STATUTORY INSTRUMENTS

1981 No. 488 (S. 45)

EDUCATION, SCOTLAND

The Education (Allowances for Assisted Places in Secondary Schools) (Scotland) Regulations 1981

Made - - - -	*26th March* 1981
Laid before Parliament	*30th March* 1981
Coming into Operation	*15th May* 1981

In exercise of the powers conferred on me by sections 73(*f*) and 74(1) of the Education (Scotland) Act 1980(**a**) and of all other powers enabling me in that behalf I hereby make the following Regulations:—

PART I

GENERAL

Citation and commencement

1. These Regulations may be cited as the Education (Allowances for Assisted Places in Secondary Schools) (Scotland) Regulations 1981 and shall come into operation on 15th May 1981.

Interpretation

2.—(1) In these Regulations, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say

"assisted place" means any place at a specified school, in respect of which place fees may be remitted in accordance with these Regulations;

"employment" includes the holding of any office and any occupation for gain and "employed" shall be construed accordingly;

"European Community" means the area comprised by the member states of the European Economic Community (including the United Kingdom);

"fees" has the meaning assigned thereto by Regulation 6(2);

"financial year" has the meaning assigned thereto by Regulation 7(1);

"first assisted year" means the school year in which a person is first admitted to an assisted place;

"income" and "relevant income" have the meanings respectively assigned thereto by Regulation 8(1) and (2);

"national of a member state of the European Community" means any person who is a national of any member state of the European Economic

(a) 1980 c. 44.

Community (including the United Kingdom) for the purposes of the Community Treaties;

"pupil" in relation to a specified school means a person attending a course of school education at a specified school who has been admitted to an assisted place at that school;

"secondary school" means any school for the provision of secondary education or of both primary and secondary education;

"specified school" means any secondary school which is specified in Schedule 1 except that where that school is included in a group of specified schools it means, unless otherwise expressly stated, that group of schools, and any reference to a specified school shall include a reference to the proprietors and managers of that school or of schools included in a group of schools as the case may be.

(2) In these Regulations any reference to a Regulation or Schedule is a reference to a Regulation of or a Schedule to these Regulations and any reference in a Regulation or Schedule to a paragraph is a reference to a paragraph of that Regulation or Schedule as the case may be.

ALLOWANCES

3.—(1) If the managers of a specified school submit to the Secretary of State in accordance with these Regulations a payment claim or a provisional claim for payment of an allowance under these Regulations the Secretary of State may, subject to the provisions of these Regulations, pay to those managers in respect of each pupil admitted to an assisted place in that school, an allowance in respect of the whole or part of any fees remitted grants made or charges remitted in accordance with these Regulations by the school in respect of any such pupil.

(2) Subject to the provisions of these Regulations, an allowance paid in accordance with paragraph (1) shall, in relation to any period in respect of which a payment claim or a provisional claim is made, be the sum of fees or charges remitted or grants made in that period in respect of any such pupil.

PART II

ELIGIBILITY FOR ADMISSION TO ASSISTED PLACES

General

4.—(1) A person to whom these Regulations apply shall be eligible for admission to an assisted place in a specified school if, and only if, the provisions of this part of the Regulations are, so far as relevant, met in his case.

(2) These Regulations shall apply to—

(*a*) a child who has attained the age of 12 years on 31 July of the year, which, assuming him to have been admitted to an assisted place would be his first assisted year;

(*b*) a young person;

(*c*) a person who at the commencement of a school year of the specified school which he attends or proposes to attend, has attained the age of 18 years but has not attained the age of 20 years.

(3) Nothing in this Regulation shall prevent a person from being admitted to an assisted place in advance of its being ascertained that the provisions men-

tioned in paragraph (1) are met in his case if the admission is subject to the condition that such provisions shall be so met, and in the event of those provisions not being met admission obtained by virtue of this paragraph shall not be treated as an admission for the purposes of these Regulations.

Provisions to be met

5.—(1) The provisions to be met in so far as relevant in the case of a person to whom these Regulations apply shall be as follows:—

(*a*) in the case of such a person as is mentioned in paragraph (2) he shall have been ordinarily resident in the European Community throughout the period of three years immediately preceding 1st January in the calendar year in which his first assisted year begins assuming him to have been admitted to an assisted place (hereinafter referred to as "the relevant date");

(*b*) in any other case he shall have been ordinarily resident in the British Islands throughout the period mentioned in sub-paragraph (*a*) above assuming him to have been admitted to an assisted place;

(*c*) when applying for an assisted place in respect of such a person as is mentioned in (*a*) or (*b*) above as the case may be, his parents shall have furnished the school with—

(i) a declaration of relevant income for the financial year immediately preceding the school year in relation to which the application is made or;

(ii) if such a declaration cannot be furnished, a declaration of relevant income for the financial year preceding that financial year and a declaration of estimated relevant income for that financial year;

(*d*) that he shall, if admitted to an assisted place be, in the opinion of the school, capable of benefitting from the edcuation provided at that school.

(2) The person referred to in paragraph (1)(*a*) is one who is resident in the British Islands on the relevant date and is the child of a national of a member state of the European Community who—

(*a*) where he is employed on the relevant date is then in employment in the British Islands, or

(*b*) where he is not employed on that date (by reason of retirement or otherwise) was last employed in such employment.

PART III

REMISSION OF FEES

General

6.—(1) The following provisions of this Part shall apply for the purposes of ascertainment of remission of fees in respect of attendance at a specified school.

(2) For the purposes of this Part "fees" means the fees which a specified school may remit, in whole or in part to the parents of a pupil admitted to an assisted place, including

(*a*) tuition and other fees the payment of which is a condition of attendance at the specified school;

(*b*) entrance fees for public examinations paid by the specified school in respect of candidates from that school; and

(*c*) such other fees in respect of a pupil's attendance at a specified school as may be approved by the Secretary of State for the purposes of these Regulations.

(3) The parents of a pupil shall not be entitled to any remission of fees for which they are liable in respect of a period before the pupil took up his place or (in lieu of notice or otherwise) after he has left the specified school.

(4) The parents of a pupil shall be under no obligation to apply for remission of fees as respects a particular school year if they consider themselves not entitled thereto but if, as respects such a year, they do not duly apply to the school for remission of fees payable for that year they shall not be entitled to any remission of fees for that year and no allowance shall be payable in respect of their child on account of any fees which may nevertheless be remitted for that year.

(5) If the Secretary of State is satisfied in the case of any pupil, that his parents have furnished information in connection with an application for an assisted place or in connection with an assisted place which they know to be false in a material particular, or have recklessly furnished such information which is false in a material particular he may withhold payment of allowance to the specified school concerned;

Provided that the Secretary of State shall be entitled to withhold payment of such allowance only in so far as the amount so withheld represents the amount of fees remitted by the specified school in acordance with these Regulations to the parents as a result of the furnishing by them of such information.

(6) This Regulation shall have effect notwithstanding anything in any other provision of these Regulations.

References to financial years

7.—(1) For the purposes of this Part "financial year' means, subject to paragraph (2), a year ending with 5th April and, in relation to a particular school year, "preceding financial year" means the financial year preceding that school year and "current financial year" means the financial year which includes the first day of that school year.

(2) Where the parents of a person in respect of whom an application for an assisted place has been made satisfy the school that their income is wholly or mainly derived from the profits of a business or profession or vocation carried on by either or both of them, then if the parents and the school so agree, any reference in this Part to a financial year shall be construed as a reference to a year ending with such date as appears to the school expedient having regard to any accounts kept in respect of that business, profession or vocation and the periods covered thereby.

References to income

8.—(1) For the purposes of this Part the income of any person for a financial year shall, subject to the provisions of Schedule 2 be taken to be his total income for that year; and in this paragraph and that Schedule, "total income" has the same meaning as in section 32 of the Finance Act 1971(**a**).

(a) 1971 c. 68, amended by section 14 of the Finance Act 1978 (c. 42).

(2) For the purposes of this Part "relevant income" as respects a pupil means, in relation to any financial year, his parents' income for that year aggregated with the unearned income for that year, if any, of the pupil himelf and of any other of the parents' children who are wholly or mainly dependent on them at the time the relevant income is calculated less, where paragraph (3) applies, the sum there mentioned.

(3) The relevant income, calculated as aforesaid, shall be reduced by £600 in respect of each person other than the pupil who—

(*a*) is wholly or mainly dependent on the parents at the time the relevant income is calculated, and

(*b*) is a child or other relative of one or both of the parents.

Calculation of remission

9.—(1) Subject to pargraphs (2), (3) and (4) the extent to which fees are to be remitted in respect of any pupil holding an assisted place shall be determined by reference to relevant income in the preceding financial year.

(2) Where either parent of the pupil has died in either the preceding financial year or the current financial year and the specified school are satisfied that the income of the surviving parent in the current financial year, when aggregated with that of the deceased parent where he died in that year is likely to be less than their aggregated income in the preceding financial year, the extent to which fees are to be remitted shall be determined by reference to the current financial year; and in such case, paragraph (1) shall have effect as if the reference therein to the preceding financial year were a reference to the current financial year, and if the deceased parent died in that year, the reference to the pupil's parents in Regulation 8(2) included a reference to the deceased parent.

(3) Where in a case not falling within paragraph (2) the specified school are satisfied that the relevant income in the current financial year is likely to be so much less than the relevant income in the preceding financial year that financial hardship would result if the extent to which fees are to be remitted were determined by reference to that year then, if the Secretary of State so approves, that extent shall be determined in relation to the school year in question and unless and until he otherwise directs, any subsequent school year by reference to the current financial year; and in such case, paragraph (1) shall have effect as if the reference therein to the preceding financial year were a reference to the current financial year.

(4) Where it is not reasonably practicable for the parents to furnish before the beginning of the school year, the requisite information as to relevant income for the appropriate financial year then, in relation to that school year, the extent to which fees are to be remitted may be determined provisionally, by reference to relevant income for earlier financial years as the school think fit but—

(*a*) no such provisional determination shall be more favourable to the parents than one arrived at by reference to an estimate furnished by the parents of relevant income for the apropriate financial year;

(*b*) a provisional determination shall cease to have effect when the parents have furnished the requisite information or if the school are satisfied that it has become reasonably practicable for them to do so but they have failed to furnish it, and

(*c*) within three months of the financial determination of the extent to which fees are to be remitted any over-remission or under-remission of

fees shall be adjusted by payments between the parents and the specified school.

Scales of remission

10.—(1) Subject to paragraph (2) where the relevant income for the appropriate financial year does not exceed the sum specified in Column 1 (Relevant Income) of Schedule 3 but exceeds the immediately preceding sum specified in that Column the fees in respect of any pupil shall be remitted to his parents to the extent to which they exceed the sum specified in Column 2 of that Schedule (the Parental Contribution) opposite the sum first mentioned above;

Provided that where two or more children of the same family are pupils holding assisted places (whether at the same or different schools) the sum third above mentioned (the Parental Contribution) shall be multiplied

(*a*) where there is a total of two such children by a factor of 1·5

(*b*) where there is a total of three such children by a factor of 1·8

(*c*) where there is a total of four or more such children by a factor of 2·0

(2) Where the relevant income for the appropriate financial year does not exceed £4,766 the fees shall be remitted in full.

PART IV

MAKING OF GRANTS AND REMISSION OF CHARGES

General

11.—(1) The following provisions of this Part shall apply in relation to the making of grants and remission of charges in respect of a pupil.

(2) A specified school shall make grants and remit charges in accordance with the provisions of this Part but shall not, in pursuance of these Regulations,

(*a*) make grants in respect of school travel expenditure or clothing expenditure incurred by the parents of a child before the date on which he takes up an assisted place or after the date on which he ceases to occupy that place (except where such expenditure is authorised to be incurred in accordance with those Regulations); or

(*b*) remit charges in respect of such a period as is mentioned in sub-paragraph (*a*) above.

(3) The parents of a pupil shall not be entitled to any grants in respect of such expenditure incurred, or such expenditure relating to a period, after he has left the specified school or, if he remains at the school, after the end of the school year in which he attains the age of 20 years nor shall they be entitled to any remission of charges for which they are liable (in lieu of notice or otherwise) in respect of such a period.

School Travel Grants

12.—(1) A specified school, in accordance with this Regulation—

(*a*) shall, in respect of each school year, make a school travel grant in respect of any pupil holding an assisted place at that school to the parents of such a pupil in respect of their school travel expenditure in that year;

(*b*) may, in the course of, or immediately before a school year, make payments on account of the school travel grant which it appears to them will be made in respect of that year,

but, where payments of account are made in accordance with sub-paragraph (*b*) above, any overpayment or underpayment of grant for the year in question shall, within three months of the final determination of the amount (if any) of the school travel grant, be adjusted by payments between the parents and the specified school.

(2) The amount (if any) of school travel grant which is to be made shall be determined in accordance with this paragraph by reference to the school travel expenditure for a particular school year and to the relevant income relevant to any pupil in respect of whom such a school travel grant is to be made—

(*a*) where the relevant income does not exceed £4,766 per annum the school travel grant shall be of an amount equal to that of the school travel expenditure;

(*b*) in any other case, the school travel grant shall be of an amount, if any, by which the school travel expenditure exceeds an amount (rounded down to the nearest multiple of £3) equal to a twelfth of that part of the relevant income which exceeds £4,600.

(3) In this Regulation "school travel expenditure" means (subject to paragraph (2)) the aggregate expenses incurred by the parents of a pupil in respect of his travel between his home and the school—

(*a*) by public transport services including any train, bus, boat or hovercraft services within such services;

(*b*) by transport provided by an education authority;

(*c*) by transport provided in pursuance of arrangements which, at the request of the specified school are for the time being approved by the Secretary of State;

(*d*) any combination thereof;

where the walking distance between the home and the school exceeds 3 miles each way measured by the nearest available route.

(4) For the purposes of this Regulation—

(*a*) where the expenses incurred by the parents of a pupil are in respect of travel in excess of 25 miles each way measured by the nearest available route by any of the means of transport mentioned in paragraph 3, account shall be taken of only so much of the expenses as bears the same proportion to the full amount thereof as 25 miles bears to the length in miles of the travel in question;

(*b*) where such expenses are in respect of travel by public transport and they are in excess of the expenses which would have been incurred if advantage had been taken of available arrangements for season tickets or reduced or concessionary fares the excess shall be disregarded.

Clothing Grants

13.—(1) A specified school shall in accordance with this Regulation make to the parents of a pupil holding an assisted place at that school a clothing grant in respect of clothing expenditure in relation to such a pupil.

(2) Subject to paragraph (3) a specified school shall not in the case of a particular pupil make clothing grants more frequently than every other school year and, accordingly, if such grant is made in a particular school year no such grant shall be made in the next following school year.

(3) In a pupil's first assisted year, clothing grant shall be made in the case of such a pupil in respect of whom relevant income does not exceed £5,200 and in

such case the grant shall be of an amount equal to so much of the clothing expenditure as does not exceed—

(*a*) £80, where the relevant income does not exceed £4,600;

(*b*) £60, where that income exceeds £4,600 but does not exceed £4,800;

(*c*) £40, where that income exceeds £4,800 but does not exceed £5,000;

(*d*) £20, where that income exceeds £5,000 but does not exceed £5,200.

Provided that any clothing grant which would fall to be made in a pupil's first assisted year may be paid during the 2 months immediately preceding that year but, in such case, paragraph (3) shall have effect as if the grant were paid in the first assisted year.

(4) In any subsequent school year in which clothing grant is made in accordance with paragraph (3) having regard to paragraph (2), it shall be made in the case of a pupil as respects whom relevant income does not exceed £4,800 and in such case the grant shall be of an amount equal to so much of the clothing expenditure (disregarding expenditure in respect of which a previous grant has been paid) as does not exceed—

(*a*) £40, where the relevant income does not exceed £4,600;

(*b*) £20, where that income exceeds £4,600 but does not exceed £4,800.

(5) In this Regulation "clothing expenditure" means expenditure on items of uniform and other clothing (including sports clothing) to be worn at school by a pupil which the specified school are satisfied—

(*a*) has been incurred by the parents of that pupil, or

(*b*) is about to be incurred by them but which they cannot, without financial hardship, incur in advance of the making of grant under this Regulation.

Remission of Charges for Meals

14.—(1) A specified school shall in accordance with this Regulation remit the whole or the part of any charges which they would otherwise make in respect of meals provided for a pupil holding an assisted place who is not a boarder at the school.

(2) In the case of a pupil in respect of whom relevant income does not exceed £4,000, the specified school shall remit (save as provided in paragraph (3)) one half of any such charges for the whole of the school year concerned.

(3) In any such case, where the parents of a pupil satisfy the specified school at any time during a school year, or the month preceding the beginning of a school year, that they are in receipt of supplementary benefit or family income supplement, then the school shall remit the whole of any such charges—

(*a*) for the whole of that school year, where they are satisfied as aforesaid at or before the beginning of that year; or

(*b*) for the remainder of the school year, where they are so satisfied in the course thereof;

notwithstanding that the parents may cease to be in receipt of supplementary benefit or family income supplement between the specified school being so satisfied and the end of the school year in question.

Remission of Charges for Field Study Courses

15.—(1) Subject to paragraph (2) a specified school shall in accordance with this Regulation remit the whole of any charges they would otherwise make in

respect of the participation in a field study course of a pupil holding an assisted place at that school.

(2) The remission of fees mentioned in paragraph (1) shall be made if, and only if, the pupil in respect of whom such remission is to be made—

(*a*) is a candidate or prospective candidate for a relevant public examination; and

(*b*) his parents are entitled in accordance with Part III of these Regulations to remission of fees in whole or in part for the school year in which the course is held.

(3) In this Regulation a field study course means a course of field study (provided by the specified school or otherwise) which forms part of a course of school education at the school for the ordinary or higher grade examinations for the Scottish Certificate of Education or other examinations comparable thereto, being examinations in—

(*a*) biology;

(*b*) botany;

(*c*) geography;

(*d*) geology; or

(*e*) zoology;

and a reference to a relevant public examination shall be construed accordingly.

PART V

ADMINISTRATIVE ARRANGEMENTS

16.—(1) Claims for payment of the allowance mentioned in Regulation 3(1) ("payment claims") may be submitted to the Secretary of State by a specified school in respect of such periods, not being less than a term, as appear to them appropriate and, with his consent, claims may be submitted on the basis of an estimate of fees or charges so remitted or grants made ("provisional claims"); but, where a provisional claim is submitted, the school shall, as soon as is reasonably practicable, submit a payment claim in repect of the period in question which is not based on such an estimate and that claim shall supersede the provisional claim.

(2) As soon as is reasonably practicable after he is satisfied as respects a payment claim, the Secretary of State may pay the appropriate allowance without prejudice, however, where he considers it expedient to do so, to his making earlier payments on account in pursuance of the payment claim or in pursuance of a provisional claim in respect of the same period.

(3) Any over-payment or under-payment of allowance which appears to the Secretary of State to have occurred shall be adjusted as soon as is reasonably practicable by payments between the Secretary of State and the specified school concerned.

And in particular but without prejudice to that generality, where the amount of any allowance payable to a specified school on a payment claim under these Regulations is less than the amount paid to the school under a provisional claim, the Secretary of State shall be entitled to recover the amount overpaid from that school and, without prejudice to any other method of recovery, he may deduct that amount from the amount of any other payment of allowance falling to be made to that school in accordance with these Regulations.

17. If the Secretary of State is satisfied that a specified school to whom an allowance may be made under these Regulations has failed to observe any of the conditions or requirements specified in these regulations he may

(*a*) refuse to pay such an allowance, or

(*b*) withhold such allowance or such part thereof as he considers appropriate for such period or periods as he considers appropriate.

PART VI

CONDITIONS OF PAYMENT

General

18. Any allowance payable under these Regulations shall be subject to the conditions specified in this Part and a specified school, to which such allowance is made, shall comply with the requirements specified in these Regulations.

Publication of information

19.—(1) Each specified school shall publish annually—

(*a*) the fact that that school is a school at which assisted places are available;

(*b*) information as to the public examinations for which pupils of all descriptions at the school are entered and as to the results obtained.

(2) Anything required to be published under paragraph (1) shall be published in such manner and at such time or times as appears to the Secretary of State appropriate for the purpose of bringing the particulars of information to the attention of parents likely to be interested therein.

Fees, etc payable

20.—(1) In the case of a pupil—

(*a*) the fees charged by a specified school shall not include a sum to be paid into a bursary or similar fund, and

(*b*) the school shall not make it a condition of his attendance that any payment otherwise than in respect of fees be made to the school or into a fund specified by the school.

(2) The fees for pupils for any school year (other than entrance fees for public examinations) shall be payable in respect of each term and, subject to any increase in fees in the course of the school year, the fees payable in respect of each term shall be one third of those payable for the whole of that year.

21. A specified school shall not increase the fees for pupils without giving to the Secretary of State at least two months' written notice of their intention so to do and obtaining the approval of the Secretary of State prior to such increase.

22. A specified school shall furnish the Secretary of State with such information as he may require regarding a payment claim or provisional claim made in accordance with these Regulations.

23. A specified school shall furnish the Secretary of State with such periodic returns and information as he may require relating to that school or pupils thereat including in particular, information relevant to an intended increase in fees for pupils.

24. A specified school to whom payment of allowance is to be made shall, at the request of the Secretary of State, furnish him with copies of the accounts duly audited by an independent auditor for such period or periods as he may require together with copies of the auditor's certificate relating thereto.

George Younger,
One of Her Majesty's Principal Secretaries of State.

New St. Andrew's House,
Edinburgh.
26th March 1981.

SCHEDULE 1

SPECIFIED SCHOOLS

Albyn School for Girls, Aberdeen.
Benedictine Convent School, Dumfries.
Belmont House School, Newton Mearns, Renfrewshire.
Craigholme School for Girls, Glasgow.
Convent of the Sacred Heart School, Kilgraston, Perthshire.
Daniel Stewart's and Melville College, Edinburgh.
Dollar Academy.
Edinburgh Academy.
Fernhill School, Rutherglen.
Fettes College, Edinburgh.
Fort Augustus Abbey School.
George Heriot's School, Edinburgh.
George Watson's College, Edinburgh.
Glasgow Academy.
Gordonstoun School, Morayshire.
The High School of Dundee.
The High School of Glasgow.
Hutchesons' Grammar School, Glasgow.
Keil School, Dumbarton.
Kelvinside Academy, Glasgow.
Laurel Bank School, Glasgow.
Lomond School, Helensburgh.
Loretto School, Musselburgh.
The Mary Erskine School, Edinburgh.
Merchiston Castle School, Edinburgh.
Morrison's Academy, Crieff.
The Park School, Glasgow.
Rannoch School, Perthshire.
Robert Gordon's College, Aberdeen.
Rudolph Steiner School of Edinburgh.
St Aloysius' College, Glasgow.
St Columba's School, Kilmacolm, Renfrewshire.
St Denis and Cranley School, Edinburgh.
St George's School for Girls, Edinburgh.
St Hilary's School, Edinburgh.
St Leonards and St Katherines School, St Andrews.
St Margaret's Convent School, Edinburgh.
St Margaret's School for Girls, Aberdeen.
St Margaret's School for Girls, Newington, Edinburgh.
Strathallan School, Forgandenny, Perthshire.
Trinity College, Glenalmond, Perthshire.
Westbourne School for Girls, Glasgow.

SCHEDULE 2

COMPUTATION OF INCOME

1.—(1) This Schedule shall have effect for the purposes of determining a person's income for the purposes of these Regulations by reference to his total income.

(2) In this Schedule any reference to the Act of 1970 is a reference to the Income and Corporation Taxes Act 1970(a).

2. Where any income of a person is not part of his total income by reason only that—

(*a*) he is not resident, ordinarily resident or domiciled in the United Kingdom, or

(*b*) the income does not arise in the United Kingdom, or

(*c*) the income arises from an office, service or employment, income from which is exempt from tax in pursuance of any enactment,

his income for the purposes of these Regulations shall be computed as though the income first mentioned in this paragraph were part of his total income.

3. In so far as in ascertaining a person's total income any deductions fall to be made—

(*a*) by way of personal reliefs provided for in Chapter II of Part I of the Act of 1970, otherwise than in section 18 thereof (reliefs for blind persons);

(*b*) in pursuance of Part IX of the Act of 1970, in respect of superannuation or other payments made by a person, or in respect of deductions made from his salary, for the purpose of securing the payment to or in respect of him of pensions, annuities or other future benefits;

(*c*) in pursuance of section 75 of the Finance Act 1972(b), in respect of interest payments eligible for relief under that section by virtue of Part I of Schedule 9 to that Act and paragraph 4(1)(*a*) of Schedule 1 to the Finance Act 1974(c) (loan for purchase or improvement of land) or by virtue of paragraph 24 of the said Schedule 1 (loan to purchase life annuity);

(*d*) in respect of any sums paid under a deed of covenant otherwise than to a child of the person concerned who is wholly or mainly dependent upon him;

(*e*) in pursuance of section 31 of the Finance Act 1977(d), in respect of earnings from work done abroad, or

(*f*) by way of relief for persons carrying on a trade, profession or vocation partly abroad provided for in section 27 of the Finance Act 1978(e),

his income for the purposes of these Regulations shall be computed as though those deductions did not fall to be made.

4. Where income by way of mobility allowance within the meaning of section 37A of the Social Security Act 1975 (f) or section 37A of the Social Security (Northern Ireland) Act 1975(g) is included in a person's total income, his income for the purposes of these Regulations shall be computed as though it were not so included.

5. Where a person receives any payments to which section 187 of the Act of 1970 applies (payment on retirement or removal from office or employment) and those payments are, in whole or in part, not charged to tax by virtue of section 188(3) of that Act, the person's income for the purposes of these Regulations shall be computed as though the said section 188(3) had not been enacted.

(a) 1970 c. 10; the amending enactments (which relate to qualifications for, and the amount of, reliefs) are not expressly relevant to these Regulations.

(b) 1972 c. 41, amended by section 19 of the Finance Act 1974 (c. 30).

(c) 1974 c. 30. (d) 1977 c. 36. (e) 1978 c. 42.

(f) 1975 c. 14, amended by section 22 of the Social Security Pensions Act 1974 (c. 60) and section 3 of the Social Security Act 1979 (c. 18).

(g) 1975 c. 15, amended by Article 24 of the Social Security Pensions (Northern Ireland) Order 1975 (S.I. 1975/1503 (N.I.15)) and Article 4 of the Social Security (Northern Ireland) Order 1979 (S.I. 1979/396 (N.I.5)).

SCHEDULE 3

Col. 1 Relevant Income	*Col. 2 Parental Contribution (1st Child)*	*Col. 1 Relevant Income*	*Col. 2 Parental Contribution (1st Child)*	*Col. 1 Relevant Income*	*Col. 2 Parental Contribution (1st Child)*
£4,766	Nil	£6,105	£183	£6,732	£351
£4,800	£18	£6,125	£186	£6,742	£354
£4,834	£21	£6,145	£189	£6,752	£357
£4,867	£24	£6,165	£192	£6,762	£360
£4,900	£27	£6,185	£195	£6,772	£363
£4,934	£30	£6,205	£198	£6,782	£366
£4,967	£33	£6,225	£201	£6,792	£369
£5,000	£36	£6,242	£204	£6,802	£372
£5,034	£39	£6,252	£207	£6,812	£375
£5,067	£42	£6,262	£210	£6,822	£378
£5,095	£45	£6,272	£213	£6,832	£381
£5,120	£48	£6,282	£216	£6,842	£384
£5,145	£51	£6,292	£219	£6,852	£387
£5,170	£54	£6,302	£222	£6,862	£390
£5,195	£57	£6,312	£225	£6,872	£393
£5,220	£60	£6,322	£228	£6,882	£396
£5,245	£63	£6,332	£231	£6,892	£399
£5,270	£66	£6,342	£234	£6,902	£402
£5,295	£69	£6,352	£237	£6,912	£405
£5,320	£72	£6,362	£240	£6,922	£408
£5,345	£75	£6,372	£243	£6,932	£411
£5,370	£78	£6,382	£246	£6,942	£414
£5,395	£81	£6,392	£249	£6,952	£417
£5,420	£84	£6,402	£252	£6,962	£420
£5,445	£87	£6,412	£255	£6,972	£423
£5,470	£90	£6,422	£258	£6,982	£426
£5,495	£93	£6,432	£261	£6,992	£429
£5,520	£96	£6,442	£264	£7,002	£432
£5,545	£99	£6,452	£267	£7,012	£435
£5,565	£102	£6,462	£270	£7,022	£438
£5,585	£105	£6,472	£273	£7,032	£441
£5,605	£108	£6,482	£276	£7,042	£444
£5,625	£111	£6,492	£279	£7,052	£447
£5,645	£114	£6,502	£282	£7,062	£450
£5,665	£117	£6,512	£285	£7,072	£453
£5,685	£120	£6,522	£288	£7,082	£456
£5,705	£123	£6,532	£291	£7,092	£459
£5,725	£126	£6,542	£294	£7,102	£462
£5,745	£129	£6,552	£297	£7,112	£465
£5,765	£132	£6,562	£300	£7,122	£468
£5,785	£135	£6,572	£303	£7,132	£471
£5,805	£138	£6,582	£306	£7,142	£474
£5,825	£141	£6,592	£309	£7,152	£477
£5,845	£144	£6,602	£312	£7,162	£480
£5,865	£147	£6,612	£315	£7,172	£483
£5,885	£150	£6,622	£318	£7,182	£486
£5,905	£153	£6,632	£321	£7,192	£489
£5,925	£156	£6,642	£324	£7,202	£492
£5,945	£159	£6,652	£327	£7,212	£495
£5,965	£162	£6,662	£330	£7,222	£498
£5,985	£165	£6,672	£333	£7,232	£501
£6,005	£168	£6,682	£336	£7,242	£504
£6,025	£171	£6,692	£339	£7,252	£507
£6,045	£174	£6,702	£342	£7,262	£510
£6,065	£177	£6,712	£345	£7,272	£513
£6,085	£180	£6,722	£348	£7,282	£516

Col. 1 Relevant Income	*Col. 2 Parental Contribution (1st Child)*	*Col. 1 Relevant Income*	*Col. 2 Parental Contribution (1st Child)*	*Col. 1 Relevant Income*	*Col. 2 Parental Contribution (1st Child)*
£7,292	£519	£7,872	£693	£8,452	£867
£7,302	£522	£7,882	£696	£8,462	£870
£7,312	£525	£7,892	£699	£8.472	£873
£7,322	£528	£7,902	£702	£8,482	£876
£7,332	£531	£7,912	£705	£8,492	£879
£7,342	£534	£7,922	£708	£8,502	£882
£7,352	£537	£7,932	£711	£8,512	£885
£7,362	£540	£7,942	£714	£8,522	£888
£7,372	£543	£7,952	£717	£8,532	£891
£7,382	£546	£7,962	£720	£8,542	£894
£7,392	£549	£7,972	£723	£8,552	£897
£7,402	£552	£7,982	£726	£8,562	£900
£7,412	£555	£7,992	£729	£8,572	£903
£7,422	£558	£8,002	£732	£8,582	£906
£7,432	£561	£8,012	£735	£8,592	£909
£7,442	£564	£8,022	£738	£8,602	£912
£7,452	£567	£8,032	£741	£8,612	£915
£7,462	£570	£8,042	£744	£8,622	£918
£7,472	£573	£8,052	£747	£8,632	£921
£7,482	£576	£8,062	£750	£8,642	£924
£7,492	£579	£8,072	£753	£8,652	£927
£7,502	£582	£8,082	£756	£8,662	£930
£7,512	£585	£8,092	£759	£8,672	£933
£7,522	£588	£8,102	£762	£8,682	£936
£7,532	£591	£8,112	£765	£8,692	£939
£7,542	£594	£8,122	£768	£8,702	£942
£7,552	£597	£8,132	£771	£8,712	£945
£7,562	£600	£8,142	£774	£8,722	£948
£7,572	£603	£8,152	£777	£8,732	£951
£7,582	£606	£8,162	£780	£8,742	£954
£7,592	£609	£8,172	£783	£8,752	£957
£7,602	£612	£8,182	£786	£8,762	£960
£7,612	£615	£8,192	£789	£8,772	£963
£7,622	£618	£8,202	£792	£8,782	£966
£7,632	£621	£8,212	£795	£8,792	£969
£7,642	£624	£8,222	£798	£8,802	£972
£7,652	£627	£8,232	£801	£8,812	£975
£7,662	£630	£8,242	£804	£8,822	£978
£7,672	£633	£8,252	£807	£8,832	£981
£7,682	£636	£8,262	£810	£8,842	£984
£7,692	£639	£8,272	£813	£8,852	£987
£7,702	£642	£8,282	£816	£8,862	£990
£7,712	£645	£8,292	£819	£8,872	£993
£7,722	£648	£8,302	£822	£8,882	£996
£7,732	£651	£8,312	£825	£8,892	£999
£7,742	£654	£8,322	£828	£8,902	£1,002
£7,752	£657	£8,332	£831	£8,912	£1,005
£7,762	£660	£8,342	£834	£8,922	£1,008
£7,772	£663	£8,352	£837	£8,932	£1,011
£7,782	£666	£8,362	£840	£8,942	£1,014
£7,792	£669	£8,372	£843	£8,952	£1,017
£7,802	£672	£8,382	£846	£8,962	£1,020
£7,812	£675	£8,392	£849	£8,972	£1,023
£7,822	£678	£8,402	£852	£8,982	£1,026
£7,832	£681	£8,412	£855	£8,992	£1,029
£7,842	£684	£8,422	£858	£9,010	£1,032
£7,852	£687	£8,432	£861		
£7,862	£690	£8,442	£864		

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations empower the Secretary of State to pay to the managers of any secondary school or group of secondary schools which is specified in schedule 1 to these regulations an allowance in respect of fees or charges remitted or grants made by the school in respect of pupils holding assisted places at the school. The maximum allowance is the sum of the fees or charges remitted and grants made in the period covered by a claim for payment of allowance.

Part II of the Regulations deals with eligibility for admission to an assisted place. In particular, the person concerned must have been ordinarily resident in the United Kingdom, the Channel Islands or the Isle of Man (or, in certain cases, in the European Community) throughout the three years preceding 1st January before his first assisted year, that is to say, the school year in which he would take up an assisted place (regulation 5). He must have attained the age of 12 years before 31 July in his first assisted year (regulation 4(2)(*a*)) but must not have attained the age of 20 at the commencement of the school year of the school concerned. His parents must have furnished the school with an appropriate declaration of relevant income and, in the opinion of the school, he must be capable of benefitting from the education provided at that school.

Part III, and in particular regulation 10, deals with the remission of fees in respect of attendance at the school. The extent of remission is determined by reference to relevant income (defined in regulation 8(2)) but where that income does not exceed £4,766 the entire fees fall to be remitted. Provision is made for families including more than one child holding an assisted place (regulation 10(1)).

Part IV deals with the incidental expenses of pupils holding assisted places and provides for the making of grants towards certain expenditure and the remission of certain charges. Schools are required to pay means tested grants towards the cost of travel between home and school where the walking distance exceeds three miles (School Travel Grants) (regulation 12) and clothing expenditure (Clothing Grants) (regulation 13). They are required to remit one-half of any charges for school meals where the relevant income does not exceed £4,000 and to remit such charges in full in the case of a pupil whose parents are in receipt of supplementary benefit or family income supplement (regulation 14). Charges made by a school in respect of certain field study courses are to be wholly remitted in the case of a pupil whose fees fall to be remitted, in whole or in part, under regulation 10 (regulation 15).

Part V deals with administrative arrangements relating to the settlement of claims for allowances, either final or provisional. The Secretary of State is empowered to refuse to pay or to withhold allowance if a school does not observe any of the conditions or requirements in the regulations (regulation 17).

Part VI contains conditions of payment of allowances and a school is required to comply with those conditions (regulation 18). In particular, a school is required to publish certain information (regulation 19), charges additional to fees are not to be made of parents (regulation 20) and the Secretary of State is given power to prevent, postpone or restrict a proposed increase in fees for assisted pupils (regulation 21).

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