
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 273

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

Exercise of power to grant an education maintenance allowance

3.—(1) Subject to paragraphs (3) and (4), the Scottish Ministers may pay an education maintenance allowance in accordance with section 73(f) of the Act and these Regulations to any person undertaking a course of education in Scotland who—

- (a) is deemed to have attained the age of 16 years under section 33 of the Act (School leaving dates);
- (b) has not, on the qualifying date, attained the age of 20 years; and
- (c) is described in one or more paragraphs of Schedule 1.

(2) Schedule 2 shall have effect as regards determining whether a person is to be treated, for the purposes of Schedule 1, as being, or having been, ordinarily resident in a place at or for a particular time.

(3) The Scottish Ministers shall not pay an education maintenance allowance to a person described in paragraph 7 of Schedule 1 if that person has attained the age of 18 years.

(4) The Scottish Ministers shall not pay an education maintenance allowance to any person who attained the age of 16 years prior to 1st March 2004.