

1971 No. 124 (S.10)

EDUCATION, SCOTLAND

The Students' Allowances (Scotland) Regulations 1971

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| <i>Made</i> - - - - | 18th January 1971 |
| <i>Laid before Parliament</i> | 29th January 1971 |
| <i>Coming into Operation</i> | 1st February 1971 |

In exercise of the powers conferred on me by paragraph (f) of section 75 of the Education (Scotland) Act 1962(a) as substituted by section 12(1) of the Education (Scotland) Act 1969(b); and by section 76(1) of said Act of 1962 and of all other powers enabling me in that behalf, I hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Students' Allowances (Scotland) Regulations 1971 and shall come into operation on 1st February 1971.

Interpretation

2.—(1) The Interpretation Act 1889(c) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(2) In these regulations, unless the context otherwise requires, "allowance" means a scholarship, bursary or other allowance paid or to be paid under these regulations or the regulations revoked thereby.

Revocation

3.—(1) The Students' Allowances (Scotland) Regulations 1962(d) are hereby revoked.

(2) Section 38 of the Interpretation Act 1889 shall apply as if these regulations were an Act of Parliament and as if the regulations revoked by these regulations were an Act of Parliament repealed by an Act of Parliament.

Allowances

4.—(1) The amount of an allowance shall be determined by the Secretary of State and may include sums in respect of—

- (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 attending the course of study in respect of which the allowance is awarded;
- (c) the maintenance of the holder and of any persons dependent on him during periods of whole-time study and during vacations;
- (d) other expenses incurred or to be incurred by the holder in taking advantage of educational facilities.

(2) In determining the amount of an allowance, the Secretary of State shall take account of the sums, if any, which, in accordance with principles determined by him from time to time, the holder and his parents can reasonably be expected to contribute towards the holder's expenses.

(3) The amount of an allowance may be revised at any time if the Secretary of State thinks fit having regard to—

- (a) the failure of the holder to comply with the conditions of tenure, or
- (b) all the circumstances of the holder or his parents or both as the case may be,

and if the Secretary of State is satisfied that there has been an overpayment of an allowance, he may require the holder or his successors to repay the amount by which the allowance has been overpaid or he may take such other action as he may consider necessary to recover the amount by which the allowance has been overpaid or so much thereof as he may think fit.

Conditions of grant and tenure

5.—(1) Every allowance shall be held subject to the following conditions—

- (a) the holder shall attend regularly the course of study in respect of which the allowance is awarded ;
- (b) the Secretary of State shall be satisfied as to the conduct and progress of the holder ; and
- (c) the holder shall provide the Secretary of State with such information and such documents as he may from time to time require to enable him to exercise his functions under these Regulations.

If the holder does not comply with these conditions or if the Secretary of State is not satisfied as to the conduct or progress of the holder or if the holder receives from any other source any sum which in the opinion of the Secretary of State makes it unnecessary for him to be assisted by means of an allowance, the Secretary of State may suspend payment of the allowance or terminate the allowance.

(2) It shall be a condition of the grant of an allowance that the applicant gives a written undertaking to repay the allowance or so much thereof as the Secretary of State may on demand require to be repaid if as a result of a revision of the amount of an allowance the Secretary of State is satisfied that an overpayment has been made.

(3) If the applicant is a minor paragraph (2) above shall have effect, with the necessary modifications, as if the reference to the applicant were a reference to the applicant and his parent.

Method of payment

6.—(1) The allowance may be paid to the holder or to another person for his behoof, or in part to the holder and in part to the said 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 Secretary of State thinks fit: but no payment shall be made before the holder has been accepted for admission to the course of study in respect of which the allowance is awarded.

Gordon Campbell,
One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh.
18th January 1971.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations revoke and re-enact the Students' Allowances (Scotland) Regulations 1962 with minor alterations. They also prescribe further conditions of grant requiring students to undertake to repay allowances which have been overpaid.