EXPLANATORY MEMORANDUM TO THE

THE EDUCATION (ASSISTED PLACES) (AMENDMENT) (ENGLAND) REGULATIONS 2004

2004 No. 1965

1. This explanatory memorandum has been prepared by The Department for Education and Skills and is laid before the House of Commons by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Description

2.1 This instrument provides for the uprating, in line with inflation, of the sliding scale that determines the amounts parents are required to contribute under the Assisted Places Scheme (APS) means-testing arrangements.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 The APS is being phased out under the provisions of the Education (Schools) Act 1997 and, since September 1998, there have been no new assisted places available. Most assisted pupils will have completed their education by the end of the current academic year (2003/04), but arrangements need to be made in respect of the remaining assisted place holders who have been permitted to keep their places under Section 2 (2) (b) of the Education (Schools) Act 1997 until they complete their education.

5. Extent

5.1 This instrument applies to England.

6. European Convention on Human Rights

The Minister of State, David Miliband, has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of The Education (Assisted Places) (Amendment) (England) Regulations 2004 are compatible with the Convention rights.

7. Policy background

7.1 The Education (Assisted Places) (Amendment) (England) Regulations 2004 provide for the continued operation of the APS to cater for the assisted place holders

who have been allowed to keep their places and complete their education under the provision of the Education (Schools Act) 1997.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 There is no impact on the public sector.

9. Contact

Jim Wharton at the Department for Education and Skills Tel: 01325 391150 or e-mail: jim.wharton@dfes.gsi.gov.uk can answer any queries regarding the instrument.