
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 303

The Council Tax Reduction (Scotland) Regulations 2012

PART 7

Students

CHAPTER 1

General

Interpretation: students

52. In this Part—

“access funds” means—

- (a) grants made under section 68 of the Further and Higher Education Act 1992⁽¹⁾ for the purpose of providing funds on a discretionary basis to be paid to students;
- (b) grants made under sections 73(a) and (c) and 74(1) of the Education (Scotland) Act 1980⁽²⁾;
- (c) grants made under article 30 of the Education and Libraries (Northern Ireland) Order 1993⁽³⁾ or grants, loans or other payments made under article 5 of the Further Education (Northern Ireland) Order 1997⁽⁴⁾, in each case being grants, or grants, loans or other payments as the case may be, for the purpose of assisting students in financial difficulties;
- (d) discretionary payments, known as “learner support funds”, which are made available to students in further education by institutions out of funds provided by the Young People’s Learning Agency for England under sections 61 and 62 of the Apprenticeships, Skills, Children and Learning Act 2009 or the Chief Executive of Skills Funding under sections 100 and 101 of that Act⁽⁵⁾; or
- (e) Financial Contingency Funds made available by the Welsh Ministers;

“college of further education” means a college of further education within the meaning of Part 1 of the Further and Higher Education (Scotland) Act 1992;

“contribution” means—

- (a) any contribution in respect of the income of a student or any person which the Scottish Ministers, the Secretary of State or an education authority takes into account in ascertaining the amount of a student’s grant or student loan; or
- (b) any sums, which in determining the amount of a student’s allowance or bursary in Scotland under the Education (Scotland) Act 1980, the Scottish Ministers or education

(1) 1992 c.13.

(2) 1980 c.44. Section 74(1) was amended by paragraph 8 of Schedule 10 to the Self-Governing Schools etc. (Scotland) Act 1989 (c.39).

(3) 1993/2810.

(4) S.I. 1997/1772.

(5) 2009 c.22.

authority takes into account being sums which the Scottish Ministers or education authority consider that it is reasonable for the following persons to contribute towards the holder's expenses—

- (i) the holder of the allowance or bursary;
- (ii) the holder's parents;
- (iii) the holder's parent's spouse, civil partner or a person ordinarily living with the holder's parent as if the person was the spouse or civil partner of that parent; or
- (iv) the holder's spouse or civil partner;

“covenant income” means the gross income payable to a full-time student under a deed of covenant by the student's parent;

“education authority” means a government department (including any Minister of the Crown, any part of the Scottish Administration, the National Assembly for Wales, the Northern Ireland Assembly, any Northern Ireland Minister or Northern Ireland junior Minister and any Northern Ireland department), a local education authority as defined in section 123 of the Local Government (Scotland) Act 1973⁽⁶⁾, a local authority as defined in section 579 of the Education Act 1996⁽⁷⁾ (interpretation), an education and library board established under article 3 of the Education and Libraries (Northern Ireland) Order 1986, any body which is a Research Council for the purposes of the Science and Technology Act 1965⁽⁸⁾ or any analogous government department, authority, board or body, of the Channel Islands, Isle of Man or any other country outside Great Britain;

“grant” (except in the definition of “access funds”) means any kind of educational grant or award and includes any scholarship, studentship, exhibition, allowance or bursary but does not include a payment from access funds or any payment to which paragraph 15 of Schedule 4 or paragraph 55 of Schedule 5 (disregard of financial assistance with regard to education) applies;

“grant income” means—

- (a) any income by way of a grant; or
- (b) any contribution whether or not it is paid;

“last day of the course” means—

- (a) in the case of a qualifying course, the date on which the last day of that course falls or the date on which the final examination relating to that course is completed, whichever is the later; and
- (b) in any other case, the date on which the last day of the final academic term falls in respect of the course in which the student is enrolled;

“period of study” means—

- (a) in the case of a course of study for one year or less, the period beginning with the start of the course and ending with the last day of the course;
- (b) in the case of a course of study for more than one year, in the first or, as the case may be, any subsequent year of the course, other than the final year of the course, the period beginning with the start of the course or, as the case may be, that year's start and ending with either—
 - (i) the day before the start of the next year of the course in a case where the student's grant or loan is assessed at a rate appropriate to studying throughout the year or, if

⁽⁶⁾ 1973 c.65. Section 123 was substituted by paragraph 92 of Schedule 13 to the Local Government etc. (Scotland) Act 1994 (c.39).

⁽⁷⁾ 1996 c.56. Section 579 was relevantly amended by S.I. 2010/1158.

⁽⁸⁾ 1965 c.4.

the student does not have a grant or loan, where a loan would have been assessed at such a rate had the student had one; or

- (ii) in any other case, the day before the start of the normal summer vacation appropriate to the student's course; and
- (c) in the final year of a course of study of more than one year, the period beginning with that year's start and ending with the last day of the course;

"periods of experience" means periods of work experience which form part of a sandwich course; and

"standard maintenance grant" means—

- (a) in the case of a student receiving an allowance or bursary under the Education (Scotland) Act 1980, the amount of money specified as "standard maintenance allowance" for the relevant year appropriate for the student set out in the Student Support in Scotland Guide issued by the Student Awards Agency for Scotland, or its nearest equivalent in the case of a bursary provided by a college of further education or a local education authority;
- (b) except where paragraph (a) or (c) applies in the case of a student attending or undertaking a course of study at the University of London or an establishment within the area comprising the City of London and the Metropolitan Police District, the amount specified for the time being in paragraph 2(2)(a) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003⁽⁹⁾ ("the 2003 Regulations") for that student;
- (c) except where paragraph (a) applies, in the case of a student residing at that student's parents' home, the amount specified in paragraph 3 of Schedule 2 to the 2003⁽¹⁰⁾ Regulations; and
- (d) in any other case, the amount specified in paragraph 2(2) of Schedule 2 to the 2003 Regulations, other than in paragraph 2(2)(a) or (b) of that Schedule.

Treatment of students

53. These Regulations have effect in relation to students subject to the provisions of this Part.

⁽⁹⁾ S.I. 2003/1994.

⁽¹⁰⁾ Paragraph 2 of Schedule 2 was amended by S.I. 2008/1477.