
STATUTORY INSTRUMENTS

1991 No. 1522

The Students' Allowances (Scotland) Regulations 1991

Citation and commencement

1. These Regulations may be cited as the Students' Allowances (Scotland) Regulations 1991 and shall come into force on 1st August 1991.

Interpretation

2.—(1) In these Regulations, except where the context otherwise requires—

“allowance” means an allowance paid or to be paid under these Regulations;

“employed” includes holding any office or any occupation for gain;

“European Community” means the area consisting of the member states of the European Economic Community (including the United Kingdom) as constituted at the date of these Regulations coming into force;

“national of a member state of the European Community” means a person who is a national for the purposes of the Community Treaties of any member state of the European Economic Community (including the United Kingdom);

“parent” includes step-parent;

“qualifying day” in relation to a course of education for which an allowance is sought means—

- (a) as respects a course starting in the autumn term of any year, 30th June in that year;
- (b) as respects a course starting in the spring term of any year, 31st October in the year preceding that year; and
- (c) as respects a course starting in the summer term of any year, the last day of February in that year;

“refugee” means—

- (a) a person who is recognised by Her Majesty’s Government as a refugee within the meaning of the United Nations Convention relating to the Status of Refugees done at Geneva on 28th July 1951⁽¹⁾ as extended by the Protocol thereto which entered into force on 4th October 1967⁽²⁾; or
- (b) a person who enjoys asylum in the United Kingdom in pursuance of a decision of Her Majesty’s Government though not so recognised; and

“relevant date” in relation to a course of education for which an allowance is sought means—

- (a) as respects a course starting in the autumn term of any year, the earlier of 31st August in that year or the first day of that term;
- (b) as respects a course starting in the spring term of any year, the earlier of 31st December in the year preceding that year or the first day of that term; and

⁽¹⁾ Cmnd 9171.

⁽²⁾ Cmnd 3906 (Out of print: photocopies are available, free of charge, from Awards Branch, Scottish Office Education Department, Gyleview House, 3 Redheughs Rigg, South Gyle, Edinburgh, EH12 9HH).

- (c) as respects a course starting in the summer term of any year, the earlier of 31st March in that year or the first day of that term.
- (2) In these Regulations, except where the context otherwise requires, any reference—
 - (a) to a numbered regulation or Schedule is a reference to the regulation or Schedule so numbered in these Regulations; and
 - (b) in a regulation or Schedule to a numbered paragraph is a reference to the paragraph so numbered in that regulation or Schedule, as the case may be.

Persons eligible for allowances

3.—(1) The Secretary of State may pay an allowance, in accordance with the provisions of section 73(f) of the Education (Scotland) Act 1980 and these Regulations, to or in respect of any person attending a course of education who is a person described in one or more paragraphs of Schedule 1.

(2) Schedule 2 shall 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.

Amount of allowances

4.—(1) The amount of an allowance shall be determined by the Secretary of State and, subject to paragraph (2), 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 education in respect of which the allowance is awarded;
- (c) the maintenance of the holder and of any persons dependent on him during periods of full time study and during vacations;
- (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 paragraph 4 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 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, the holder's parents and the holder's spouse 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 Secretary of State thinks 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 or his parents or both as the case may be; or
- (c) any error made in determining the amount of, or entitlement to, the allowance.

Conditions and requirements of allowances

5.—(1) The following shall be conditions of payment of every allowance for each academic year:—

- (a) an application in writing shall be received by the Secretary of State by such date as he may determine in respect of that year, and different dates may be determined by him in respect of different courses; and
 - (b) that application shall include an undertaking by the applicant to repay to the Secretary of State any amount of which the Secretary of State requests repayment following a revision in terms of regulation 4(4) and that undertaking shall, if the applicant is a minor and has any parent or guardian, be consented to in writing by that parent or guardian.
- (2) The Secretary of State may treat an application received after any date determined for the purposes of paragraph (1)(a) as having been received by that date where he considers that, having regard to the circumstances of the particular case, it should be so treated.
- (3) Every allowance shall be held subject to the following requirements:—
- (a) the holder shall attend regularly the course of education 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;
 - (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; and
 - (d) the holder shall repay to the Secretary of State any sum in respect of which he has given an undertaking in terms of paragraph (1)(b) and which falls to be repaid following a revision in terms of regulation 4(4).

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 education in respect of which the allowance is awarded.

Revocations and saving

7.—(1) Subject to paragraphs (2) and (3), the Regulations specified in column (1) of Schedule 3 are hereby revoked to the extent set out in column (3) thereof.

(2) The Regulations revoked by Schedule 3 shall continue to apply in all respects as regards allowances awarded under those Regulations.

(3) The provisions of paragraph (2) are without prejudice to the general operation of sections 16 and 17 of the Interpretation Act 1978(3).

St Andrew's House,
Edinburgh
3rd July 1991

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