
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 273

**The Education Maintenance Allowances
(Scotland) Regulations 2004**

Amount of education maintenance allowances

4.—(1) The amount of an education maintenance allowance shall be determined by the Scottish Ministers and may include sums in respect of the maintenance of the holder during periods of full-time study excluding vacations.

(2) In determining the amount of an education maintenance allowance, the Scottish Ministers may take account of the sums, if any, which in their opinion the holder of the education maintenance allowance, the holder's parents and the holder's spouse can reasonably be expected to contribute towards the holder's expenses.

(3) The amount of an education maintenance allowance may be revised at any time if the Scottish Ministers think fit having regard to—

- (a) the failure of that holder to comply with the conditions of the education maintenance allowance;
- (b) all the circumstances of that holder, his or her parents and his or her spouse; or
- (c) any error made in the computation of the amount of the education maintenance allowance.

(4) In paragraphs (2) and (3) above 'holder's spouse' shall, where the Scottish Ministers consider it appropriate, include the other member of a couple who are not married to each other but who are living together as husband and wife.