STATUTORY INSTRUMENTS

# 1961 No. 1176 (S. 69)

# EDUCATION, SCOTLAND

## The Students' Allowances (Scotland) Provisional Regulations, 1961

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| *Made* - - - - | 23*rd June*, 1961 |
| *Laid before Parliament* | 30*th June*, 1961 |
| *Coming into Operation* | 1*st July*, 1961 |

In the exercise of the powers conferred upon me by sections 70 and 71 of the Education (Scotland) Act 1946(a), as amended by section 13 of, and Part I of the First Schedule to, the Education (Scotland) Act 1956(b) and by section 6 of and Part I of the Fourth Schedule to the Local Government and Miscellaneous Financial Provisions (Scotland) Act 1958(c), and of all other powers enabling me in that behalf, I hereby make the following Regulations: and I hereby certify under section 59 of the said Act of 1946 as amended by section 5 of, and Part I of the Schedule to, the Education (Scotland) Act, 1949(d), that on account of urgency the said Regulations ought to come into immediate operation, and I accordingly make them as Provisional Regulations.

*Citation and period of operation*

**1.**—(1) These Regulations may be cited as the Students' Allowances (Scotland) Provisional Regulations, 1961.

(2) These Regulations shall come into operation on 1st July, 1961, and shall remain in force until 30th September, 1962.

*Interpretation*

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

(2) In these Regulations, unless the context otherwise requires, "allowance" means a scholarship, bursary or other allowance paid or to be paid under paragraph (10) of section 70 of the Education (Scotland) Act, 1946.

*Allowances*

**3.**—(1) The amount of an allowance shall be determined by the Secretary of State and may include sums in respect of—

(*a*) tuition and other fees payable in respect of the holder of the allowance;

(*b*) travelling expenses necessarily incurred or to be incurred by the holder in attending the course of study in respect of which the allowance is awarded;

(*c*) the maintenance of the holder and of any persons dependent on him during periods of whole-time study and during vacations;

(*d*) other expenses incurred or to be incurred by the holder in taking advantage of educational facilities.

(a) 9 & 10 Geo. 6. c. 72. (b) 4 & 5 Eliz. 2. c. 75. (c) 6 & 7 Eliz. 2. c. 64.
(d) 12, 13 & 14 Geo. 6. c. 19. (e) 52 & 53 Vict. c. 63.

(2) In determining the amount of an allowance, the Secretary of State shall take account of the sums, if any, which, in accordance with principles determined by him from time to time, the holder and his parents can reasonably be expected to contribute towards the holders' expenses.

(3) The amount of an allowance may be revised if, having regard to any change in the circumstances of the holder or his parents, the Secretary of State thinks fit.

*Conditions of tenure*

**4.** Every allowance shall be held subject to the following conditions—

(*a*) the holder shall attend regularly the course of study in respect of which the allowance is awarded,

(*b*) the Secretary of State shall be satisfied as to the conduct and progress of the holder, and

(*c*) the holder or any person acting on his behalf shall provide the Secretary of State with such information and such documents as he may from time to time require for the determination or revision of the amount of any allowance.

If the holder or any person acting on his behalf does not comply with these conditions or if the Secretary of State is not satisfied as to the conduct or progress of the holder, or if the holder receives from any other source any sum which in the opinion of the Secretary of State makes it unnecessary for him to be assisted by means of an allowance, the Secretary of State may suspend payment of the allowance or terminate the allowance.

*Method of Payment*

**5.**—(1) The allowance may be paid to the holder or to another person for his behoof, or in part to the holder and in part to the said other person, and any sum in respect of fees payable to an educational institution which is included in the amount of the allowance may be paid to the institution.

(2) The allowance may be paid in a lump sum or by instalments as the Secretary of State thinks fit: but no payment shall be made before the holder has been accepted for admission to the course of study in respect of which the allowance is awarded.

*Revocation*

**6.** The Supplemental Allowances (Scottish Scholars at English Universities) Regulations, 1949(**a**), the Supplemental Allowances (Scottish Scholars at English Universities) (Amendment No. 1) Regulations, 1950(**b**), the Bursaries (Central Awards) (Scotland) Regulations, 1950(**c**), the Bursaries (Central Awards) (Scotland) (Amendment No. 1) Regulations, 1957(**d**), Regulations 9 and 10 of the Abolition of the Education (Scotland) Fund (Consequential Provisions) Regulations, 1959(**e**), and the Supplemental Allowances (Scottish Scholars at English Universities) (Amendment No. 2) Provisional Regulations, 1960(**f**), are hereby revoked.

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

St. Andrew's House,
Edinburgh, 1.
23rd June, 1961.

(**a**) S.I. 1949/818 (1949 I, p. 1558).
(**b**) S.I. 1950/466 (1950 I, p. 606).
(**c**) S.I. 1950/1014 (1950 I, p. 588).
(**d**) S.I. 1957/421 (1957 I, p. 718).
(**e**) S.I. 1959/476 (1959 I, p. 1095).
(**f**) S.I. 1960/1051(1960 I, p. 1307).

## EXPLANATORY NOTE

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

Under section 70 of the Education (Scotland) Act, 1946, as amended, the Secretary of State may make payment of sums by way of scholarships, bursaries and other allowances for the purpose of enabling persons to take advantage without hardship to themselves or their parents of any educational facilities available to them and to maintain any persons dependent on them while so doing. Such payments are required to be made in accordance with regulations made by the Secretary of State. Under section 71, the Secretary of State may by regulations prescribe conditions to which any payment will be subject. In accordance with these provisions of the Act, these regulations prescribe arrangements and conditions for the award by the Secretary of State of allowances to persons attending universities, central institutions, colleges of education and other educational institutions.