

**THE EDUCATION (ACCESS FUNDS) (CORONAVIRUS) (SCOTLAND)  
DETERMINATION 2021**

The Scottish Ministers make the following determination in exercise of the powers conferred by regulations 3, 4 and 5(c) and (d) of the Education (Access Funds) (Scotland) Regulations 1990(a) (“the 1990 Regulations”) and all other powers enabling them to do so.

**Citation, Duration and Effect**

1. This Determination may be cited as the Education (Access Funds) (Coronavirus) (Scotland) Determination 2021 and has effect from 15 February 2021 until 30 April 2021.

**Making of Determinations**

2. The Scottish Ministers (who may pay grants under regulation 2 of the 1990 Regulations for the purpose of providing financial assistance for students) make the determinations set out in paragraphs 3 and 4.

**Persons eligible for payments from the Coronavirus Discretionary Fund**

3.—(1) A college of further education may pay a grant from the Coronavirus Discretionary Fund to any person undertaking a course of education at the college in accordance with paragraph 4.

(2) An institution within the higher education sector may pay a grant from the Coronavirus Discretionary fund to any person undertaking a course of education at the institution in accordance with paragraph 4.

**Coronavirus Discretionary Fund**

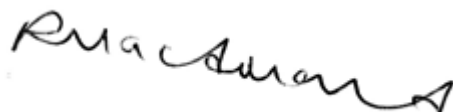
4.—(1) To be eligible for the payment of a grant from the Coronavirus Discretionary Fund, the person applying for support from that fund must—

- (a) be deemed to have attained the age of 16 years under section 33 (school leaving dates) of the Education (Scotland) Act 1980(b) (“the 1980 Act”);
- (b) be studying at least on a part-time basis; and
- (c) be undertaking fundable further education or fundable higher education (as defined in section 5 of the Further and Higher Education (Scotland) Act 2005(c) (“the 2005 Act”)) at a fundable post-16 education body (within the meaning of section 6 of the 2005 Act).

**Dr Roddy Macdonald**

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Date: 15 February 2021



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(a) S.I. 1990/1534 as amended by S.I. 1993/1892 and S.S.I. 2013/80. The functions of the Secretary of State under sections 4 and 5(c) and (d) of the 1990 Regulations were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) 1980 (c.44).

(c) 2005 asp 6.

## **EXPLANATORY NOTE**

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

This determination is made under the Education (Access Funds) (Scotland) Regulations 1990 (S.S.I. 1990/1534) (“the 1990 Regulations”). Under the 1990 Regulations, the Scottish Ministers are empowered to pay grants for the financial assistance of students attending colleges of further education and institutions within the higher education sector on such terms and conditions as the Scottish Ministers determine.

Through this determination, the Scottish Ministers are setting out the terms and conditions on which additional discretionary funds are to be paid to support students who are experiencing financial difficulties as a result of the Coronavirus pandemic during the academic year 2020-21.

Under the Education (Access Funds) (Coronavirus) (Scotland) Direction 2021, the Scottish Ministers have directed the Scottish Further and Higher Education Council and regional strategic bodies to administer the discretionary funds for the financial assistance of students attending colleges of further education on their behalf. The Student Awards Agency Scotland is the executive agency of the Scottish Ministers with regard to the higher education sector and administers discretionary funds for the financial assistance of students attending institutions within the higher education sector.

Paragraphs 3 and 4 set out the terms and conditions on which the Coronavirus Discretionary Fund may be paid to students attending colleges of further education and institutions within the higher education sector in Scotland.

Further guidance on eligibility for grants from the Coronavirus Discretionary Fund and the other discretionary funds is available from the Scottish Further and Higher Education Funding Council and the Student Awards Agency Scotland.