
STATUTORY INSTRUMENTS

1992 No. 580 (S.66)

EDUCATION, SCOTLAND

The Nursing and Midwifery Student Allowances (Scotland) Regulations 1992

<i>Made</i>	- - - -	<i>5th March 1992</i>
<i>Laid before Parliament</i>		<i>11th March 1992</i>
<i>Coming into force</i>	- -	<i>1st May 1992</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(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Nursing and Midwifery Student Allowances (Scotland) Regulations 1992 and shall come into force on 1st May 1992.

Interpretation

2. In these Regulations except where the context otherwise requires—

“allowance” means an allowance paid or to be paid under these Regulations; and

“Health Board” has the same meaning as in section 108(1) of the National Health Service (Scotland) Act 1978(2).

Persons eligible for allowance

3. The Secretary of State may pay an allowance, in accordance with the provisions of section 73(f) of the Education (Scotland) Act 1980 and these Regulations, to any person attending a course of education at an institution approved by the National Board for Nursing, Midwifery and Health Visiting for Scotland in terms of section 6(1)(a) of the Nurses, Midwives and Health Visitors Act 1979(3), who is not at any time during that course an employee of a Health Board.

(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) 1978 c. 29; the definition of “Health Board” in section 108(1) was amended by paragraph 19(22)(a) of Schedule 9 to the National Health Service and Community Care Act 1990 (c. 19).
(3) 1979 c. 36.

Amount of allowances

4.—(1) The amount of an allowance shall be determined by the Secretary of State and may include sums in respect of—

- (a) travelling expenses necessarily incurred, or to be incurred, by the holder of the allowance in attending the course of education in respect of which the allowance is awarded;
- (b) the maintenance of the holder and of any person dependent on the holder during periods of full-time study and during vacations; and
- (c) other expenses incurred, or to be incurred, by the holder in taking advantage of educational facilities.

(2) In determining the amount of an allowance, the Secretary of State shall take account of the sums, if any, which, in accordance with principles determined by him from time to time, persons dependent on the holder can reasonably be expected to contribute towards their own maintenance.

(3) The amount of the determination of an allowance may be revised at any time if the Secretary of State thinks fit having regard to—

- (a) the failure of the holder to comply with the requirements of the allowance;
- (b) all the circumstances of the holder and persons dependent on him or both as the case may be; or
- (c) any error made in determining the amount of, or entitlement to, the allowance.

Conditions and requirements of allowances

5.—(1) The following shall be conditions of payment of every allowance for each academic year:—

- (a) an application in writing shall be 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; and
- (b) that application shall include an undertaking by the applicant to repay to the Secretary of State any amount of which the Secretary of State requests repayment following a revision in terms of regulation 4(3).

(2) The Secretary of State may treat an application received after any date determined for the purposes of paragraph (1)(a) 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.

(3) Every allowance shall be held subject to the following requirements:—

- (a) the holder shall attend regularly the course of education in respect of which the allowance is awarded;
- (b) the Secretary of State shall be satisfied as to the conduct and progress of the holder;
- (c) the holder shall provide the Secretary of State with such information and such documents as he may from time to time require to enable him to exercise his functions under these Regulations; and
- (d) the holder shall repay to the Secretary of State any sum in respect of which he has given an undertaking in terms of paragraph (1)(b) and which falls to be repaid following a revision in terms of regulation 4(3).

Method of payment

6.—(1) The allowance may be paid to the holder or to another person for his behoof, or in part to the holder and in part to the said other person.

(2) The allowance may be paid in a single payment or by instalments as the Secretary of State thinks fit, but no payment shall be made before the holder has been accepted for admission to the course of education in respect of which the allowance is awarded.

St. Andrew's House,
Edinburgh
5th March 1992

Michael B. Forsyth
Minister of State, Scottish Office

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations enable the Secretary of State to pay allowances to persons attending courses of education in Colleges of Nursing and Midwifery in Scotland, and prescribe the conditions and requirements subject to which allowances may be paid.