
SCOTTISH STATUTORY INSTRUMENTS

2022 No. 157

The Student Support (Scotland) Regulations 2022

PART 6

Education maintenance allowances

Exercise of power to grant an education maintenance allowance

29.—(1) The Scottish Ministers may pay an education maintenance allowance in accordance with section 73(f) (power of Secretary of State to make grants to education authorities and others) of the Act and this Part to ^{F1}or in respect of] any person undertaking a course of education in the United Kingdom and Islands who—

- (a) is deemed to have attained the age of 16 years under section 33 (school leaving dates), of the Act,
- (b) has not, on the relevant date, attained the age of 20 years, and
- (c) is described in one or more paragraphs of ^{F2}Part 1 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.

(3) In this Part—

- (a) “course of education” means a ^{F3}...—
 - (i) course of school education,
 - (ii) course of non-advanced education undertaken at a home within an area of an education authority and approved by that education authority, or
 - (iii) course of non-advanced education undertaken elsewhere within an area of an education authority under the supervision of that education authority, ^{F4}or,
 - (iv) course of non-advanced education undertaken at a college of further education,]
- (b) “course of non-advanced education” means any course which prepares a person to a standard not higher than that required for—
 - (i) a qualification awarded by the Scottish Qualifications Authority, or
 - (ii) a General Certificate of Education qualification of England and Wales or Northern Ireland.

Textual Amendments

- F1** Words in [reg. 29\(1\)](#) inserted (1.8.2023) by [The Education \(Fees and Student Support\) \(Miscellaneous Amendment\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/142\)](#), [regs. 1, 3\(4\)\(a\)](#)
- F2** Words in [reg. 29\(1\)\(c\)](#) inserted (1.8.2023) by [The Education \(Fees and Student Support\) \(Miscellaneous Amendment\) \(Scotland\) Regulations 2022 \(S.S.I. 2022/362\)](#), [regs. 1, 3\(3\)](#)

Changes to legislation: *The Student Support (Scotland) Regulations 2022, PART 6 is up to date with all changes known to be in force on or before 19 June 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*

- F3** Words in [reg. 29\(3\)\(a\)](#) omitted (1.8.2023) by virtue of [The Education \(Fees and Student Support\) \(Miscellaneous Amendment\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/142\)](#), [regs. 1, 3\(4\)\(b\)\(i\)](#)
- F4** [Reg. 29\(3\)\(a\)\(iv\)](#) and word inserted (1.8.2023) by [The Education \(Fees and Student Support\) \(Miscellaneous Amendment\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/142\)](#), [regs. 1, 3\(4\)\(b\)\(ii\)](#)

Commencement Information

- I1** [Reg. 29](#) in force at 1.8.2022, see [reg. 1](#)

Amount of education maintenance allowances

30.—(1) The amount of an education maintenance allowance is determined by the Scottish Ministers and may include sums in respect of the maintenance of the holder during periods of full time study excluding vacations.

(2) In determining the amount of an education maintenance allowance, the Scottish Ministers may take account of the sums, if any, which in their opinion the holder of the education maintenance allowance, the holder’s parents and the holder’s spouse or the holder’s civil partner can reasonably be expected to contribute towards the holder’s expenses.

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

- (a) the failure of the holder of the education maintenance allowance to comply with the conditions of the education maintenance allowance,
- (b) all the circumstances of that holder, their parents and their spouse or civil partner, or
- (c) any error made in the computation of the amount of the education maintenance allowance.

(4) In this regulation—

- (a) “holder’s spouse”, where the Scottish Ministers consider it appropriate, includes the other member of a couple who are not married to each other but who are living together as husband and wife, and
- (b) “holder’s civil partner”, where the Scottish Ministers consider it appropriate, includes the other member of a couple who are not civil partners of each other but who are living together as civil partners to each other.

Commencement Information

- I2** [Reg. 30](#) in force at 1.8.2022, see [reg. 1](#)

Conditions of education maintenance allowance

31.—(1) Every education maintenance allowance is to be held subject to the following conditions—

- (a) the holder of the educational maintenance allowance must attend in accordance with any requirements specified by the educational establishment for the course of education in respect of which the education maintenance allowance is awarded,
- (b) the Scottish Ministers must be satisfied as to the conduct and progress of that holder, and
- (c) that holder must provide the Scottish Ministers 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 Scottish Ministers, makes it unnecessary for the holder to be assisted by means of an education maintenance allowance, the Scottish Ministers may

suspend payment of the education maintenance allowance or terminate the education maintenance allowance.

(3) It is to be a condition of payment of an education maintenance allowance that the applicant gives a written undertaking to pay to the Scottish Ministers any amount of which they may request repayment in the circumstances specified in paragraph (4).

(4) Where the Scottish Ministers are satisfied that there has been an overpayment of education maintenance allowance for any reason and request repayment of the overpayment or any part of that as they think fit, the holder of the education maintenance allowance is obliged to pay to the Scottish Ministers the amount requested.

Commencement Information

I3 [Reg. 31](#) in force at 1.8.2022, see [reg. 1](#)

Changes to legislation:

The Student Support (Scotland) Regulations 2022, PART 6 is up to date with all changes known to be in force on or before 19 June 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.

[View outstanding changes](#)

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\(3\)\(b\)](#)