STATUTORY INSTRUMENTS

1962 No. 1294 (S. 54)

EDUCATION, SCOTLAND

The Education Authority Bursaries (Scotland) (Amendment No. 3) Provisional Regulations, 1962

Made - - - -	21*st June*, 1962
Laid before Parliament	29*th June*, 1962
Coming into Operation	1*st July*, 1962

In the exercise of the powers conferred upon me by section 43 of the Education (Scotland) Act, 1946(a), as set out in section 5 of the Education Act, 1962(b), and of all other powers enabling me in that behalf, I hereby make the following Regulations: and I hereby certify under section 59 of the said Act of 1946 as amended by section 5 of, and Part I of the Schedule to, the Education (Scotland) Act, 1949(c), that on account of urgency the said Regulations ought to come into immediate operation, and I accordingly make them as Provisional Regulations.

Citation, construction and period of operation

1.—(1) These Regulations may be cited as the Education Authority Bursaries (Scotland) (Amendment No. 3) Provisional Regulations, 1962.

(2) These Regulations and the Education Authority Bursaries (Scotland) Regulations, 1957(d) (hereinafter referred to as "the Principal Regulations"), shall be construed as one and may be cited together as the Education Authority Bursaries (Scotland) Regulations, 1957 and 1962.

(3) These Regulations shall come into operation on 1st July, 1962, and shall remain in force until 30th June, 1963.

Amendment of Regulation 2 of the Principal Regulations

2. In paragraph (1) of Regulation 2 of the Principal Regulations—

(*a*) for sub-paragraph (*b*) there shall be substituted the following sub-paragraph—

"(*b*) "bursary" means a bursary, scholarship or other allowance granted under subsection (1), or an allowance granted under subsection (2), of section 43 of the Act;" and

(*b*) for sub-paragraph (*d*) there shall be substituted the following sub-paragraph—

"(*d*) "open bursary" means a scholarship, bursary, prize or other award won in a competition with regard to which the education authority are satisfied that there are no restrictions upon entry which unduly limit the field from which candidates may be drawn;".

(a) 9 & 10 Geo. 6. c. 72.
(b) 10 & 11 Eliz. 2. c. 12.
(c) 12, 13 & 14 Geo. 6. c. 19.
(d) S.I. 1957/1059 (1957 I, p. 706).

Amendment of First Schedule to the Principal Regulations

3. In the First Schedule to the Principal Regulations—

(*a*) in paragraphs 2, 3 and 4, for the words "subsection (1) of section 43", in each place where they occur, there shall be substituted the words "subsection (2) of section 43";

(*b*) in paragraphs 5, 6 and 7, the words "paragraph (*c*) of", in each place where they occur, shall be deleted; and

(*c*) in paragraph 6—

(i) in sub-paragraph (5), for the figure "25s.", in each place where it occurs, there shall be substituted the figure "30s.", and

(ii) in sub-paragraph (8), for the figure "£45" there shall be substituted the figure "£60".

Amendment of Second Schedule to the Principal Regulations

4. In the Second Schedule to the Principal Regulations—

(*a*) in paragraph 3—

(i) after the words "in relation to" there shall be inserted the words "a period of twelve months being, unless the authority decide otherwise,",

(ii) for sub-paragraph (2) there shall be substituted the following sub-paragraph—

"(2) the amount of an allowance of £170 each towards the maintenance of any dependants of the said person, other than the holder and any dependant who is the holder of a scholarship, bursary or other allowance which is paid out of moneys provided by Parliament or out of any fund aided by grants from the said moneys and the wife or husband, as the case may be, of the said person: provided that the said allowance shall be reduced by the amount of the income during the said period of the dependant in respect of whom it is allowed;", and

(iii) in sub-paragraph (3), after the word "holder" there shall be inserted the words "and any member who is the holder of a scholarship, bursary or other allowance which is paid out of moneys provided by Parliament or out of any fund aided by grants from the said moneys";

(*b*) in sub-paragraph (2) of paragraph 4, after the words "Provided that" there shall be inserted the words "(i) the contribution so ascertained shall be reduced by the amount of any contribution by the same person and in respect of the same payment period which has been taken into account in the assessment of the amount of any scholarship, bursary or other allowance awarded by the Secretary of State under paragraph (10) of section 70 of the Act, and (ii)"; and

(*c*) for the Table there shall be substituted the Table annexed to these Regulations.

Requirements for the granting of further education bursaries

5.—(1) The power to grant bursaries conferred on the education authority by subsection (1) of section 43 of the Act of 1946 shall not be exercised in relation to a person who does not fulfil either the requirement as to residence specified in paragraph (2) of this regulation or the requirements as to other matters specified in paragraph (3) of this regulation.

(2) The requirement as to residence is that the person is, or was, ordinarily resident in the area of the authority on—

(*a*) where the person entered, or is to enter, the course of education in respect of which the power is to be exercised on any date from the first day of August to the last day of December, the last day of June preceding that date ; or

(*b*) where the person entered, or is to enter, the course on any date from the first day of January to the last day of March, the last day of November preceding that date ; or

(*c*) where the person entered, or is to enter, the course on any date from the first day of April to the last day of July, the last day of February preceding that date:

Provided that for the purposes of this paragraph—

(i) a person who becomes resident in an education area wholly or mainly for the purpose of attending a course in respect of which bursaries may be granted under the said subsection (1) shall be deemed to be ordinarily resident not in that area but in any education area in which he was ordinarily resident immediately before he became so resident ; and

(ii) a person who on the said last day of June, last day of November, or last day of February, as the case may be, is in the care of a local authority under the Children Act, 1948(**a**), or is committed to the care of a local authority as a fit person under the Children and Young Persons (Scotland) Act, 1937(**b**), shall be deemed to be ordinarily resident in the education area which includes the area of that local authority or, if that local authority are recovering expenses duly incurred by them in respect of the person from another local authority, in the education area which includes the area of the other local authority.

(3) The requirements as to other matters are that the person does not fulfil the requirement specified in the last foregoing paragraph in any education area, and that he has such connection with the area of the education authority as to make it reasonable for the authority to grant him a bursary.

(4) Any question which may arise as to whether any requirement specified in this Regulation is fulfilled in any particular case shall be determined by the Secretary of State.

Requirements for the granting of allowances to school pupils

6.—(1) The power to grant allowances conferred on the education authority by subsection (2) of section 43 of the Act of 1946 shall not be exercised in relation to a person who does not fulfil either the requirement as to residence specified in paragraph (2) of this regulation or the requirements as to other matters specified in paragraph (3) of this regulation.

(2) The requirement as to residence is that the parent of the person is ordinarily resident in the area of the authority: provided that for the purposes of this paragraph a person who is in the care of a local authority under the Children Act, 1948, or is committed to the care of a local authority as a fit person under the Children and Young Persons (Scotland) Act, 1937, shall be deemed to be the child of a parent who is ordinarily resident in the education area which includes the area of that local authority or, if that local authority are recovering expenses duly incurred

(a) 11 & 12 Geo. 6. c. 43. (b) 1 Edw. 8 & 1 Geo. 6. c. 37.

by them in respect of the person from another local authority, in the education area which includes the area of the other local authority.

(3) The requirements as to other matters are that the parent of the person is not ordinarily resident in the area of any education authority, and that the said parent has such connection with the area of the education authority as to make it reasonable for the authority to grant a bursary to the said person.

(4) Any question which may arise as to whether any requirement specified in this regulation is fulfilled in any particular case shall be determined by the Secretary of State.

John S. Maclay,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
21st June, 1962.

TABLE

Balance of Income (1)	Contribution (2)	Balance of Income (1)	Contribution (2)
£	£	£	£
440 or under	Nil	1,081–1,100	96
441– 460	5	1,101–1,120	98
461– 480	8	1,121–1,140	101
481– 500	11	1,141–1,160	104
501– 520	14	1,161–1,180	107
521– 540	17	1,181–1,200	110
541– 560	20	1,201–1,220	112
561– 580	23	1,221–1,240	115
581– 600	26	1,241–1,260	118
601– 620	28	1,261–1,280	121
621– 640	31	1,281–1,300	124
641– 660	34	1,301–1,320	126
661– 680	37	1,321–1,340	129
681– 700	40	1,341–1,360	132
701– 720	42	1,361–1,380	135
721– 740	45	1,381–1,400	138
741– 760	48	1,401–1,420	140
761– 780	51	1,421–1,440	143
781– 800	54	1,441–1,460	146
801– 820	56	1,461–1,480	149
821– 840	59	1,481–1,500	152
841– 860	62	1,501–1,520	154
861– 880	65	1,521–1,540	157
881– 900	68	1,541–1,560	160
901– 920	70	1,561–1,580	163
921– 940	73	1,581–1,600	166
941– 960	76	1,601–1,620	168
961– 980	79	1,621–1,640	171
981–1,000	82	1,641–1,660	174
1,001–1,020	84	1,661–1,680	177
1,021–1,040	87	1,681–1,700	180
1,041–1,060	90	1,701–1,720	182
1,061–1,080	93	1,721–1,740	185

TABLE—cont.

Balance of Income (1)	Contribution (2)	Balance of Income (1)	Contribution (2)
£	£	£	£
1,741–1,760	188	2,161–2,180	247
1,761–1,780	191	2,181–2,200	250
1,781–1,800	194	2,201–2,220	252
1,801–1,820	196	2,221–2,240	255
1,821–1,840	199	2,241–2,260	258
1,841–1,860	202	2,261–2,280	261
1,861–1,880	205	2,281–2,300	264
1,881–1,900	208	2,301–2,320	266
1,901–1,920	210	2,321–2,340	269
1,921–1,940	213	2,341–2,360	272
1,941–1,960	216	2,361–2,380	275
1,961–1,980	219	2,381–2,400	278
1,981–2,000	222	2,401–2,420	280
2,001–2,020	224	2,421–2,440	283
2,021–2,040	227	2,441–2,460	286
2,041–2,060	230	2,461–2,480	289
2,061–2,080	233	2,481–2,500	292
2,081–2,100	236	and for every additional £100 or part thereof an additional £14.	
2,101–2,120	238		
2,121–2,140	241		
2,141–2,160	244		

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

Under the Education Authority Bursaries (Scotland) Regulations, 1957, education authorities are required to estimate each year the expenditure which will be incurred in following his course by each student to whom a bursary has been granted, and to deduct from it the amount, if any, of the contribution towards that expenditure which can be made by him and his parents. The amount payable is the excess of the estimated expenditure over the contribution.

These Regulations continue in operation the amendments to the Regulations of 1957 made by the Education Authority Bursaries (Scotland) (Amendment No. 2) Provisional Regulations, 1961 (S.I. 1961/1177 (1961 II, p. 2129)), which expire on 30th June, 1962.

Section 43 of the Education (Scotland) Act, 1946, under which the Regulations of 1957 were made, was extensively amended by the Education Act, 1962. Under new powers contained in the section, as amended, these Regulations prescribe conditions as to residence and other matters to be fulfilled before a bursary may be granted. The Regulations also make minor amendments to the Principal Regulations which are necessitated by the amendment of section 43 of the Act.