

1988 No. 1423 (S.134)

EDUCATION, SCOTLAND

**The Education Authority Bursaries (Scotland)
Amendment Regulations 1988**

Made - - - - 8th August 1988

Laid before Parliament 11th August 1988

Coming into force 1st September 1988

The Secretary of State, in exercise of the powers conferred on him by section 49(3) of the Education (Scotland) Act 1980(a) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Education Authority Bursaries (Scotland) Amendment Regulations 1988 and shall come into force on 1st September 1988.

(2) In these Regulations, a reference to “the principal Regulations” is a reference to the Education Authority Bursaries (Scotland) Regulations 1988(b).

Amendments to principal Regulations

2. In regulation 2(1) of the principal Regulations, the definition of “vocational training establishment” shall be deleted.

3. In regulation 2 of the principal Regulations, for paragraph (4) there shall be substituted the following paragraph:—

“(4) In these Regulations any reference to a person who is “ordinarily resident in the area of the education authority on the qualifying day” includes a person who the education authority are satisfied was not so resident only because he, his spouse, or his parent was for the time being—

(a) employed outside Scotland; or

(b) attending a course of study or undertaking postgraduate research outside Scotland.”.

4. In regulation 2(5) of the principal Regulations, for the word “being” where it first appears there shall be substituted the words “who has been”.

5. In regulation 2(5)(a) of the principal Regulations, for the words from the beginning to “and either” there shall be substituted the words “a person as to whom the education authority are satisfied that he was born and spent the greater part of his life in the British Islands or, as the case may be, the European Community and that either”.

6. In regulation 2(5)(b) of the principal Regulations, for the words “whom the education authority are satisfied to have been” there shall be substituted the words “who the education authority are satisfied was”.

(a) 1980 c.44.

(b) S.I. 1988/1042.

7. In regulation 2 of the principal Regulations, there shall be inserted after paragraph (5) the following paragraph:-

“(5A) In these Regulations, where any reference is made to a person who has been ordinarily resident throughout the period of 3 years immediately preceding the relevant date in the European Community, the words “European Community” shall fall to be treated as the territory comprising-

- (a) the European Community, and
- (b) as regards any period prior to their accession to that Community, the Kingdom of Spain and the Portuguese Republic.”.

8. In regulation 2(6)(a) of the principal Regulations after the words “Manpower Services Commission’s” there shall be inserted the words “or Training Commission’s”.

9. In regulation 5 of the principal Regulations-

(a) for paragraph (b) there shall be substituted the following paragraph:-

“(b)(i) he is entitled to equality of treatment in relation to the payment of a bursary for the course in respect of which he seeks the bursary by virtue of Article 7 or 12 of Council Regulation (EEC) No. 1612/68 on freedom of movement for workers within the Community(a); and

(ii) he has been ordinarily resident throughout the period of 3 years immediately preceding the relevant date in the European Community, provided that the education authority are satisfied that he has not been so resident for any part of that period wholly or mainly for the purpose of receiving full-time education; and

(iii) he either-

- (1) is ordinarily resident in the area of the education authority on the qualifying day in relation to the course in respect of which he seeks a bursary; or
- (2) is not ordinarily resident on that day in the area of any education authority in Scotland and seeks a bursary in respect of a course of study at an educational establishment in the area of the education authority; or”;

(b) paragraph (c) shall be deleted; and

(c) in paragraph (e) the words “(the Kingdom of Spain and the Portuguese Republic being deemed for the purposes of this paragraph to have been member states of the European Community from 1st September 1983)” shall be deleted.

St. Andrew’s House, Edinburgh
8th August 1988

Michael B. Forsyth
Parliamentary Under Secretary of State,
Scottish Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education Authority Bursaries (Scotland) Regulations 1988 to alter provisions relating to the eligibility of nationals of member states of the European Community. They remove conditions which provided for a minimum period of employment in the United Kingdom. Nationals of other member states of the European Community will be eligible for bursaries where they fall to be treated as workers for the purposes of Article 7 of the Council Regulation 1612/68 on freedom of movement for workers within the Community and are therefore entitled to equality of treatment with United Kingdom nationals, provided that other conditions as to ordinary residence in the European Community are satisfied and provided that they are appropriately connected with the area of the education authority concerned. Children of such nationals of other member states will similarly be eligible by virtue of Article 12 of Council Regulation 1612/68 where their parent is or has been a worker in the United Kingdom.

The Regulations also make minor amendments, of a consequential or drafting nature, to the provisions of the principal Regulations defining "ordinary residence", and clarify the meaning of "European Community".