STATUTORY INSTRUMENTS

1989 No. 1237

EDUCATION, ENGLAND AND WALES

The Education (Assisted Places) (Incidental Expenses) Regulations 1989

Made - - - -	*21st July 1989*
Laid before Parliament	*21st July 1989*
Coming into force	*12th August 1989*

In exercise of the powers conferred on the Secretary of State by sections 18 and 35(4) of the Education Act 1980(a), 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:-

PART I

GENERAL

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Assisted Places) (Incidental Expenses) Regulations 1989 and shall come into force on 12th August 1989 .

(2) These Regulations shall apply in relation to a school year beginning on or after the date mentioned in paragraph (1).

(a) 1980 c.20.

Interpretation

Interpretation

2.—(1) In these Regulations any reference to the principal Regulations is a reference to the Education (Assisted Places) Regulations 1989(a).

(2) Regulation 2 of the principal Regulations shall apply for the purposes of the interpretation of these Regulations as it applies for the purposes of the interpretation of the principal Regulations.

PART II

GRANTS AND REMISSION OF CHARGES

Uniform grants

3.—(1) In this Regulation clothing expenditure means expenditure on items of uniform and other clothing (including sports clothing) to be worn at school by an assisted pupil which the school are satisfied –

(a) has been incurred by the pupil's parents, or

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

(2) Subject to and in accordance with this Regulation and Regulation 6, a school shall, in the cases mentioned in paragraphs (3) and (4), pay a uniform grant to the parents of a pupil holding an assisted place thereat in respect of their clothing expenditure.

(3) In a pupil's first assisted year, uniform grant shall be payable in the case of an assisted pupil as respects whom the relevant income does not exceed £8,450 and in such case the grant shall be of an amount equal to so much of the clothing expenditure as does not exceed –

(a) £129, where the relevant income does not exceed £7,416;

(b) £97, where that income exceeds £7,416 but does not exceed £7,763;

(c) £64, where that income exceeds £7,763 but does not exceed £8,097;

(d) £32, where that income exceeds £8,097 but does not exceed £8,450:

Provided that any uniform grant which would fall to be paid in a pupil's first assisted year may be paid during the period commencing on 12th August 1989 and ending when that year begins.

(4) In any subsequent school year uniform grant shall be payable in the case of an assisted pupil as respects whom the relevant income does not exceed £8,097 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) £48, where the relevant income does not exceed £7,603;

(b) £24, where that income exceeds £7,603 but does not exceed £8,097.

School travel grants

4.—(1) In this Regulation and subject to the provisions thereof, "school travel expenditure" means the aggregate expenses incurred by or on behalf of an assisted pupil at a school in respect of his journeys to and from the school or as hereinafter provided –

(a) by public transport, that is to say by train, bus, boat, hovercraft or air services available to the public;

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

(c) by transport provided by a local education authority.

(a) S.I. 1989/1235.

(2) Subject to and in accordance with the provisions of this Regulation and Regulation 6, a school shall, in respect of each school year, pay a school travel grant to the parents of each assisted pupil at the school in respect of his school travel expenditure.

(3) A school travel grant shall be payable in respect of school travel expenditure reasonably incurred in relation to journeys actually made by the pupil in the school year to or from his home or to visit a parent or guardian or other relative:

Provided that –

(a) in the case of a pupil who is a boarder (other than a weekly boarder) –

(i) grant shall not be payable in respect of more than 12 single journeys, either to or from the school, in any school year;

(ii) where the journey is to or from a place outside the British Islands, so much of the expenses as are in respect of a journey between a port, hoverport or airport within the British Islands and that place shall be disregarded;

(iii) where the pupil's expenses are in respect of journeys by air and they are in excess of what they would have been if advantage had been taken of available train, boat or hovercraft services and arrangements for reduced or concessionary fares, the excess shall be disregarded; and

(iv) where the journey is to or from a place other than the pupil's home and his expenses are in excess of what they would have been if the journey had been to or from his home, the excess shall be disregarded;

(b) in the case of a pupil who is a weekly boarder no grant shall be payable unless the pupil's walking distance between home and school exceeds three miles, but in respect of journeys in excess of 50 miles in each direction by any such transport as is mentioned in paragraph (1) account shall be taken of only so much of those expenses as bears to the full amount thereof the same proportion as 50 miles bears to the length in miles of the journey in each direction;

(c) in the case of a pupil who is a day pupil no grant shall be payable unless the pupil's walking distance between home and school exceeds three miles; but where the pupil's expenses are in respect of journeys in excess of 25 miles in each direction by any such transport as is mentioned in paragraph (1), account shall be taken of only so much of those expenses as bears to the full amount thereof the same proportion as 25 miles bears to the length in miles of the journey in each direction;

(d) in the case of any pupil, where the pupil's expenses are in respect of journeys by public transport and they are in excess of what they would have been if advantage had been taken of available arrangements for season tickets or reduced or concessionary fares, the excess shall be disregarded.

(4) A school travel grant shall also be payable in respect of school travel expenditure reasonably incurred in relation to journeys actually made by the pupil in the school year within the British Islands for the purpose of attending a university, college or other establishment of further education at the invitation of the establishment with a view to being admitted to that establishment for the purpose of further education:

Provided that grant shall not be payable in respect of more than three such journeys from the school or from the pupil's home to such an establishment and three journeys from the establishment to the school or to the pupil's home in any school year.

(5) The amount, if any, of the school travel grant for a school year payable for an assisted pupil shall be determined as follows, by reference to the school travel expenditure for that year in relation to which it is paid and relevant income as respects that pupil –

(a) where the relevant income does not exceed £7,595, the school travel grant shall be of an amount equal to that of the school travel expenditure; and

(b) in any other case the school travel grant shall be of the amount, if any, by which the school travel expenditure exceeds an amount (rounded down to the nearest multiple of £3) equal to one twelfth of that part of the relevant income which exceeds £7,416.

(6)(a) The school may, in the course of or immediately before a school year, make payments on account of the grant which it appears to the school will be payable for that year.

(b) Where any such payments on account are made, 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 grant, be adjusted by payments between the parents and the school.

Remission of charges for meals

5. Subject to Regulation 6, where the parents of an assisted pupil who is a day pupil satisfy the school at any time during a school year, or the month preceding the beginning of a school year, that they are in receipt of income support under Part II of the Social Security Act 1986(a), the school shall remit the whole of any charges which they would otherwise make for meals provided for that pupil –

(a) for the whole of that school year, where they are satisfied as aforesaid at or before the beginning thereof, 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 income support between the school being so satisfied and the end of the school year in question.

Questions arising under Regulations 3, 4 and 5

6.—(1) The questions whether or not the parents of an assisted pupil are entitled in or for any school year to any –

(a) uniform grant under Regulation 3;

(b) school travel grant under Regulation 4, or

(c) remission of charges for meals under Regulation 5,

and, in the cases of uniform grant and school travel grant, the amount thereof shall be determined as provided in paragraph (2) in like manner as questions relating to fee remission in that year are determined under the principal Regulations.

(2) Regulations 10, 11, 12(2), (3), (4) and (5), 13(1) and 14 of the principal Regulations and Schedule 1 thereto shall apply for the purposes of these Regulations as if any reference therein –

(a) to the remission of fees, were a reference to the grants and the remission of charges for meals mentioned in paragraph (1);

(b) to remission questions were a reference to the questions so mentioned.

Remission of charges for field study courses

7.—(1) In this Regulation a field study course means a course of field study (provided by the school or otherwise) which forms part of a normal course of study at a school for the examinations for the General Certificate of Secondary Education, the ordinary or advanced level examinations for the General Certificate of Education or other examinations comparable to any of them, being examinations in –

(a) biology;

(b) botany;

(c) geography;

(d) geology;

(e) zoology, or

(f) any other subject approved for the purposes hereof by the Secretary of State;

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

(a) 1986 c.50.

(2) A school shall remit the whole of any charges they would otherwise make in respect of the participation in a field study course of a pupil who holds an assisted place thereat if –

(a) he is a candidate or prospective candidate for a relevant examination, and

(b) his parents are entitled, under Regulation 15 of the principal Regulations, to remission of fees, in whole or in part, for the school year in which the course is held.

General provisions relating to grants and remission of charges

8.—(1) Where a pupil attended a school before he took up an assisted place thereat then, in pursuance of these Regulations –

(a) no grants shall be paid to his parents in respect of expenditure incurred before the date he took up his assisted place;

(b) no charges shall be remitted in respect of a period before that date.

(2) The parents of an assisted pupil shall not be entitled to any grants in respect of expenditure incurred, or relating to a period, after he has left the school or, if he so 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.

PART III

REIMBURSEMENT AND ADMINISTRATIVE ARRANGEMENTS

Reimbursement of schools

9.—(1) The Secretary of State shall reimburse a school the aggregate amount of all grants made and charges remitted in pursuance of these Regulations or regulations revoked by Regulation 11(1).

(2) Regulation 17 of the principal Regulations (reimbursement claims) shall apply for the purposes of these Regulations as if any reference therein to fees remitted were a reference to grants made and charges remitted in pursuance of these Regulations.

Time limits and forms

10. The Secretary of State may specify for the purposes hereof the time by which, and the manner and form in which, applications and information requisite for the purposes of these Regulations are to be made or furnished to a school by a parent of an assisted pupil.

PART IV

REVOCATION AND TRANSITIONAL PROVISIONS

Revocation and transitional provisions

11.—(1) The Regulations specified in the Schedule are hereby revoked.

(2) Any reimbursement of grants made or charges remitted in pursuance of regulations revoked by paragraph (1) shall be calculated as if those regulations had not been revoked.

SCHEDULE

Regulation 11(1)

REVOCATION

Regulations revoked	*References*
The Education (Assisted Places) (Incidental Expenses) Regulations 1985	S.I. 1985/830
The Education (Assisted Places) (Incidental Expenses) (Amendment) Regulations 1986	S.I. 1986/990
The Education (Assisted Places) (Incidental Expenses) (Amendment) Regulations 1987	S.I. 1987/1313
The Education (Assisted Places) (Incidental Expenses) (Amendment) Regulations 1988	S.I. 1988/1211

Kenneth Baker
21st July 1989 Secretary of State for Education and Science

Peter Walker
21 July 1989 Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations consolidate, with amendments, the Education (Assisted Places) (Incidental Expenses) Regulations 1985 which, with regulations amending them, are revoked by Regulation 11(1). They come into force on 12th August 1989 and apply in relation to a school year beginning on or after that date (Regulation 1). Changes of substance are described below.

The Regulations complement the Education (Assisted Places) Regulations 1989 ("the principal Regulations"), certain provisions of which are applied by Regulations 2(2), 6(2) and 9(2). They relate to the incidental expenses of pupils holding assisted places at schools by virtue of the scheme established pursuant to section 17 of the Education Act 1980 and provide for grants towards expenditure on uniform and other clothing and travel, and for the remission of charges for meals and charges for field study courses.

The amount of grant is subject to a means test, the provisions for which have been amended. The limit of "relevant income" (as defined in Regulation 2(1) of the principal Regulations) for payment of uniform grant in the first year is raised from £8,078 to £8,450 with corresponding increases in the maximum amounts of grant payable where relevant income is below that figure, varying from £129 (formerly £123) to £32 (formerly £31); and in subsequent years from £7,741 to £8,097 with maximum grants of £48 (£46) and £24 (£23) (Regulation 3).

School travel grant is payable in full where relevant income does not exceed £7,595 (formerly £7,271) and scaled down where relevant income exceeds that figure (Regulation 4).

Charges for field courses are remitted in full where the parents are entitled to a remission of fees under Regulation 15 of the principal Regulations (Regulation 7). Regulation 7, and the provisions of Regulation 5 (remission of charges for meals), Regulation 6 (determination of questions), Regulation 8 (general provisions) and Regulation 10 (power of the Secretary of State to specify the time, manner and form in which parents are to apply for grants or remission of charges) are unchanged.

The Secretary of State is required by Regulation 9 to reimburse schools for grants made and charges remitted under these Regulations or under the Regulations revoked by Regulation 11(1).