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STATUTORY INSTRUMENTS

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**1990 No. 1348 (S. 150)**

**EDUCATION, SCOTLAND**

**The Students' Allowances (Scotland)  
Amendment Regulations 1990**

<i>Made</i>	- - - -	<i>3rd July 1990</i>
<i>Laid before Parliament</i>		<i>11th July 1990</i>
<i>Coming into force</i>	- -	<i>1st August 1990</i>

The Secretary of State, in exercise of the powers conferred on him by sections 73(f) and 74(1) of the Education (Scotland) Act 1980<sup>(1)</sup> 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 Students' Allowances (Scotland) Amendment Regulations 1990 and shall come into force on 1st August 1990.

(2) In these Regulations, “the principal Regulations” means the Students' Allowances (Scotland) Regulations 1987<sup>(2)</sup>.

**Amendments to principal Regulations**

2. The following sub-paragraph shall be substituted for regulation 2(6)(a) of the principal Regulations:—

“(a) the student was in receipt of training in pursuance of training programmes and schemes operated from time to time by or on behalf of the Manpower Services Commission, the Training Commission or the Secretary of State; or”.

3. At the beginning of regulation 5(d) of the principal Regulations there shall be inserted the words “at the date of the Secretary of State receiving his application for an allowance”.

4. In regulation 5(e) of the principal Regulations—

- (a) the word “and” shall be deleted at the end of sub-paragraph (i);
- (b) the word “and” shall be inserted at the end of sub-paragraph (ii); and

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(1) 1980 c. 44; section 74(1) was amended by paragraph 8(17) of Schedule 10 to the Self-Governing Schools etc. (Scotland) Act 1989 (c. 39).  
(2) S.I. 1987/864, as amended by S.I. 1988/1424 and 1989/1112.

(c) the following sub-paragraph shall be inserted after sub-paragraph (ii):—

“(iii) has not been ordinarily resident in the British Islands throughout the 3 years immediately preceding the relevant date, save that this sub-paragraph shall not exclude from eligibility a person as to whom the Secretary of State is satisfied that he has been so resident for any part of that period wholly or mainly for the purpose of receiving full-time education.”.

5. The following paragraphs shall be inserted after regulation 7(1) of the principal Regulations:—

“(1A) It shall be a condition of payment of an allowance for an academic year that an application in writing is received by the Secretary of State by such date as he may determine in respect of that year, and different dates may be determined by him in respect of different courses.

(1B) The Secretary of State may treat an application received after any date determined for the purposes of paragraph (1A) as having been received by that date where he considers that, having regard to the circumstances of the particular case, it should be so treated.”.

St Andrew's House,  
Edinburgh  
3rd July 1990

*Ian Lang*  
Minister of State, Scottish Office

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Students' Allowances (Scotland) Regulations 1987. Regulation 2 is amended to specify those training programmes currently in operation. Regulation 5 is amended to enable a refugee (or the spouse or child of a refugee) to be eligible for an allowance if he has the appropriate status as at the date of his application being received by the Secretary of State. A further amendment to regulation 5 specifies that fees-only awards available to European Community students will not be available to persons who have been ordinarily resident in the British Islands throughout the 3 years preceding the relevant date in respect of the course in question. Regulation 7 is amended so as to introduce a condition that payment of an allowance is dependant on a written application being received by the Secretary of State by a date to be determined by him.