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## SCOTTISH STATUTORY INSTRUMENTS

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# 2022 No. 157

## The Student Support (Scotland) Regulations 2022

### PART 5

#### Bursaries

##### Exercise of power to grant a bursary

**26.**—(1) The power of an education authority to grant a bursary in accordance with section 49(1) or (2) (power of education authorities to assist persons to take advantage of educational facilities) of the Act—

- (a) is to be exercised in accordance with the following provisions of this Part, and
- (b) is not to be exercised except in relation to a person described in one or more paragraphs of schedule 1.

(2) Schedule 3 is to have effect as regards 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.

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##### Commencement Information

**II** [Reg. 26](#) in force at 1.8.2022, see [reg. 1](#)

##### Amount of bursaries

**27.**—(1) The amount of a bursary is to be determined by the education authority and may include sums in respect of—

- (a) tuition and other fees payable in respect of the holder of the bursary,
- (b) travelling expenses necessarily incurred, or to be incurred, by the holder in undertaking the course of study for which the bursary is awarded,
- (c) the maintenance of the holder and of any person dependent on the holder 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) A bursary payable to or in respect of a person who is eligible for a bursary 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 a bursary, the education authority may take account of the sums, if any, which in their opinion the holder of the bursary, the holder's parents and the holder's spouse or civil partner can reasonably be expected to contribute towards the holder's expenses.

(4) The amount of a bursary may be revised at any time if the education authority think fit having regard to—

**Changes to legislation:** The Student Support (Scotland) Regulations 2022, PART 5 is up to date with all changes known to be in force on or before 21 July 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) the failure of the holder to comply with the conditions of the bursary,
- (b) all the circumstances of the holder, their parents, their spouse or civil partner or any as the case may be, or
- (c) any error made in the computation of the amount of the bursary.

**Commencement Information**

**I2** [Reg. 27](#) in force at 1.8.2022, see [reg. 1](#)

**Conditions of bursary**

**28.**—(1) Every bursary is held subject to the following conditions—

- (a) the holder must regularly attend the course of study for which the bursary is awarded,
- (b) the education authority must be satisfied as to the conduct and progress of the holder, and
- (c) the holder must provide the education authority with such information and such documents as they may require to enable them to exercise their functions under this Part.

(2) If the conditions specified in paragraph (1) are not complied with or if the holder receives from any other source any sum which, in the opinion of the education authority, makes it unnecessary for the holder to be assisted by means of a bursary, the education authority may suspend payment of the bursary or terminate the bursary.

(3) It is to be a condition of payment of a bursary that the applicant gives a written undertaking to pay to the education authority any amount of which they may request repayment in the circumstances specified in paragraph (4) and that, if the applicant is below the age of legal capacity and has any parent or guardian, the parent or guardian must consent to the undertaking.

(4) Where the education authority are satisfied that there has been an overpayment of bursary for any reason and request repayment of the overpayment or any part of that as they think fit, and the holder of the bursary has given an undertaking under paragraph (3), the holder of the bursary is obliged to pay to the education authority the amount requested.

**Commencement Information**

**I3** [Reg. 28](#) 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\(3\)\(b\)](#)