EDUCATION, SCOTLAND

BURSARIES

1957 No. 1059 (S. 56)

The Education Authority Bursaries (Scotland) Regulations, 1957

Made - - - -	19*th June*, 1957
Laid before Parliament	27*th June*, 1957
Coming into Operation	1*st July*, 1957

In the exercise of the powers conferred upon me by section 43 of the Education (Scotland) Act, 1946(**a**), as amended by section 4 of the Education (Scotland) Act, 1949(**b**), and section 4 of the Education (Scotland) Act, 1956(**c**), and of all other powers enabling me in that behalf, I hereby make the following Regulations:—

Citation and commencement

1.—(1) These Regulations may be cited as the Education Authority Bursaries (Scotland) Regulations, 1957.

(2) These Regulations shall come into operation on 1st July, 1957.

Interpretation

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

(*a*) "Act" means the Education (Scotland) Act, 1946;

(*b*) "bursary" means a scholarship or bursary awarded, or an allowance or other payment made, to a person by an education authority under subsection (1) of section 43 of the Act;

(*c*) "course of study" includes a series of periods of related study which are separated by periods of employment;

(*d*) "open bursary" means a scholarship, bursary, prize or other award won in open competition within the meaning of subsection (3) of section 43 of the Act;

(*e*) "payment period" means a period in respect of which a sum is payable under Regulation 5 to or for behoof of the holder of a bursary;

(*f*) "Regulations of 1953" and "Regulations of 1955" mean respectively the Education Authority Bursaries (Scotland) Regulations, 1953(**d**), and the Education Authority Bursaries (Scotland) (Amendment No. 1) Regulations, 1955(**e**);

(*g*) "restricted bursary" means a scholarship, bursary, prize or allowance other than—

(i) an open bursary, and

(ii) an award referred to in paragraph (4) of Regulation 6.

(2) The Interpretation Act, 1889(**f**), applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(**a**) 9 & 10 Geo. 6. c. 72. (**b**) 12, 13 & 14 Geo. 6. c. 19. (**c**) 4 & 5 Eliz. 2. c. 75.
(**d**) S.I. 1953/1123 (1953 I, p. 633). (**e**) S.I. 1955/1248 (1955 I, p. 738).
(**f**) 52 & 53 Vict. c. 63.

(3) References in these Regulations to any enactment, regulation or other instrument shall, except where the context otherwise requires, be construed as references to the said enactment, regulation or other instrument as amended by or under any other enactment, regulation or instrument.

(4) References in these Regulations to a Regulation or to a Schedule shall, unless the context otherwise requires, be construed as references to a Regulation of these Regulations or to a Schedule annexed to these Regulations, as the case may be.

Period of tenure of bursaries

3. Every bursary shall, subject to the fulfilment of the conditions of tenure prescribed in the next following Regulation, be awarded and be tenable for the period required to enable the holder to qualify for the degree, diploma, certificate or other qualification to which the course of study leads, or, where a course does not lead to a qualification, to complete the course of study in respect of which the bursary was awarded.

Conditions of tenure of bursaries

4. Every bursary shall be held subject to the following conditions, that is to say—

(1) the holder shall attend regularly the course of study in respect of which the bursary was awarded;

(2) the holder or any person acting on his behalf shall, at such times as the education authority require, provide the education authority with such information and such documents as the education authority may require to enable them to exercise their functions under these Regulations; and

(3) the education authority shall be satisfied as to the conduct and progress of the holder.

When intimating the award of the bursary to the holder or to the person acting on his behalf, the education authority shall give notice to him of these conditions and shall inform him that if the holder or any person acting on his behalf does not comply with these conditions or if the education authority are not satisfied as to the holder's conduct or progress, payment of the bursary may be suspended for a period to be fixed by them or the bursary may be withdrawn, in either case without further warning. If, after such notice and information have been given, the holder or any person acting on his behalf does not comply with these conditions or if the education authority are not satisfied as to the holder's conduct or progress, the education authority may warn the holder or the person acting on his behalf, or may suspend payment for a period to be fixed by them, or may withdraw the bursary:

Provided that nothing in this Regulation shall prevent the education authority from awarding another bursary in respect of the same or another course of study to a person whose bursary has been withdrawn.

Assessment and re-assessment of sums to be paid

5.—(1) Each payment period shall be a period of twelve months or, where a shorter period is sufficient to enable the holder to complete the course of study in respect of which the bursary was awarded, that shorter period:

Provided that where the sums to be paid to holders attending a particular course of study are normally assessed at a particular time of the year and a

bursary for that course is awarded at another time, the first payment period may be less than twelve months.

(2) Where a bursary is tenable in respect of a course of study extending to more than twelve months, the sum to be paid in respect of the first payment period shall be assessed at the time of the award, and the sum to be paid in respect of each subsequent payment period shall be assessed before, or as soon as possible after, the beginning of the payment period.

(3) Subject to the provisions of the next following Regulation, the sum to be paid in any payment period shall be the sum, if any, whereby the estimated expenditure assessed in accordance with the provisions of the First Schedule exceeds the aggregate of—

(*a*) the contribution, if any, assessed in accordance with the provisions of the Second Schedule;

(*b*) where any person holds property in trust for the education or maintenance of the holder or of persons of whom the holder is one, such sum as may be made available from the said property by the trustees thereof in accordance with the conditions of trust upon which the property is held; and

(*c*) where during any payment period the holder has income from any source other than from awards of the types referred to in the next following Regulation or from employment during vacations, such sum as the holder can, in the opinion of the education authority, contribute without hardship out of the said income towards the estimated expenditure:

Provided that—

(i) where in any particular case the education authority are satisfied that because of special circumstances it would be unreasonable to expect the parents of the holder or the person liable to maintain him to make the said contribution and that the holder would suffer financial hardship or would be unable to attend the course of study in respect of which the bursary was awarded if the said contribution were taken into account, the education authority may leave the contribution out of account in assessing the sum to be paid; and

(ii) where under paragraph 5 of the Second Schedule one contribution is taken into account in respect of two or more holders such part of the said contribution as the education authority consider reasonable shall be set against the estimated expenditure of each of the said holders.

(4) The holder of a bursary or any person to whom payments are made for his behoof may at any time during, or within one month following the end of, a payment period submit to the education authority an application for the re-assessment of the sum to be paid in relation to that payment period. If the education authority are satisfied that a change has occurred in the circumstances of the holder or of any person whose income was taken into account, or in any of the sums taken into account, in assessing the sum to be paid, and that the holder or any person whose income was taken into account has suffered or is likely to suffer hardship by reason of the said change, they shall re-assess the sum to be paid.

Reduction or suspension of bursaries where other awards are held

6.—(1) Where the holder of a bursary awarded under these Regulations is also the holder of an open bursary of an annual value of more than £60, the sum to be paid in any payment period shall be reduced by the following amount, that is to say, where the annual value of the open bursary does not exceed £120, by the excess of the said annual value over £60, or, where the said annual value exceeds £120, by one-half of the said annual value.

(2) Where the holder of a bursary awarded under these Regulations is also the holder of a restricted bursary of an annual value of more than £30, the sum to be paid in any payment period shall be reduced by the amount whereby the annual value of the restricted bursary exceeds £30.

(3) No reduction shall be made in respect of an open bursary of an annual value of £60 or less, or in respect of a restricted bursary of an annual value of £30 or less, or in respect of an award made by the Carnegie Trustees for the Universities of Scotland, nor shall scholarships, bursaries, prizes or other awards be aggregated for the purpose of calculating the reductions to be made under this Regulation.

(4) If at any time the holder of a bursary awarded under these Regulations is also the holder of a scholarship, bursary or other allowance which is paid out of the Consolidated Fund, or out of moneys provided by Parliament or out of the Education (Scotland) Fund, or out of any fund aided by grants from the said moneys or either of the said Funds, payments on account of the bursary awarded under these Regulations shall be suspended while the holder continues to hold the said scholarship, bursary or other allowance.

Method of payment

7.—(1) The sum to be paid under the two last foregoing Regulations may be paid to the holder of the bursary or to another person for his behoof, or in part to the holder and in part to the said other person, and, where the estimated expenditure includes fees payable to an educational institution, the amount of the said fees may be paid to the institution on behalf of the holder.

(2) Any payment under these Regulations may be made in a lump sum or by instalments as the education authority may direct:

Provided that—

(i) no payment shall be made before the holder has been accepted for admission to the course of study in respect of which the bursary was awarded; and

(ii) the education authority shall make payments at such time as will enable expenditure to be met by or on behalf of the holder as and when necessary.

Transitory provisions

8. In relation to any bursary granted before the day on which these Regulations come into operation—

(1) the Regulations of 1953 shall have effect for the purposes of any period of award current on the said day (including any re-assessment under paragraph (9) of Regulation 2 of the Regulations of 1953) but for no other purposes; and

(2) these Regulations shall have effect for all other purposes, subject to any necessary modification.

Revocation

9. Subject to the last foregoing Regulation, the Regulations of 1953 and the Regulations of 1955 shall cease to have effect.

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

St. Andrew's House,
Edinburgh, 1.
19th June, 1957.

Regulation 5

FIRST SCHEDULE

ESTIMATED EXPENDITURE

General rules

1.—(1) In assessing the estimated expenditure in relation to any bursary the education authority shall—

(*a*) where for a particular purpose a fixed sum is prescribed in this Schedule, take the said sum into account as being required for that purpose, and

(*b*) where for a particular purpose no fixed sum is so prescribed, take into account the sum which in their opinion is reasonably required for that purpose, provided that where a minimum sum is so prescribed the sum taken into account shall not be less than the said minimum sum.

(2) Where a person applies for a bursary to enable him to take advantage of an educational facility available to him at a particular institution and where the education authority are satisfied that the same facility is available to him at less cost at another institution, the education authority may assess the estimated expenditure as they would have done if the application had related to the other institution.

(3) For the purposes of this Schedule, the holder shall be deemed to be living at home if he is living in the same household as the person or one of the persons whose balance of income is assessed under paragraph 4 of the Second Schedule, or if he is living in the same household as any person in respect of whose maintenance an allowance is taken into account under paragraph 8 of this Schedule.

School bursaries

2. In assessing the estimated expenditure in relation to bursaries awarded under paragraph (*a*) of subsection (1) of section 43 of the Act the education authority shall take into account the sums required for—

(1) the purchase of clothing distinctive of the school attended by the holder, other than clothing for physical exercise or for other activities of the school provided under subsection (3) of section 11 of the Act to pupils attending the school; and

(2) any other purpose upon which expenditure is, in the opinion of the education authority, expedient to enable the holder to take full part in the activities of the school, except a purpose the cost of which is defrayed by the education authority under subsection (1) of section 3 of the Act for pupils attending the school.

School fee grants

3. In assessing the estimated expenditure in relation to bursaries awarded under paragraph (*b*) of subsection (1) of section 43 of the Act the education authority shall take into account the sums required for the payment of fees, including matriculation, tuition, board, lodging and athletic fees, necessarily incurred by the holder (whether such fees are included in a comprehensive fee or are charged as separate fees) and any other fees which, in the opinion of the education authority, are reasonably incurred.

Higher school bursaries

4. In assessing the estimated expenditure in relation to bursaries awarded under paragraph (*c*) of subsection (1) of section 43 of the Act tenable by pupils over school age in attendance at secondary schools the education authority shall take into account the sum required for an allowance at the rate of £45 a year or, in the case of such bursaries tenable in the fifth year or in a subsequent year of an approved secondary course, for an allowance at the rate of £60 a year, and in relation to such bursaries tenable by pupils over school age in attendance at special schools, for an allowance at the rate of £60 a year:

Provided that any such allowance shall be reduced by not less than one-half where the education authority accommodate the holder at a boarding school or in a hostel, home or other institution under paragraph (*b*) or make other provision of board and lodging for him under paragraph (*c*), both of subsection (2) of section 44 of the Act.

Part-time further education bursaries

5. In assessing the estimated expenditure in relation to bursaries for part-time further education awarded under paragraph (*c*) of subsection (1) of section 43 of the Act, the education authority shall take into account the sums required for—

(1) the payment of fees, including matriculation, class, tuition, examination and laboratory fees, necessarily incurred by the holder (whether such fees are included in a comprehensive fee or are charged as separate fees) and any other fees which, in the opinion of the education authority, are reasonably incurred;

(2) the acquisition of necessary books, instruments, tools and materials and of any special clothing with which the holder is required to provide himself;

(3) the payment of expenses arising out of the membership of clubs or societies connected with the educational institution at which the bursary is tenable, where, in the opinion of the education authority, such membership is necessary to enable the holder to take a proper part in the corporate life of the institution;

(4) the payment of travelling expenses necessarily incurred by the holder where conveyance without charge is not provided or the whole of such expenses is not paid under subsection (1) of section 45 of the Act;

(5) an allowance of not less than 2s. per meal for the purchase of meals which, in the opinion of the education authority, should be taken at a place other than that at which the holder is living to enable him to obtain full benefit from the course of study attended by him; and

(6) an allowance for bed and breakfast where the education authority are of opinion that it is reasonable that the holder should spend a night away from the place at which he is living in order to attend a class.

Whole-time further education bursaries

6. In assessing the estimated expenditure in relation to bursaries for whole-time further education awarded under paragraph (*c*) of subsection (1) of section 43 of the Act, including university bursaries, central institution bursaries, training college bursaries, theological bursaries, apprentices' bursaries (that is to say, bursaries tenable while attending an educational institution during continuous periods of release from employment) and pre-vocational bursaries (that is to say, bursaries tenable at pre-apprenticeship courses, pre-nursing courses and other courses of a similar type), the education authority shall take into account the sums required for—

(1) the payment of fees, including matriculation, class, tuition, examination and laboratory fees, necessarily incurred by the holder (whether such fees are included in a comprehensive fee or are charged as separate fees) and any other fees which, in the opinion of the education authority, are reasonably incurred;

(2) the acquisition of necessary books, instruments, tools and materials and of any special clothing with which the holder is required to provide himself;

(3) the payment of expenses arising out of the membership of clubs or societies connected with the educational institution at which the bursary is tenable, where, in the opinion of the education authority, such membership is necessary to enable the holder to take a proper part in the corporate life of the institution;

(4) the payment of travelling expenses necessarily incurred by the holder where conveyance without charge is not provided or the whole of such expenses is not paid under subsection (1) of section 45 of the Act;

(5) an allowance towards the cost of maintaining the holder during periods other than vacations of 25s. per week in the case of pre-vocational bursaries, and in other cases of 25s. per week until the holder attains the age of 17 years and of 50s. per week after he has attained that age;

(6) an allowance towards the cost of maintaining the holder, not being the holder of a pre-vocational bursary or a holder who has not attained the age of 17 years, during vacations of 40s. per week for such number of weeks as the education authority may decide:

Provided that if the holder is required to attend regularly at the educational institution at which the bursary is tenable for three terms in a payment period, the number of weeks to be taken into account in calculating the amount of the allowance shall not be less than one-half of the number of weeks of vacation in that payment period;

(7) an additional allowance towards the cost of maintaining the holder while he is necessarily living elsewhere than at home:

Provided that if the holder lives elsewhere than in a hostel, hall of residence or residential educational institution, the allowance shall not be less than 30s. per week; and

(8) an allowance towards other expenses to be incurred by the holder, not being the holder of a pre-vocational bursary or a holder who has not attained the age of 17 years, at the rate of £45 a year.

Correspondence course bursaries

7. In assessing the estimated expenditure in relation to bursaries awarded under paragraph (*c*) of subsection (1) of section 43 of the Act in respect of correspondence courses, the education authority shall take into account the sums required for—

(1) the payment of matriculation, tuition and examination fees; and

(2) the acquisition of necessary books and materials.

Maintenance of dependants

8. Where the education authority are satisfied that any person is dependent upon the holder of any bursary who is over school age and that the holder is prevented by his attendance at the educational institution at which the bursary is tenable from maintaining that person, the education authority shall in assessing the estimated expenditure of the holder include an allowance for the maintenance of that person.

Regulation 5

SECOND SCHEDULE

THE CONTRIBUTION

Persons whose balance of income is assessable

1. The education authority shall assess the balance of income of the parents of the holder of the bursary, or, if the holder is a child or young person and—

(1) both parents are dead, or

(2) the parents are unable to maintain the holder,

of any person liable to maintain the holder.

Assessment of total income

2.—(1) The total income of any person the balance of whose income is to be assessed under the last foregoing paragraph shall be assessed by the education authority in relation to a period of twelve months ending on a date to be fixed by the education authority being, save in exceptional circumstances, a date not later than the beginning of the payment period.

(2) Where the total income of a husband and wife in their capacity as parents is being assessed under the last foregoing sub-paragraph, their income shall be aggregated and the total aggregated income shall be taken into account for the purposes of this Schedule:

Provided that where the husband and wife have been divorced or are living apart the education authority shall have regard to any financial arrangements subsisting between the parties and to the whole circumstances, and shall decide whether the total income of one or both of the parties shall be taken into account for the purposes of this Schedule.

(3) Where the total income of a person, other than a parent of the holder, liable to maintain the holder is being assessed under sub-paragraph (1) of this paragraph and the said person is married, the income of the husband or wife, as the case may be, of the said person shall not be taken into account.

Assessment of charges upon income

3. The education authority shall assess in relation to the same period of twelve months as is used for the purposes of the last foregoing paragraph the aggregate of the following charges upon the income of any person whose total income is assessed under the said paragraph, that is to say—

(1) the amount of the charges upon any heritable property owned by the said person, including feu duties and interest on bonds;

(2) the amount of allowances of £150 each towards the maintenance of any dependant of the said person other than the holder and the wife or husband, as the case may be, of the said person;

(3) the amount of any expenditure upon the education of members, other than the holder, of the said person's family which in the opinion of the education authority is reasonably incurred;

(4) the amount of any expenditure upon contributions under a superannuation scheme, premiums under a retirement annuity contract and premiums under a life insurance policy which in the opinion of the education authority is reasonably incurred, provided that the amount so assessed shall not exceed one-tenth of the said total income; and

(5) the amount of any exceptional item of expenditure which in the opinion of the education authority is reasonably incurred.

Balance of income and contribution

4.—(1) The balance of income shall be the amount, if any, whereby the total income assessed under paragraph 2 of this Schedule exceeds the total charges upon the said total income assessed under the last foregoing paragraph:

Provided that where insufficient information is supplied to the education authority to enable them to ascertain the balance of income, they may assess the balance of income at such sum as they consider reasonable.

(2) The contribution to be taken into account for the purposes of sub-paragraph (*a*) of paragraph (3) of Regulation 5 shall be ascertained by reference to the Table annexed to this Schedule:

Provided that if in any payment period the holder is required to attend regularly for a continuous period of not more than 15 weeks or for periods aggregating not more than 15 weeks at the educational institution at which the bursary is tenable, the contribution shall be one-half of the relevant sum shown in column (2) of the said Table.

Combined assessments

5. Where two or more holders are children of the same parents or are persons whom one person is liable to maintain, only one contribution by the said parents or person shall be taken into account, and in the calculation of the said contribution the foregoing provisions of this Schedule shall apply with the following and any other necessary modification, that is to say, in sub-paragraphs (2) and (3) of paragraph 3 the references to "the holder" shall be construed as references to the said two or more holders.

TABLE

Balance of Income (1) £	*Contribution* (2) £
400 or under	Nil
401–420	4
421–440	7
441–460	10
461–480	13
481–500	16
501–520	19
521–540	22
541–560	25
561–580	28
581–600	31
601–620	34
621–640	37
641–660	40
661–680	43
681–700	46
701–720	49
721–740	52
741–760	55
761–780	58
781–800	61
801–820	64
821–840	67
841–860	70
861–880	73
881–900	76
901–920	79
921–940	82
941–960	85
961–980	88
981–1,000	91
1,001–1,020	94
1,021–1,040	97
1,041–1,060	100
1,061–1,080	103
1,081–1,100	106
1,101–1,120	109
1,121–1,140	112
1,141–1,160	115
1,161–1,180	118
1,181–1,200	121
1,201–1,220	124
1,221–1,240	127
1,241–1,260	130
1,261–1,280	133
1,281–1,300	136
1,301–1,320	139
1,321–1,340	142
1,341–1,360	145
1,361–1,380	148
1,381–1,400	151
1,401–1,420	154
1,421–1,440	157
1,441–1,460	160
1,461–1,480	163
1,481–1,500	166
1,501–1,520	169
1,521–1,540	172
1,541–1,560	175
1,561–1,580	178
1,581–1,600	181
1,601–1,620	184
1,621–1,640	187
1,641–1,660	190
1,661–1,680	193
1,681–1,700	196
1,701–1,720	199
1,721–1,740	202
1,741–1,760	205
1,761–1,780	208
1,781–1,800	211
1,801–1,820	214
1,821–1,840	217
1,841–1,860	220
1,861–1,880	224
1,881–1,900	228
1,901–1,920	232
1,921–1,940	236
1,941–1,960	240
1,961–1,980	244
1,981–2,000	248
2,001–2,020	252
2,021–2,040	256
2,041–2,060	260
2,061–2,080	264
2,081–2,100	268
2,101–2,120	272
2,121–2,140	276
2,141–2,160	281
2,161–2,180	286
2,181–2,200	291
2,201–2,220	296
2,221–2,240	301
2,241–2,260	306
2,261–2,280	311
2,281–2,300	316
2,301–2,320	322
2,321–2,340	328
2,341–2,360	334
2,361–2,380	340
2,381–2,400	346
and for every additional £20 an additional £6	

EXPLANATORY NOTE

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

These Regulations replace the Education Authority Bursaries (Scotland) Regulations, 1953 and 1955, and prescribe how education authorities are to calculate the value of bursaries which they decide to award under section 43 of the Education (Scotland) Act, 1946, as amended. Bursaries are normally to be tenable for the duration of the course of study but the amount payable is to be calculated annually. Authorities are required to estimate each year the expenditure which will be incurred by the student in following his course 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.

The First Schedule sets out separately for school bursaries, school fee grants, higher school bursaries, bursaries for part-time further education, bursaries for whole-time further education and bursaries for correspondence courses, the various items which are to be taken into account in assessing the estimated expenditure. The principal differences between the new Schedule and that in the Regulations of 1953, as amended in 1955, are in relation to bursaries for whole-time further education. The weekly rate prescribed for the bursar's maintenance during term-time is in most cases increased by 5s. and the annual sum for other expenses by £15. The minimum period for which the allowance for maintenance during vacations must be taken into account in the case of a bursar whose course extends over at least three terms in a year is changed from four weeks to one-half of the vacation period; the weekly rate is reduced by 5s. The amounts of higher school bursaries are also increased.

A general provision, which is applicable to all cases where the bursar is over school age and has a dependant and where attendance at a course of study prevents the bursar from maintaining the dependant, requires the education authority to include in the estimated expenditure an allowance for the maintenance of the dependant.

The contribution to be made by the parents or other person liable to maintain the bursar is to be assessed by reference to a table in the Second Schedule according to their balance of income, i.e. their total income after deduction of specified charges upon that income. The charge allowed in respect of the maintenance of certain dependants is increased from £100 to £150 and superannuation contributions and life insurance premiums are to be allowed as charges. The following examples illustrate the difference between the table in the Regulations of 1953 and that in the new Regulations.

Balance of Income	*Contribution*	
	Regulations of 1953	*New Regulations*
£	£	£
700	51	46
1,000	116	91
1,300	211	136
1,600	326	181
1,900	446	228

Where a bursar is earning wages the amount of the contribution, if any, to be made by him is left to the discretion of the education authority. The provision as to deductions from bursaries awarded under the Regulations where the bursar also holds another bursary has been amended to reduce the amount of the deduction in some cases.