

2011 No. 261

EDUCATION

**The Education Maintenance Allowances (Scotland) Amendment
Regulations 2011**

<i>Made</i>	- - - -	<i>26th May 2011</i>
<i>Laid before the Scottish Parliament</i>		<i>1st June 2011</i>
<i>Coming into force</i>	- -	<i>1st August 2011</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 73(f) of the Education (Scotland) Act 1980(a) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Education Maintenance Allowances (Scotland) Amendment Regulations 2011 and come into force on 1st August 2011.

Amendment of the Education Maintenance Allowances (Scotland) Regulations 2007

2.—(1) The Education Maintenance Allowances (Scotland) Regulations 2007(b) are amended as follows.

(2) In regulation 3—

- (a) in paragraph (1), for “Scotland” substitute “the United Kingdom and Islands”; and
- (b) in paragraph (3), for “2004” substitute “2008”.

(3) In Schedule 1, for “the United Kingdom and Islands” where it occurs in the following paragraphs substitute “Scotland”—

- (a) paragraph 1(a);
- (b) paragraph 2(1)(c);
- (c) paragraph 3(1)(c);
- (d) paragraph 7(c);
- (e) paragraph 8(b); and
- (f) paragraph 9(c).

(a) 1980 c.44; section 73(f) was amended by section 29(1) of the Teaching and Higher Education Act 1998 (c.30) and by section 3(2) of the Education (Graduate Endowment and Student Support) (Scotland) Act 2001 (asp 6). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.S.I. 2007/156 was amended by S.I. 2008/1879 and S.S.I. 2007/503, 2009/188 and 309.

(4) In paragraph 1(1) and (2) of Schedule 2, for “the United Kingdom and Islands” in each place where it occurs substitute “Scotland”.

St Andrew’s House,
Edinburgh
26th May 2011

MICHAEL W RUSSELL
A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education Maintenance Allowances (Scotland) Regulations 2007 (“the 2007 Regulations”). The amendments have the effect of (a) removing the restriction that the allowance can only be paid for a course of education undertaken in Scotland, (b) changing certain residence requirements so that eligibility depends on being resident in Scotland on the qualifying date and (c) amending the age qualification so that the person receiving the allowance must have attained the age of 16 on or after 1st March 2008. “Qualifying date” is defined in regulation 2 of the 2007 Regulations.

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