STATUTORY INSTRUMENTS

1969 No. 841 (S. 66)

EDUCATION, SCOTLAND

The Education Authority Bursaries (Scotland) Regulations 1969

Made - - - -	23*rd June* 1969
Laid before Parliament	30*th June* 1969
Coming into Operation	1*st July* 1969

In exercise of the powers conferred upon me by section 49 of the Education (Scotland) Act 1962(a), and of all other powers enabling me in that behalf, and after causing a draft of the regulations to be published and sending a copy thereof to every education authority in accordance with the provisions of section 144(2) of the said Act of 1962 and having had regard to the representations made by education authorities and other persons interested, I hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Education Authority Bursaries (Scotland) Regulations 1969 and shall come into operation on 1st July 1969.

Interpretation

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

(*a*) "Act" means the Education (Scotland) Act 1962;

(*b*) "bursary" means a bursary, scholarship or other allowance granted under section 49 of the Act and "holder" shall be construed accordingly;

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

(*d*) "income" for the purpose of the Schedules has the same meaning as in the Income Tax Acts;

(*e*) "payment period" means a period in respect of which a sum is payable to or for behoof of the holder and shall be a period of twelve months:

Provided that where a bursary is granted in respect of a period of study of less than three academic terms, the payment period may be less than twelve months;

(*f*) "Regulations of 1963" and "Regulations of 1965" mean respectively the Education Authority Bursaries (Scotland) Regulations 1963(b), and the Education Authority Bursaries (Scotland) (Amendment No. 1) Regulations 1965(c).

(2) Other expressions used in these regulations to which meanings are assigned by the Act shall, unless the context otherwise requires, have the same respective meanings in these regulations as in the Act.

(3) The Interpretation Act 1889(d) applies for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(a) 1962 c. 47. (b) S.I. 1963/1132 (1963 II, p. 1914). (c) S.I. 1965/1298 (1965 II, p. 3703).
(d) 1889 c. 63.

(4) 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.

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

Revocation

3. Subject to Regulation 12, the Regulations of 1963 and the Regulations of 1965 shall cease to have effect.

Requirements for the granting of bursaries

4.—(1) The power conferred on an education authority by section 49 of the Act shall, subject to the proviso to this paragraph, be exercised only in relation to persons who fulfil the requirement as to residence specified in the next following paragraph:

Provided that an education authority may, in relation to a person who does not fulfil the said requirement, exercise the said power if the person has such connection with the area of the authority as to make it reasonable for them to do so.

(2) The requirement as to residence is that, in the case of a bursary granted under section 49(1) of the Act, the person, or in the case of a bursary granted under section 49(2) of the Act, the parent of the person, is, or was, ordinarily resident in the area of the authority on:—

(*a*) where the payment period commences on any date during the period from the first day of August to the last day of December, the last day of June preceding that date; or

(*b*) where the payment period commences on any date during the period from the first day of January to the last day of March, the last day of November preceding that date; or

(*c*) where the payment period commences on any date during the period 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 the area of an education authority wholly or mainly for the purpose of attending a course of study in respect of which a bursary may be granted under section 49 of the Act shall be deemed to be ordinarily resident not in that area but in the area of the education authority in which he, or his parent, as the case may be, is, or was, ordinarily resident on the date specified, as the case may be, under (a), (b) or (c) of this paragraph; 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, or shall be deemed to be the child of a parent who is ordinarily resident, as the case may be, in the area which includes the area of that local authority or, if that local authority are entitled to recover expenses duly incurred by them in respect of the person from another local authority, in the area which includes the area of the other local authority.

(**a**) 1948 c. 43. (**b**) 1937 c. 37.

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

Period of tenure of bursaries

5. Subject to the conditions of tenure specified in the next following regulation, any bursary granted shall be tenable for the payment period in respect of which the bursary was granted.

Conditions of tenure of bursaries

6. Every bursary granted shall be subject to the following conditions:—

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

(2) that the holder or any person acting on his behalf shall, at such times as the education authority who granted the bursary require, provide to that education authority such information and such documents as they may require to enable them to exercise their functions for the purposes of these regulations; and

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

When intimating the granting of the bursary to the holder or to a 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, either payment of the bursary may be suspended for a period to be fixed by them or the bursary may be withdrawn, without further warning. If, after such intimation and notice 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 granting another bursary in respect of the same or another course of study to a person whose bursary has been withdrawn.

Assessment of higher school bursaries

7. The sum to be paid in any payment period in respect of a bursary granted under section 49(2)(*c*) of the Act shall be the sum, if any, assessed in accordance with the provisions of Schedule 1.

Assessment of full-time further education bursaries

8. Subject to the provisions of Regulation 9 and Regulation 10, the sum to be paid in any payment period in respect of a bursary granted under section 49(1) of the Act for a course of full-time further education shall be the sum, if any, whereby the estimated expenditure assessed in accordance with the provisions of Part 1 of Schedule 2 exceeds the aggregate of:—

(*a*) the contribution, if any, assessed in accordance with the provisions of Part 2 of Schedule 2;

(*b*) where any property is held 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 in accordance with the conditions of trust; and

(*c*) where during any payment period the holder is or is likely to be entitled to income from any source other than from employment during vacations from his studies, such sum as the holder can, in the opinion of the education authority, be expected to contribute without hardship out of the said income towards the estimated expenditure.

Re-assessment of sums to be paid

9. The holder of a bursary or any person acting on his behalf 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 reassessment 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 financial or other 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 in accordance with the provisions of these regulations.

Suspension of bursaries where other awards are held

10. If at any time the holder is in receipt of any other scholarship or other similar allowance for education which is paid out of moneys provided by Parliament or out of any funds aided by grants from the said moneys, payments on account of any bursary granted under these Regulations shall be suspended while the holder continues to hold the said scholarship or other allowance.

Method of payment

11.—(1) The sum to be paid in respect of any bursary granted under these 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 assessed in accordance with the provisions of Part 1 of Schedule 2 includes fees payable by the holder to an educational institution, the amount of the said fees may be paid to the institution on his behalf.

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

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 granted; 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

12. In relation to any bursary granted before the day on which these regulations come into operation:—

(1) the Regulations of 1963 and 1965 shall have effect for the purposes of any payment period current on the said day (including any re-assessment under Regulation 8(4) of the Regulations of 1963) but for no other purposes; and

(2) the sum to be paid in respect of any payment period commencing after the said day in the case of any person who at any time during the period of twelve months ending on 30th June 1969, was the holder of a bursary under the Regulations of 1963 and 1965, shall be not less than the sum which would have been paid had these regulations not come into operation; and

(3) these regulations shall have effect for all other purposes, subject to any necessary modifications.

William Ross,
One of Her Majesty's Principal Secretaries of State.

St. Andrews House,
Edinburgh.
23rd June 1969.

SCHEDULE 1

Regulation 7

Higher School Bursaries

The sum to be paid

1. The sum to be paid in respect of any bursary granted under section 49(2)(*c*) of the Act which is tenable in respect of the fifth or any subsequent year of an approved course of secondary education or tenable by a person over the age of 16 years attending a special school shall be ascertained by applying the balance of income, determined in accordance with the provisions of this Schedule and set out in column (1) of the following Table, to the scale which is set out in column (2) of the said Table; and the sum to be paid in respect of any other bursary granted under section 49(2)(*c*) of the Act shall be ascertained by applying the said balance of income to the scale which is set out in column (3) of the following Table:—

Balance of Income Column (1)	*Rate of the sum to be paid* Column (2)	*Rate of the sum to be paid* Column (3)
£500 and under	£120 a year	£85 a year
£501–£550	£105 "	£75 "
£551–£600	£90 "	£65 "
£601–£650	£75 "	£55 "
£651–£700	£60 "	£45 "
£701–£750	£45 "	£35 "
£751–£800	£30 "	£25 "
£801–£850	£15 "	£15 "
£851 and over	Nil	Nil

Provided that:—

(i) where the education authority accommodate the holder at a boarding school or in a hostel, home or other institution under section 50(2)(*b*) of the Act or make other provision of board and lodging for him under section 50(2)(*c*) of the Act, the sum to be awarded in accordance with the said Table shall be reduced by not less than one half;

(ii) where in any particular case the education authority consider that it would be reasonable to determine that the amount of the balance of income should be nil, they may so determine.

Persons whose balance of income is assessable

2. The education authority shall assess the balance of income of the parents of the holder or, if both parents are dead, or the parents are unable to maintain the holder, of any person legally liable to maintain the holder.

Assessment of total income

3.—(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, legally 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

4. The education authority shall assess in relation to a period of twelve months being, unless the authority decide otherwise, 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 any sums paid by way of interest allowed for income tax purposes and, as the case may be, paid by way of interest on any loan in respect of a repayment contract under any scheme made under Part II of the Housing Subsidies Act 1967(a);

(2) the amount of an allowance of £120 each towards the maintenance of any dependants of the said person other than the holder and the wife or husband, as the case may be, of the said person:

Provided that:—

(i) the said allowance shall be reduced by the amount of the estimated income during the said period of the dependant in respect of whom it is allowed;

(ii) where the dependant is also the holder of a scholarship or other similar allowance in respect of full-time further education which is paid out of moneys provided by Parliament or out of any fund aided by grants from the said moneys, the allowance under this sub-paragraph shall be the amount of any parental contribution taken into account in the assessment of the said scholarship or other allowance or £120, whichever is less;

(iii) where there are in the same family two or more holders of bursaries granted under section 49(2)(*c*) of the Act, no allowance under this sub-paragraph shall be taken into account in respect of any of these holders but the balance of income shall be reduced by twenty-five per cent. in respect of each such holder other than the holder in respect of whom a bursary is being assessed;

(3) 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

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

The balance of income

5. The balance of income shall be the sum, if any, whereby the total income assessed under paragraphs 2 and 3 of this Schedule exceeds the charges assessed under paragraph 4 of this Schedule.

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

(a) 1967 c. 29.

SCHEDULE 2

Full-time Further Education Bursaries Regulation 8

Part 1—Estimated Expenditure

1. In assessing the estimated expenditure in relation to bursaries for full-time further education granted under section 49(1) 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 books, instruments, tools and materials and of any special clothing which, in the opinion of the education authority, are necessary to the holder's course of study;

(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 which, in the opinion of the education authority are necessarily incurred by the holder in connection with his attendance at his course of study, except in so far as allowances or facilities are provided under section 51(1) of the Act;

(5) an allowance towards the cost of maintaining the holder (during periods other than vacations) of 65s. a week in respect of residence at home or 105s. a week in respect of residence elsewhere than at home, until he attains the age of 18 years:

Provided that where the holder resides in a college hostel or college residence, the allowance shall be the actual charge for such residence;

(6) an allowance towards the cost of maintaining the holder (during periods other than vacations) of 75s. a week in respect of residence at home or 115s. a week in respect of residence elsewhere than at home, after he has attained the age of 18 years:

Provided that where the holder resides in a college hostel or college residence, the allowance shall be the actual charge for such residence;

(7) an allowance of 75s. a week towards the cost of maintaining the holder, after he has attained the age of 18 years, during the Christmas and Easter vacations and the first two weeks of the summer vacation:

Provided that if the holder is required for the purposes of his course of study to attend regularly at an educational institution for less than three academic terms in a payment period, the allowance shall be paid only in respect of those weeks of vacation which fall within the period between the first date and the last date of the period of attendance or six weeks, whichever is less;

(8) an allowance of 35s. a week towards the personal expenses of the holder during periods in respect of which an allowance under either or both sub-paragraphs (6) and (7) is payable;

(9) an allowance to be made at the discretion of the education authority towards the maintenance of any person who is dependent upon the holder;

(10) an allowance to be made at the discretion of the education authority to any holder who has attained the age of 26 years before the start of the course of study for which the bursary is granted.

2. For the purposes of sub-paragraphs (5) and (6) of the foregoing paragraph, the holder shall be deemed to be residing at home if he is residing in the same household as the person or one of the persons whose balance of income is assessed under paragraph 2 of Part 2 of this Schedule.

Part 2—The Contribution

Classification of bursaries

1. For the purposes of this Part, bursaries granted under section 49(1) of the Act to persons until they have attained the age of 18 years shall be classed as category A bursaries; and bursaries granted under section 49(1) of the Act to persons after they have attained the age of 18 years shall be classed as category B bursaries.

Persons whose balance of income is assessable

2. The education authority shall assess the balance of income of the parents of the holder or, if both parents are dead, or the parents are unable to maintain the holder, of any person legally liable to maintain the holder.

Assessment of total income

3.—(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 Part:

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 Part.

(3) Where the total income of a person, other than a parent of the holder, legally 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

4. The education authority shall assess in relation to a period of twelve months being, unless the authority decide otherwise, 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 any sums paid by way of interest allowed for income tax purposes and, as the case may be, paid by way of interest on any loan in respect of a repayment contract under any scheme made under Part II of the Housing Subsidies Act 1967(a);

(2) the amount of an allowance of £120 each in the assessment of a category A bursary or of £200 each in the assessment of a category B bursary, towards the maintenance of any dependants of the said person other than the holder and any dependant who is the holder of a scholarship or other similar allowance for education 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;

(3) the amount of any expenditure which, in the opinion of the education authority, is reasonably incurred upon the education of members of the said person's family, other than the holder and any member who is the holder of a scholarship or other similar allowance for education which is paid out of moneys provided by Parliament or out of any fund aided by grants from the said moneys;

(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.

(a) 1967 c. 29.

Balance of income

5. The balance of income shall be the amount, if any, whereby the total income assessed under paragraph 3 of this Part exceeds the total charges upon the said total income assessed under the last foregoing paragraph:

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

The contribution

6. Subject to the provisions of paragraphs 7 and 8 of this Part, the contribution to be taken into account shall be as follows:—

(*a*) in the assessment of a category A bursary, if the balance of income is not less than £501 the contribution shall be £15 with the addition of £15 for every complete £50 by which the balance of income exceeds £501; and

(*b*) in the assessment of a category B bursary, if the balance of income is not less than £900 the contribution shall be £20 with the addition of £1 for every complete £10 by which the balance of income exceeds £900.

Reduced contributions

7.—(1) The contribution or the sum of the contributions ascertained under this Part shall be reduced by the amount of any contribution by the same person which has been taken into account in the assessment of the amount of any allowance granted by the Secretary of State under section 75(4)(*g*) of the Act.

(2) If in any payment period the holder is required for the purposes of his course of study to attend regularly at the educational institution for less than three academic terms, the contribution so ascertained shall be reduced by such sum as the education authority consider reasonable.

(3) Where in any particular case the education authority are satisfied that it would be unreasonable to expect the parents of the holder or the person legally liable to maintain him to make the contribution so ascertained, no contribution shall be taken into account.

Combined assessments

8. Where there are in the same family two or more holders, the foregoing provisions of this Part shall be modified as the case may be as follows:—

(1) Where the bursaries are all of category A, or are all of category B, the references in paragraphs 4(2) and (3) to "the holder" where second occurring shall be construed as references to the said two or more holders, and the contribution shall be attributed to each of the bursaries in such proportion as the education authority consider reasonable.

(2) Where one or more of the bursaries is of category A and one or more of the bursaries is of category B, the contributions to be assessed for the purpose of Regulation 8(*a*) shall be assessed as follows:—

(*a*) the contribution in respect of the category B bursary or bursaries shall be assessed in accordance with the foregoing paragraphs of this Part, the references in paragraphs 4(2) and (3) to "the holder" where second occurring being construed as references to the holders of category B bursaries and holders of allowances under section 75(4) (g) of the Act, as the case may be. Where more than one of the bursaries is of category B, the contribution shall be attributed to each of the category B bursaries in such proportion as the education authority consider reasonable;

(*b*) the contribution in respect of the category A bursary or bursaries shall be assessed in accordance with the foregoing paragraphs of this Part, the references in paragraphs 4(2) and (3) to "the holder" where second occurring being construed as references to the holders of category A bursaries, category B bursaries and holders of allowances under section 75(4) (g) of the Act, as the case may be, and shall be reduced by the amount of the contribution in respect of the category B bursary or bursaries ascertained as in the immediately foregoing sub-paragraph. Where more than one of the bursaries is of category A, the contribution shall be attributed to each of the category A bursaries, in such proportion as the education authority consider reasonable.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations replace the Education Authority Bursaries (Scotland) Regulations 1963 and 1965 and prescribe how education authorities are to calculate the value of higher school bursaries and bursaries for full-time further education which they decide to grant under section 49 of the Education (Scotland) Act 1962.

The main changes are:—

All applications for bursaries are now to be considered and assessed on a year-to-year basis and eligibility is to be considered by reference to the place of ordinary residence on certain specified dates.

Higher school bursaries are dealt with in Schedule 1 and are presented in simplified form as a table of bursaries payable at certain levels of parents' "balance of income". The maximum bursary for a person in the fourth year of a secondary course is increased from £70 to £85 a year, and for a person in a fifth or subsequent year it is increased from £100 to £120 a year.

The assessment of bursaries for full-time further education is dealt with in Schedule 2. There are two scales. The scale for students who have not yet attained the age of 18 years, is comparable to that for higher school bursaries. The rates are 65s. a week for students living at home and 105s. a week for students living away from home. The parental contribution applicable to the assessment of these bursaries is £15 at a balance of income of £501 with the addition of £15 for every complete £50 by which the balance of income exceeds £501.

The following table shows the changes in the weekly rates of bursaries for students of 18 years and over:—

Item	Regulations of 1963	New Regulations
Maintenance during term-time—		
At Home	60s.	75s.
Away from Home	Minimum of 95s.	115s.
Maintenance during vacations (Christmas and Easter vacations and the first two weeks of the summer vacation)...	60s.	75s.
Personal expenses allowance	30s.	35s.

The parental contribution scale applicable to the assessment of bursaries for students of 18 years of age and over is £20 at a balance of income of £900 with the addition of £1 for every complete £10 by which the balance of income exceeds £900.

Education authorities may, at their discretion, give additional allowances to students who have dependants and to certain students who have attained the age of 26 years at the start of their courses.