STATUTORY INSTRUMENTS

1978 No. 998 (S. 92)

EDUCATION, SCOTLAND

The Education Authority Bursaries (Scotland) Regulations 1978

Made - - - -	18*th July* 1978
Laid before Parliament	26*th July* 1978
Coming into Operation	16*th August* 1978

In exercise of the powers conferred upon me by sections 49 and 144 of the Education (Scotland) Act 1962(a), 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 Education Authority Bursaries (Scotland) Regulations 1978 and shall come into operation on 16th August 1978.

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 purposes 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 12 months;

Provided that where a bursary is granted in respect of a period of study of less than 3 academic terms, the payment period may be less than 12 months;

(*f*) "Regulations of 1969" mean The Education Authority Bursaries (Scotland) Regulations 1969(b);

(*g*) "Regulations of 1969 to 1977" mean The Education Authority Bursaries (Scotland) Regulations 1969, The Education Authority Bursaries (Scotland) (Amendment) Regulations 1972(c), The Education Authority Bursaries (Scotland) (Amendment) Regulations 1973(d), The Education Authority Bursaries (Scotland) (Amendment) Regulations 1974(e), The

(a) 1962 c. 47. (b) S.I. 1969/841. (c) S.I. 1972/844.
(d) S.I. 1973/1176. (e) S.I. 1974/1173.

Education Authority Bursaries (Scotland) (Amendment) Regulations 1975**(a)**, The Education Authority Bursaries (Scotland) (Amendment) Regulations 1976**(b)**, The Education Authority Bursaries (Scotland) Amendment Regulations 1977**(c)** and The Education Authority Bursaries (Scotland) Amendment (No. 2) Regulations 1977**(d)**.

(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**(e)** applies for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(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 1969 to 1977 shall cease to have effect.

Requirements and other provisions for granting of bursaries

4.—(1) Subject to the provisions of this regulation, the powers conferred on an education authority shall not be exercised by the authority in relation to a person (being a person mentioned in section 49(1) or as the case may be section 49(2) of the Act) who does not fulfil either of the requirements specified for the purposes of this paragraph in paragraph (2) below.

(2) The requirements specified for the purposes of paragraph (1) above are that such a person—

(*a*) shall be or shall have been ordinarily resident in the area of the authority on the relevant day in relation to the payment period to which the proposed exercise of the power relates;

(*b*) shall be or shall have been the child of a parent or maintained by a guardian who shall be or shall have been ordinarily resident as in paragraph (*a*) above;

(*c*) shall be a person whom, or a member of a family which, the authority is satisfied has or has had a residential connection with the area of the authority other than one of a temporary nature.

(3) Where a person is or was on the relevant day in relation to a payment period 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, that person or as the case may be his parent or guardian shall, for the purposes of this Regulation be deemed not to be ordinarily resident on that day in that area but shall be deemed to be ordinarily resident on that day in the area of the education authority (if any) in which he his parent or his guardian is or was ordinarily resident on that day.

(a) S.I. 1975/1228. **(b)** S.I. 1976/1104. **(c)** S.I. 1977/1150.
(d) S.I. 1977/1356. **(e)** 1889 c. 63.

(4) Where a person being a person mentioned in section 49(1) of the Act is or was on the relevant day in relation to any payment period in the care of a local authority under section 15 of the Social Work (Scotland) Act 1968**(a)** that person or as the case may be his parent or guardian shall be deemed to be ordinarily resident in the area of the education authority which includes the area of that local authority or if that local authority are or were entitled to recover expenses incurred by them in respect of that person from another local authority, in the area of the education authority which includes the area of the other local authority.

(5) For the purposes of this regulation—

(*a*) a reference to a relevant day, shall be construed—

(i) in relation to a payment period commencing on any date during the period from 1st August to 31st December (both dates inclusive), as a reference to 30th June preceding that date;

(ii) in relation to a payment period commencing on any date during the period from 1st January to 31st March (both dates inclusive), as a reference to 31st October preceding that date;

(iii) in relation to a payment period commencing on any date during the period from 1st April to 31st July (both dates inclusive), as a reference to the last day of February preceding that date;

(*b*) "guardian" means any person, other than a parent who is legally liable to maintain a person mentioned in section 49(1) or as the case may be section 49(2) of the Act.

(6) Any question which may arise as to whether any requirement of this regulation is fulfilled in relation to 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.—(1) Every bursary granted shall be subject to the following conditons:—

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

(*b*) 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

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

(2) 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.

(a) 1968 c. 49.

(3) If, after such intimation and notice has 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.

(4) 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.—(1) Subject to the provisions of Regulations 9 and 10 and this Regulation, 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, by which estimated expenditure assessed in relation to the holder in accordance with the provisions of Schedule 2 Part 1 exceeds the aggregate of:—

(*a*) the contribution of the parent of the holder or if both parents are dead or are unable to maintain the holder, of any person legally liable to maintain the holder, ascertained in accordance with Schedule 2 Part 2 paragraph 6;

(*b*) the sum which may be made available from any property which is held in trust for the education or maintenance of the holder or of persons of whom the holder is one; and

(*c*) the sum which the education authority are satisfied is the amount of income available or likely to be available to a holder in any payment period disregarding

(i) income from vacation employment;

(ii) income not exceeding in total £500 in respect of a payment period of 12 months in respect of any sponsorship payment by an employer or payment in pursuance of a scholarship or other award of a similar description in respect of the course to which the bursary relates;

(iii) the first £235 in respect of a payment period of 12 months of any other income of the holder.

Provided that in relation to any payment period, other than a payment period of 12 months, the provisions of sub-paragraphs (*c*)(ii) and (iii) above shall apply respectively as if for the sums of £500 and £235 there mentioned there were substituted those sums reduced proportionally in the proportion that the duration of that period bears to 12 months.

(2) In relation to a holder who is married and who has attained the age of 25 years, or is married and has supported himself during any period totalling not less than 36 months prior to the commencement of the course, the education authority shall assess a contribution upon the income of the holder's spouse

and the contribution to be assessed in accordance with Schedule 2 Part 2 paragraph 6(*c*) shall be aggregated in place of the contribution specified in paragraph (1)(*a*) of this regulation.

(3) Notwithstanding the provisions of regulations 9 and 10 and this regulation the sum to be paid, in relation to any payment period of 12 months, shall not be less than the amount of the fees and expenses required to be taken into account by an education authority under Schedule 2 Part 1 paragraph 1(1) and (3) and, in relation to any other payment period, shall not be less than that amount, proportionally reduced in the proportion that the duration of the period bears to 12 months.

Re-assessment of sums to be paid

9.—(1) 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 re-assessment of the sum to be paid in relation to that payment period.

(2) 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 monies provided by Parliament or out of any funds aided by grants from the said monies, 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.

Transitional provisions

12. Section 38(2) 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 Acts of Parliament.

Bruce Millan,
One of Her Majesty's Principal
Secretaries of State.

New St. Andrew's House,
Edinburgh.
18th July 1978.

Regulation 7

SCHEDULE 1

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 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:—

Balance of income	*Rate of the sum to be paid*
Column (1)	Column (2)
£2,130 and under	£336 per payment period of 12 months
£2,131–£2,180	£321 per payment period of 12 months
£2,181–£2,230	£306 per payment period of 12 months
£2,231–£2,280	£291 per payment period of 12 months
£2,281–£2,330	£276 per payment period of 12 months
£2,331–£2,380	£261 per payment period of 12 months
£2,381–£2,430	£246 per payment period of 12 months
£2,431–£2,480	£231 per payment period of 12 months
£2,481–£2,530	£216 per payment period of 12 months
£2,531–£2,580	£201 per payment period of 12 months
£2,581–£2,630	£186 per payment period of 12 months
£2,631–£2,680	£171 per payment period of 12 months
£2,681–£2,730	£156 per payment period of 12 months
£2,731–£2,780	£141 per payment period of 12 months
£2,781–£2,830	£126 per payment period of 12 months
£2,831–£2,880	£111 per payment period of 12 months
£2,881–£2,930	£96 per payment period of 12 months
£2,931–£2,980	£81 per payment period of 12 months
£2,981–£3,030	£66 per payment period of 12 months
£3,031–£3,080	£51 per payment period of 12 months
£3,081–£3,130	£36 per payment period of 12 months
£3,131–£3,180	£21 per payment period of 12 months
£3,181–£3,230	£6 per payment period of 12 months
£3,231 and over	Nil

Provided that—

(i) in relation to any bursary in respect of which the payment period is less than 12 months, the rate of the sum to be paid shall be the scale set out in column (2) of the Table above, reduced, at each point, proportionally in the proportion that the payment period bears to 12 months;

(ii) 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 shall be one half of the appropriate rate of the sum to be paid in accordance with the Table.

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 12 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.

(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 spouse 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 12 months being the same period of 12 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 £270 each towards the maintenance of any dependants of the said person other than the holder and the spouse 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 monies provided by Parliament or out of any fund aided by grants from the said monies, 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 £270, whichever is the less;

(iii) where there are in the same family 2 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

(a) 1967 c. 29.

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 superannuation schemes and premiums under retirement annuity contracts and life policies, provided that the amount so assessed shall not exceed fifteen per cent of the said total income;

(4) the amount of any other items of expenditure in respect of which relief is given under the Income Tax Acts.

The balance of income

5.—(1) For the purposes of this Schedule the balance of income shall be—

(*a*) in any case, other than a case mentioned in sub-paragraph (*b*) or (*c*) below, the sum, if any, by which the total income assessed under paragraphs 2 and 3 above exceeds the charges assessed under paragraph 4 above;

(*b*) in any case, where in the opinion of the education authority insufficient information is available to enable them for the time being to ascertain the sum mentioned in sub-paragraph (*a*) above, such sum (including nil) as may be provisionally assessed by the authority as being reasonable in the circumstances of the given case as then known to them; or

(*c*) in any case, where the authority, after due inquiry, are satisfied that the parents of or other person legally liable to maintain the holder cannot be ascertained, nil.

(2) If, in any case in which the balance of income has been ascertained by virtue of paragraph (1)(*b*) above, an authority are not satisfied—

(*a*) where the payment period in relation to that case comprises 3 academic terms, before the beginning of the third academic term in that period; or

(*b*) where the payment period in relation to that case comprises 2 academic terms, before the beginning of the second academic term in that period

that sufficient information is available to them to enable them to ascertain the balance of income in that case by virtue of paragraph (1)(*a*) above, they may withhold the payment of any further bursary instalments which otherwise might have been payable to the holder.

(3) Where, in any case the balance of income has been ascertained by virtue of paragraph (1)(*b*) above, an education authority are subsequently furnished with sufficient information to enable them to ascertain the balance of income in relation to that case by virtue of paragraph (1)(*a*) above and the balance of income so ascertained exceeds the sum provisionally assessed under paragraph (1)(*b*), they shall be entitled on that account —

(*a*) to adjust the payment of any further bursary instalments payable to the holder in such case so that the total sums paid in respect of bursary in relation to the holder in respect of a payment period do not exceed the total sums which would have been so payable had the balance of income been ascertained by virtue of paragraph (1)(*a*), and applied initially in ascertaining those total sums; or

(*b*) otherwise to recover any sums overpaid to the holder in that respect.

Regulation 8

SCHEDULE 2

Full-time Further Education Bursaries

Part I—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 tuition, examination and other course fees necessarily incurred by the holder (whether such fees are included in a comprehensive fee or are charged as separate fees);

(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 £8·40 per week until he attains the age of 18 years; provided that where in the opinion of the education authority it is necessary or desirable for the holder to reside elsewhere than at home, the allowance shall be £20·25 per week;

(6) an allowance towards the cost of maintaining the holder (during periods other than vacations) of £12·30 per week in respect of residence at home or £20·25 per week in respect of residence elsewhere than at home, after the holder 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 at the rate of £13·90 a week towards the cost of maintaining the holder, after he has attained the age of 18 years, during the Christmas and Easter vacations;

(8) an allowance of £6·60 a week towards the personal expenses of the holder, after he has attained the age of 18 years, during periods other than vacations;

(9) an allowance of such sum as may in the opinion of the education authority be reasonable in respect of each person who is dependent on the holder having regard to the net income of that person;

(10) an allowance to be made by 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 and who can satisfy the education authority that he or she was in full-time employment for a total of 3 years of the 6 years immediately preceding the start of the course. The allowance is to be calculated on the basis of £107 for each complete year of age over 25 up to a maximum of £428 a year. The allowance once calculated is applicable for the whole duration 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 purpose 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 12 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 incomes 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.

(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 spouse 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 12 months being the same period of 12 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;

(2) the amount of an allowance as specified in sub-paragraph (3) below towards the maintenance of each dependant of the said person other than:—
   (*a*) the holder;
   (*b*) any dependant of the said person who is the holder of a scholarship or other similar allowance for education which is paid out of monies provided by Parliament or out of any fund aided by grants from the said monies; and
   (*c*) the spouse of the said person;

(3) the amount of an allowance referred to in sub-paragraph (2) shall be:—
   (*a*) in the case of the assessment of a category A bursary, £270 in respect of each dependant;
   (*b*) in the case of the assessment of a category B bursary;
      (i) £455 in respect of each dependant who has not attained the age of 11 years on the day the course of study is due to commence;
      (ii) £465 in respect of each dependant who has attained the age of 11 years but who has not attained the age of 17 years on the day the course of study is due to commence; and
      (iii) £580 in respect of each dependant over the age of 17 years on the day the course of study is due to commence:

   Provided that the said amount of an allowance specified in (*a*) or (*b*) of this sub-paragraph shall be reduced by the amount of the income during the said period of the dependant in respect of whom it is allowed;

(4) the amount of any expenditure upon contributions under superannuation schemes and premiums under retirement annuity contracts and life policies, provided that the amount so assessed shall not exceed fifteen per cent. of the said total income;

(5) the amount of any other items of expenditure in respect of which relief is given under the Income Tax Acts.

Balance of income

5.—(1) For the purposes of this Schedule the balance of income shall be—

(*a*) in any case, other than a case mentioned in sub-paragraph (*b*) or (*c*) below, the sum, if any, by which the total income assessed under paragraphs 2 and 3 above exceeds the charges assessed under paragraph 4 above;

(*b*) in any case, where in the opinion of the education authority insufficient information is available to enable them for the time being to ascertain the sum mentioned in sub-paragraph (*a*) above, such sum (including nil) as may be provisionally assessed by the authority as being reasonable in the circumstances of the given case as then known to them; or

(*c*) in any case, where the authority, after due inquiry, are satisfied that the parents of or other person legally liable to maintain the holder cannot be ascertained, nil.

(2) If, in any case in which the balance of income has been ascertained by virtue of paragraph (1)(*b*) above, an authority are not satisfied

(*a*) where the payment period in relation to that case comprises 3 academic terms, before the beginning of the third academic term in that period; or

(*b*) where the payment period in relation to that case comprises 2 academic terms, before the beginning of the second academic term in that period

that sufficient information is available to them to enable them to ascertain the balance of income in that case by virtue of paragraph (1)(*a*) above, they may withhold the payment of any further bursary instalments which otherwise might have been payable to the holder.

(3) Where, in any case the balance of income has been ascertained by virtue of paragraph (1)(*b*) above, an education authority are subsequently furnished with sufficient information to enable them to ascertain the balance of income in relation to that case by virtue of paragraph (1)(*a*) above and the balance of income so ascertained exceeds the sum provisionally assessed under paragraph (1)(*b*), they shall be entitled on that account

(*a*) to adjust the payment of any further bursary instalments payable to the holder in such case so that the total sums paid in respect of bursary in relation to the holder in respect of a payment period do not exceed the total sums which would have been so payable had the balance of income been ascertained by virtue of paragraph (1)(*a*), and applied initially in ascertaining those total sums; or

(*b*) otherwise to recover any sums overpaid to the holder in that respect.

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 £2,131 the contribution shall be £15 with the addition of £15 for every complete £50 by which the balance of income exceeds £2,131; and

(*b*) in the assessment of a category B bursary—

(i) if the balance of parental income is not less than £3,800 and not more than £5,200, the contribution shall be £35 with the addition of £1 for every complete £5 by which the balance of income exceeds £3,800;

(ii) if the balance of income is not less than £5,200 and not more than £7,300, the contribution shall be £315 with the addition of £1 for every complete £10 by which the balance of income exceeds £5,200;

(iii) if the balance of income is not less than £7,300, the contribution shall be £525 with the addition of £1 for every complete £12 by which the balance of income exceeds £7,300; or

(*c*) in the assessment of a category B bursary—

(i) if the balance of spouse income is not less than £3,200, the contribution shall be £10 with the addition of £1 for every complete £5 by which the balance of income exceeds £3,200; and

(ii) if the balance of income is not less than £5,200, the contribution shall be £410 with the addition of £1 for every complete £10 by which the balance of income exceeds £5,200.

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(*f*) 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 proportionally.

(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 reference in paragraph 4(2) 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 reference in paragraph 4(2) to "the holders" where second occurring being construed as references to the holders of category B bursaries and holder of allowances under section 75(*f*) 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 category A bursary or bursaries shall be assessed in accordance with the foregoing paragraphs of this Part, the reference in paragraph 4(2) 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(*f*) 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 are made in replacement and consolidation of the Education Authority Bursaries (Scotland) Regulations 1969 to 1977. They prescribe the conditions subject to which bursaries may be made and make provision with regard to requirements to be fulfilled by persons in relation to whom the powers of an education authority under section 49 of the Education (Scotland) Act 1962 may be exercised. They also provide as to the criteria by reference to which the calculation of the value of higher school bursaries and bursaries for full-time further education shall be calculated where an authority denotes to exercise those powers.

The assessment of higher school bursaries is dealt with in Schedule 1 and the assessment of bursaries for full-time further education is dealt with in Schedule 2. The scale for further education students who have not yet attained the age of 18 years is comparable to that for higher school bursaries. There is a different rate for students of 18 years and over.

These Regulations prescribe the bursary rates and the parental and spouse contribution scales to be effected in session 1978/79.

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