STATUTORY INSTRUMENTS

1988 No. 1210

EDUCATION, ENGLAND AND WALES

The Education (Assisted Places) (Amendment) Regulations 1988

Made - - - -	*12th July 1988*
Coming into force	
Regulation 1	*1st August 1988*
Regulations 2 to 4 for the purposes specified in Regulation 1(2)(a) and (b)	*1st August 1988*
Regulations 2 to 4 for all other purposes	*1st September 1988*

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:

1.—(1) These Regulations may be cited as the Education (Assisted Places) (Amendment) Regulations 1988.

(2) This Regulation shall come into force on 1st August 1988. Regulations 2 to 4 of these Regulations shall come into force on that date for the purposes of–

(a) determining a child's eligibility, or his selection, for an assisted place to be taken up on or after 1st September 1988; 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

and on 1st September 1988 for all other purposes.

(3) In these Regulations a reference to the principal Regulations is a reference to the Education (Assisted Places) Regulations 1985**(b)**.

2.—(1) At the end of regulation 7 of the principal Regulations there shall be added the following paragraph–

" (3) A school shall not select for an assisted place a child the whole of whose fees for his first assisted year are required to be paid in pursuance of an order of a court.".

(a) 1980 c.20.
(b) S.I. 1985/685, as amended by S.I. 1986/991 and 1987/1312.

(2) In regulation 12 of the principal Regulations after paragraph (1) there shall be inserted the following paragraph–

" (1A) The parents of an assisted pupil shall not be entitled to any remission of fees which are required to be paid in pursuance of an order of a court.".

3. In paragraph 3 of Schedule 1 to the principal Regulations (computation of income)–

(a) at the end of sub-paragraph (*a*) there shall be added the words "or provided for in section 26 of the Finance Act 1987**(a)** or, so far as applicable in respect of a financial year ending after 5th April 1988, the corresponding provision contained in the Income and Corporation Taxes Act 1988**(b)**";

(b) after sub-paragraph (*b*) there shall be inserted–

"(*bb*) in pursuance of section 31 of the Finance (No. 2) Act 1987**(c)** or, so far as applicable in respect of a financial year ending after 5th April 1988, the corresponding provision contained in the Income and Corporation Taxes Act 1988 (relief for contributions to personal pension schemes);".

4. In paragraph 1 of Schedule 2 to the principal Regulations (scales of remission) for the sum "£6,972" there shall be substituted the sum "£7,258" and for the Table in paragraph 2 of that Schedule 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*	(4) *Each of three assisted pupils*
That part which exceeds £7,092 but does not exceed £7,711	9%	6.75%	5.25%
That part (if any) which exceeds £7,711 but does not exceed £8,341	12%	9%	7%
That part (if any) which exceeds £8,341 but does not exceed £9,591	15%	11.25%	8.75%
That part (if any) which exceeds £9,591 but does not exceed £11,513	21%	15.75%	12.25%
That part (if any) which exceeds £11,513 but does not exceed £14,023	24%	18%	14%
That part (if any) which exceeds £14,023	33%	24.75%	19.25%

"

Kenneth Baker
11th July 1988 — Secretary of State for Education and Science

Peter Walker
12th July 1988 — Secretary of State for Wales

(a) 1987 c.16.
(b) 1988 c.1.
(c) 1987 c.51.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Assisted Places) Regulations 1985 in respect of a school year beginning on or after 1st September 1988.

A new condition of eligibility (that a child all of whose fees are required to be paid under a court order may not be selected for an assisted place) is introduced; and entitlement to the remission of fees required to be so paid is removed (regulation 2).

References to the relevant income tax legislation in Schedule 1 to the 1985 Regulations, as amended by the 1986 and 1987 Regulations, are updated, so as to discount deductions from total income of increased personal reliefs for those aged 80 or over and contributions to personal pension schemes (regulation 3).

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 £7,258 in place of the present £6,972 with corresponding increases in the extent of remission where relevant income exceeds that sum (regulation 4).