—

- (a) the failure of the holder to comply with the requirements of the allowance,
- (b) all the circumstances of the holder, the holder's partner, the holder's parents and the holder's parents' partners, or
- (c) any error made in determining the amount of, or entitlement to, the allowance.

#### Commencement Information

**I2** [Reg. 4](#) in force at 1.8.2022, see [reg. 1](#)

### Conditions and requirements of allowances

5.—(1) Payment of an allowance for each academic year is conditional on the following—

- (a) receipt of an application in such form as the Scottish Ministers may require by such date as they may determine in respect of that year, and different dates may be determined by them in respect of different courses,
- (b) that application must include an undertaking by the applicant to repay to the Scottish Ministers any amount of which they request repayment following a revisal in terms of regulation 4(4) (amount of allowances), and
- (c) that application must include acceptance by the applicant that any sum in respect of which the holder has given an undertaking in terms of paragraph (1)(b) and which falls to be repaid following a revisal in terms of regulation 4(4) may be recovered by the Scottish Ministers in one or more of the ways specified in paragraph (2).

(2) The Scottish Ministers may recover any sum in respect of which the holder has given an undertaking in terms of paragraph (1)(b) and which falls to be repaid following a revisal in terms of regulation 4(4) in one or more of the following ways as the Scottish Ministers consider appropriate in all the circumstances—

- (a) by subtracting the amount of which the Scottish Ministers request repayment following revisal in terms of regulation 4(4) from the amount of any other allowance payable under these Regulations for which the student is eligible in respect of any other academic year,
- (b) by taking such other action for the recovery of the amount of which the Scottish Ministers request repayment following revisal in terms of regulation 4(4) as is available to them.

(3) The Scottish Ministers may treat an application received after any date determined for the purposes of paragraph (1)(a) as having been received by that date where they consider that, having regard to the circumstances of the particular case, it should be so treated.

(4) Every allowance is to be held subject to the following requirements—

- (a) the holder must comply with the requirements of the course of education in respect of which the allowance is awarded,
- (b) the Scottish Ministers must be satisfied as to the conduct and progress of the holder,
- (c) the holder must provide the Scottish Ministers with such information and such documents as they may from time to time require to enable them to exercise their functions under this Part, and
- (d) the holder must repay to the Scottish Ministers any sum in respect of which the holder has given an undertaking in terms of paragraph (1)(b) and which falls to be repaid following a revisal in terms of regulation 4(4).

**Commencement Information**

**I3** [Reg. 5](#) in force at 1.8.2022, see [reg. 1](#)

**Method of payment**

6.—(1) The allowance may be paid to the holder or to another person for their benefit, or in part to the holder and in part to that other person, and any sum in respect of fees payable to an educational institution which is included in the amount of the allowance may be paid on behalf of the holder to the institution.

(2) The allowance may be paid in a single payment or by instalments as the Scottish Ministers think fit, but no payment is to be made before the holder has been accepted for admission to the course of education for which the allowance is awarded.

(3) Payments may be made in such manner as the Scottish Ministers consider appropriate, and they may make it a condition of entitlement to payment that the person eligible for support must provide them with particulars of a bank or building society account in the United Kingdom into which payments may be made by electronic transfer.

**Commencement Information**

**I4** [Reg. 6](#) in force at 1.8.2022, see [reg. 1](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 para. 13B inserted by [S.S.I. 2024/140 reg. 3\(13\)](#)
- Sch. 1 para. 17A inserted by [S.S.I. 2024/140 reg. 3\(18\)](#)
- Sch. 4 para. 7A-7C inserted by [S.S.I. 2024/140 reg. 3\(22\)](#)
- reg. 11(2)(d)(vi) and word inserted by [S.S.I. 2024/140 reg. 3\(3\)\(b\)](#)