STATUTORY INSTRUMENTS

1983 No. 189

EDUCATION, ENGLAND AND WALES

The Education (Assisted Places) (Amendment) Regulations 1983

Laid before Parliament in draft

Made - - - -	16*th February* 1983
Coming into Operation	18*th February* 1983

In exercise of the powers conferred on the Secretary of State by sections 17(6) and 35(4) of the Education Act 1980 **(a)** and after consulting, in accordance with section 17(8) of that Act, such bodies as appeared to them to be appropriate and to be representative of schools participating in the assisted places scheme, the Secretary of State for Education and Science, as respects England, and the Secretary of State for Wales, as respects Wales, hereby make the following Regulations, a draft of which has been laid before Parliament and has been approved by resolution of each House of Parliament:—

PART I

GENERAL

1.—(1) These Regulations may be cited as the Education (Assisted Places) (Amendment) Regulations 1983.

(2) These Regulations shall come into operation on 18th February 1983 but Part II thereof shall not have effect until 1st September 1983 except for the purposes of—

(a) determining a child's eligibility, or his selection, for an assisted place to be taken up on or after that date, and

(b) determining remission questions (within the meaning of Regulation 9 of the principal Regulations) for a school year, or part of a school year, beginning on or after that date.

2. In these Regulations a reference to the principal Regulations is a reference to the Education (Assisted Places) Regulations 1980 **(b)**.

PART II

PROVISIONS HAVING FULL EFFECT ONLY AS FROM 1ST SEPTEMBER 1983

3. Regulation 6(3) of the principal Regulations (conditions as to selection at sixth form level) is hereby revoked.

4.—(1) In paragraph (3) of Regulation 11 of the principal Regulations (references to income) for the sum "£800" there shall be substituted the sum "£850".

(2) At the end of the said Regulation 11 there shall be added the following provision:—

(a) 1980 c.20. **(b)** S.I. 1980/1743, amended by S.I. 1981/1861.

"(4) In this Regulation any reference to the parents of an assisted pupil is a reference to the persons who are his parents at the time the relevant income is calculated.".

5. For Regulation 14(2) of the principal Regulations (calculation of remission) there shall be substituted the following provision:—

"(2) Where one of the pupil's parents has died after remission questions have been determined but before the end of the current financial year and the school are satisfied that the income of the surviving parent in that year, when aggregated with that of the deceased parent, is likely to be less than their aggregated income in the preceding financial year, the remission questions shall be redetermined 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 the reference to the pupil's parents in paragraph (2) of Regulation 11 included a reference to the deceased parent (notwithstanding the provision of paragraph (4) of that Regulation)."

6.—(1) In paragraph (1) of Regulation 15 of the principal Regulations (scales of remission) for the sum "£5,266" there shall be substituted the sum "£5,616".

(2) For the Table in the said Regulation 15 there shall be substituted the following Table:—

"TABLE

(1) Part of relevant income to which specified percentage applies	(2) Only assisted pupil	(3) Each of two assisted pupils
That part which exceeds £5,450 but does not exceed £5,930	9%	6.75%
That part (if any) which exceeds £5,930 but does not exceed £6,410	12%	9%
That part (if any) which exceeds £6,410 but does not exceed £7,370	15%	11.25%
That part (if any) which exceeds £7,370 but does not exceed £8,860	21%	15.75%
That part (if any) which exceeds £8,860 but does not exceed £10,790	24%	18%
That part (if any) which exceeds £10,790	33%	24.75% "

7.—(1) For paragraph 3 of the Schedule to the principal Regulations (computation of income) there shall be substituted the following provision:—

"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 or of Chapter II of Part II of the Finance Act 1970(**a**), 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;

(**a**) 1970 c.24.

(c) in respect of payments by way of relevant loan interest within the meaning of paragraph 2 of Schedule 7 to the Finance Act 1982 (**a**);

(d) 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 IX to that Act and paragraphs 4(1)(*a*) and 4A of Schedule I to the Finance Act 1974 (**c**) (loan for purchase or improvement of land) or by virtue of paragraph 24 of the said Schedule I (loan to purchase life annuity);

(e) 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;

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

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

(h) in pursuance of section 37 of the Finance Act 1980 (**f**) (relief for losses on unquoted shares in trading companies), or

(i) in pursuance of Chapter II of Part IV of the Finance Act 1981 (**g**) (relief for investment in new corporate trades),

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

(2) Paragraph 4 shall be omitted from the said Schedule.

PART III

PROVISIONS HAVING EFFECT AS FROM 18TH FEBRUARY 1983

8. For Regulation 24 of the principal Regulations (teachers) there shall be substituted the following provision:—

"*Teachers*

24. No person shall be employed as a teacher at a school if, had the school been one maintained by a local education authority, his employment thereat would be precluded by regulations (**h**) for the time being in force under section 27(3) of the Education Act 1980.".

Keith Joseph,
Secretary of State for
Education and Science.

16th February 1983.

(**a**) 1982 c.39.
(**b**) 1972 c.41, as amended by section 19 of the Finance Act 1974 (c.30) and section 26 of the Finance Act 1982 (c.39).
(**c**) 1974 c.30, as amended by section 36 of the Finance Act 1977 (c.36).
(**d**) 1977 c.36.
(**e**) 1978 c.42.
(**f**) 1980 c.48.
(**g**) 1981 c.35.
(**h**) The Regulations currently in force are the Education (Teachers) Regulations 1982 (S.I. 1982/106).

Nicholas Edwards,
Secretary of State for Wales.

16th February 1983.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations, which amend the Education (Assisted Places) Regulations 1980, come into operation on 18th February 1983 but the amendments in Part II (i.e. in Regulations 3 to 7) do not have effect until 1st September 1983 except for specified preliminary purposes (*Regulation* 1(2)).

Regulation 6(3) of the Regulations of 1980 provides that a child who is a registered pupil at a school maintained by a local education authority shall normally only be eligible for selection for an assisted place at sixth form level if the authority in question agrees. This provision is revoked (*Regulation* 3).

In determining "relevant income" (to which the means test applies) the deduction to be made in respect of a dependent relative is increased from £800 to £850 (*Regulation* 4(1)) and the parental income to be taken into account is that of the persons who are the pupil's parents at the time the relevant income is calculated (*Regulation* 4(2)). Consequential changes are made in the special provision relating to the determination of remission questions where one of the parents dies (*Regulation* 5).

The means test for the remission of fees is relaxed and the level of income at or below which fees are to be wholly remitted is set at £5,616 instead of, as at present, £5,266 (*Regulation* 6).

In computing income certain deductions made for tax purposes under the Finance Act 1982 are to be disregarded and account is taken of the provisions thereof whereby mobility allowances no longer constitute taxable income (*Regulation* 7).

Regulation 24 of the Regulations of 1980 provides that a school shall comply with any prohibition or restriction on the employment of a person as a teacher imposed by the Secretary of State for the purposes thereof on specified grounds. For this provision there is substituted a requirement that a person be not employed as a teacher if his employment would be precluded in the case of a maintained school by regulations under section 27(3) of the Education Act 1980 (*Regulation* 8).

SI 1983/189
ISBN 0-11-036189-X

