STATUTORY INSTRUMENTS

1984 No. 147

EDUCATION, ENGLAND AND WALES

The Education (Assisted Places) (Amendment) Regulations 1984

Laid before Parliament in draft

Made - - - -	*8th February* 1984
Coming into Operation	*1st March* 1984

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 and approved by a resolution of each House of Parliament:—

PART I

GENERAL

1.—(1) These Regulations may be cited as the Education (Assisted Places) (Amendment) Regulations 1984.

(2) These Regulations shall come into operation on 1st March 1984 but Part II thereof shall not have effect until 1st September 1984 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)**.

(a) 1980 c. 20.
(b) S.I. 1980/1743, amended by S.I. 1981/1861, 1983/189.

3. In Regulation 21 of the principal Regulations (increase in fees) there shall be substituted for the words "two months'" the words "one month's", and for the words "a month" there shall be substituted the words "seven days".

PART II

PROVISIONS HAVING FULL EFFECT ONLY AS FROM 1ST SEPTEMBER 1984

4. In Regulation 2(3) of the principal Regulations (interpretation), for the words "in pursuance of a decree of judicial separation or other order of a court" there shall be substituted the words "under an order of a court of competent jurisdiction, or by deed of separation".

5. In Regulation 5 of the principal Regulations (conditions as to age), in paragraph (1)(*b*) there shall be substituted for the words "paragraphs (2) and (3)" the words "paragraph (2)"; and there shall be substituted for paragraphs (2) and (3) the following paragraph—

> "(2) Paragraph (1)(*b*) shall not apply in the case of a child who, if selected for an assisted place, will be provided with education in the same class as assisted pupils who were admitted to the school in an earlier school year, or in the case of such a child as is mentioned in Regulation 6(1)."

6.—(1) In paragraph (1) of Regulation 15 of the principal Regulations (scales of remission) for the sum "£5,616" there shall be substituted the sum "£6,046".

(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 £5,880 but does not exceed £6,390	9%	6.75%
That part (if any) which exceeds £6,390 but does not exceed £6,910	12%	9%
That part (if any) which exceeds £6,910 but does not exceed £7,950	15%	11.25%
That part (if any) which exceeds £7,950 but does not exceed £9,550	21%	15.75%
That part (if any) which exceeds £9,550 but does not exceed £11,630	24%	18%
That part (if any) which exceeds £11,630	33%	24.75%

7. For Regulation 24 of the principal Regulations (teachers) there shall be substituted the following regulation—

"**24.** No person who is barred from employment as a teacher at a school maintained by a local education authority by directions, given and not withdrawn, of the Secretary of State under regulations**(a)** for the time being in force under section 27(3) of the Education Act 1980 shall be employed as a teacher at a school."

8. In the Schedule to the principal Regulations (computation of income)—

(1) for sub-paragraph (*i*) of paragraph 3 there shall be substituted the following sub-paragraph—

"(*i*) in pursuance of Part I of Schedule 5 to the Finance Act 1983**(b)** (relief for investment in corporate trades),"; and

(2) the following paragraph shall be substituted for paragraph 5—

"5. There shall be left out of account, in computing a person's total income for the purposes of these Regulations, any allowance paid to him by an adoption agency pursuant to a scheme approved by the Secretary of State under section 50(4) of the Adoption Act 1958**(c)**."

Keith Joseph,
Secretary of State for
Education and Science.

8th February 1984.

Nicholas Edwards,
Secretary of State for Wales.

8th February 1984.

(a) The regulations currently in force are the Education (Teachers) Regulations 1982 (S.I. 1982/106).

(b) 1983 c. 28, amended by section 5 of and Schedule 1 to the Finance (No. 2) Act 1983 (c. 49).

(c) 1958 c. 5 (7 & 8 Eliz. 2); section 50(4) was inserted by section 32 of the Children Act 1975 (c. 72).

EXPLANATORY NOTE

(This Note is not part of the Regulations)

These Regulations, which amend the Education (Assisted Places) Regulations 1980, come into operation on 1st March 1984, but the amendments in Part II (i.e. in Regulations 4 to 8) do not have effect until 1st September 1984 except for specified preliminary purposes (*Regulation 1(2)*).

The period of notice which a school is required by Regulation 21 of the 1980 Regulations to give to the Secretary of State before increasing the fees for assisted pupils is reduced from two months to one month, with a consequential reduction to seven days in the period within which the Secretary of State may give countermanding directions (*Regulation 3*).

Regulation 2(3) of the 1980 Regulations, which sets out the circumstances in which the parents of a child are to be regarded as separated for the purposes of the Regulations, is amended to include the case where the parents are separated by deed of separation (*Regulation 4*).

The limitations imposed by Regulation 5(2) of the 1980 Regulations on the circumstances in which a child who is not of normal age for entry to a school may be selected for an assisted place if he will be educated in the same class as assisted pupils, already admitted, are revoked (*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 £6,046 instead of, as at present, £5,616 (*Regulation 6*).

Regulation 24 of the 1980 Regulations is amended to make it clear that the prohibition on the employment of a teacher applies only where he is barred from employment at a maintained school by directions of the Secretary of State which have not been withdrawn (*Regulation 7*).

In the rules for the computation of income in the Schedule to the 1980 Regulations, the provision in paragraph 5 under which payments on retirement or removal from office or employment are, notwithstanding their treatment for tax purposes, to be treated as part of a person's total income for the purposes of the Regulations, is revoked, so that (currently) the first £25,000 of any such payment will be excluded from the computation of such income. Adoption allowances paid under a scheme approved under section 50(4) of the Adoption Act 1958 are also to be excluded. The reference to the relevant income tax legislation in paragraph 3(*i*) is brought up to date (*Regulation 8*).

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