STATUTORY INSTRUMENTS

1983 No. 1030 (S. 96)

EDUCATION, SCOTLAND

The Education (Assisted Places) (Scotland) Amendment Regulations 1983

Made - - - -	*15th July* 1983
Laid before Parliament	*27th July* 1983
Coming into Operation	*17th August* 1983

In exercise of the powers conferred on me by sections 75A(9) and (10) and 75B of the Education (Scotland) Act 1980(**a**) and of all other powers enabling me in that behalf and after having consulted such bodies as appear to me to be appropriate and to be representative of participating schools in accordance with section 75A(11) of that Act, I hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Education (Assisted Places) (Scotland) Amendment Regulations 1983 and shall come into operation on 17th August 1983.

Interpretation

2. In these regulations, a reference to the principal regulations is a reference to the Education (Assisted Places) (Scotland) Regulations 1982(**b**).

Amendment of principal regulations

3. In regulation 2(3) of the principal regulations (interpretation) for sub-paragraph *(b)* and the words to the end of the paragraph, there shall be substituted the following provision:—

> "*(b)* he is either received into the care of a local authority or is in the care of a voluntary organisation under the Social Work (Scotland) Act 1968(**c**),
>
> then, for the purposes of these regulations he shall be treated as a child or assisted pupil whose parents have no income and subject thereto, any reference in these regulations to his parents shall be construed as a reference to the authority or organisation in whose care he is.".

(**a**) 1980 c. 44; sections 75A and 75B were inserted by section 5 of the Education (Scotland) Act 1981 (c. 58).
(**b**) S.I. 1982/949.
(**c**) 1968 c. 49.

4. In regulation 6 of the principal regulations (conditions as to age and education)—

(a) at the commencement there shall be inserted a paragraph number "(1)" and the reference therein to "(i)" shall be deleted;

(b) paragraph *(b)*(ii) is hereby revoked; and

(c) at the end, there shall be added the following provision:—

"(2) A participating school shall not admit to an assisted place a child in relation to whom they are not satisfied that he will be committed throughout the whole of his first assisted year and any subsequent assisted year to follow a course of school education comprising wholly or mainly secondary education.".

5.—(1) In regulation 10(3) of the principal regulations (references to income) for the sum of "£800" there shall be substituted the sum of "£850".

(2) At the end of that regulation there shall be added the following provision:—

"(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.".

6. For regulation 13(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 10 included a reference to the deceased parent (notwithstanding the provision of paragraph (4) of that regulation).".

7. In regulation 14(2) of the principal regulations (scale of remission) for the sum of "£5,275" there shall be substituted the sum of "£5,622".

8.—(1) In regulation 16(4)(*a*) of the principal regulations (travel grants) for the words "14(1)" there shall be substituted the words "16(2)".

(2) In regulation 16(5)*(a)* for the sum of "£5,275" there shall be substituted the sum of "£5,622".

(3) In regulation 16(5)*(b)* for the sum of "£5,100" there shall be substituted the sum of "£5,450".

9.—(1) In regulation 18(3) of the principal regulations (clothing grants) for

the sum of "£5,800" there shall be substituted the sum of "£6,200"; and for sub-paragraphs *(a)* to *(d)* there shall be substituted the following sub-paragraphs—

"*(a)* £96, where the relevant income does not exceed £5,450;

(b) £72, where that income exceeds £5,450 but does not exceed £5,700;

(c) £48 where that income exceeds £5,700 but does not exceed £5,950;

(d) £24 where that income exceeds £5,950 but does not exceed £6,200.".

(2) In regulation 18(4) for the sum of "£5,350" there shall be substituted the sum of "£5,700"; and for sub-paragraphs *(a)* and *(b)*, there shall be substituted the following sub-paragraphs—

"*(a)* £48, where the relevant income does not exceed £5,450;

(b) £24, where that income exceeds £5,450 but does not exceed £5,700.".

10. In regulation 19(2) of the principal regulations (remission of charges for meals) for the sum of "£4,400" there shall be substituted the sum of "£4,700".

11. At the end of regulation 20(1) of the principal regulations (questions on grants and remission of charges) there shall be added the following provision:—

"Provided that in any case where the circumstances are such as are mentioned in either regulation 12(2)*(a)* or *(b)* and the amount or extent of a school clothing grant requires to be determined, the foregoing provision shall not apply.".

12.—(1) For paragraph 3 of Schedule 1 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;

(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(**b**);

(d) in pursuance of section 75 of the Finance Act 1972(**c**), in respect of interest payments eligible for relief under that section by virtue of Part 1 of Schedule 9 to that Act and paragraphs 4(1)*(a)* and 4A of Schedule

(**a**) 1970 c. 24.
(**b**) 1982 c. 39.
(**c**) 1972 c. 41; section 75 was amended by section 19 of the Finance Act 1974 (c. 30) and section 26 of the Finance Act 1982 (c. 39).

1 to the Finance Act 1974(a) (loan for purchase or improvement of land) or by virtue of paragraph 24 of the said Schedule 1 (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(b), 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(c);

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

(i) in pursuance of Chapter II of Part IV of the Finance Act 1981(e) (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.

13. For Schedule 2 to the principal regulations (scale of remission) there shall be substituted the Schedule to these regulations which shall stand as Schedule 2 to the principal regulations.

George Younger,
One of Her Majesty's Principal
Secretaries of State.

New St Andrew's House,
Edinburgh.
15 July 1983.

(a) 1974 c. 30; paragraph 4A of Schedule 1 was inserted by section 36 of the Finance Act 1977 (c. 36).
(b) 1977 c. 36.
(c) 1978 c. 42.
(d) 1980 c. 48.
(e) 1981 c. 35.

Regulation 13

SCHEDULE

(to stand as Schedule 2 to the principal regulations)

Col. 1 Relevant Income	Col. 2 Parental Contribution	Col. 1 Relevant Income	Col. 2 Parental Contribution	Col. 1 Relevant Income	Col. 2 Parental Contribution
£5,622	NIL	£6,940	£171	£7,980	£405
£5,655	£18	£6,960	£174	£8,000	£411
£5,689	£21	£6,980	£177	£8,020	£417
£5,722	£24	£7,000	£180	£8,040	£423
£5,755	£27	£7,020	£183	£8,060	£429
£5,789	£30	£7,040	£186	£8,080	£435
£5,822	£33	£7,060	£189	£8,100	£441
£5,855	£36	£7,080	£192	£8,120	£447
£5,889	£39	£7,100	£195	£8,140	£453
£5,922	£42	£7,120	£198	£8,160	£459
£5,955	£45	£7,140	£201	£8,180	£465
£5,989	£48	£7,160	£204	£8,200	£471
£6,022	£51	£7,180	£207	£8,220	£477
£6,050	£54	£7,200	£210	£8,240	£483
£6,075	£57	£7,220	£213	£8,260	£489
£6,100	£60	£7,240	£216	£8,280	£495
£6,125	£63	£7,260	£219	£8,300	£501
£6,150	£66	£7,280	£222	£8,320	£507
£6,175	£69	£7,300	£225	£8,340	£513
£6,200	£72	£7,320	£228	£8,360	£519
£6,225	£75	£7,340	£231	£8,380	£525
£6,250	£78	£7,360	£234	£8,400	£531
£6,275	£81	£7,380	£237	£8,420	£537
£6,300	£84	£7,400	£240	£8,440	£543
£6,325	£87	£7,420	£243	£8,460	£549
£6,350	£90	£7,440	£246	£8,480	£555
£6,375	£93	£7,460	£249	£8,500	£561
£6,400	£96	£7,480	£255	£8,520	£567
£6,425	£99	£7,500	£261	£8,540	£573
£6,450	£102	£7,520	£267	£8,560	£579
£6,475	£105	£7,540	£273	£8,580	£585
£6,500	£108	£7,560	£279	£8,600	£591
£6,525	£111	£7,580	£285	£8,620	£597
£6,550	£114	£7,600	£291	£8,640	£603
£6,575	£117	£7,620	£297	£8,660	£609
£6,600	£120	£7,640	£303	£8,680	£615
£6,620	£123	£7,660	£309	£8,700	£621
£6,640	£126	£7,680	£315	£8,720	£627
£6,660	£129	£7,700	£321	£8,740	£633
£6,680	£132	£7,720	£327	£8,760	£639
£6,700	£135	£7,740	£333	£8,780	£645
£6,720	£138	£7,760	£339	£8,800	£651
£6,740	£141	£7,780	£345	£8,820	£657
£6,760	£144	£7,800	£351	£8,840	£663
£6,780	£147	£7,820	£357	£8,860	£669
£6,800	£150	£7,840	£363	£8,880	£675
£6,820	£153	£7,860	£369	£8,900	£681
£6,840	£156	£7,880	£375	£8,920	£687
£6,860	£159	£7,900	£381	£8,940	£693
£6,880	£162	£7,920	£387	£8,960	£699
£6,900	£165	£7,940	£393	£8,980	£705
£6,920	£168	£7,960	£399	£9,000	£711

Col. 1 Relevant Income	Col. 2 Parental Contribution	Col. 1 Relevant Income	Col. 2 Parental Contribution
£9,020	£717	£10,020	£1,017
£9,040	£723	£10,040	£1,023
£9,060	£729	£10,060	£1,029
£9,080	£735	£10,080	£1,035
£9,100	£741	£10,100	£1,041
£9,120	£747	£10,120	£1,047
£9,140	£753	£10,140	£1,053
£9,160	£759	£10,160	£1,059
£9,180	£765	£10,180	£1,065
£9,200	£771	£10,200	£1,071
£9,220	£777	£10,220	£1,077
£9,240	£783	£10,240	£1,083
£9,260	£789	£10,260	£1,089
£9,280	£795	£10,280	£1,095
£9,300	£801	£10,300	£1,101
£9,320	£807	£10,320	£1,107
£9,340	£813	£10,340	£1,113
£9,360	£819	£10,360	£1,119
£9,380	£825	£10,380	£1,125
£9,400	£831	£10,400	£1,131
£9,420	£837	£10,420	£1,137
£9,440	£843	£10,440	£1,143
£9,460	£849	£10,460	£1,149
£9,480	£855	£10,480	£1,155
£9,500	£861	£10,500	£1,161
£9,520	£867	£10,520	£1,167
£9,540	£873	£10,540	£1,173
£9,560	£879	£10,560	£1,179
£9,580	£885	£10,580	£1,185
£9,600	£891	£10,600	£1,191
£9,620	£897	£10,620	£1,197
£9,640	£903	£10,640	£1,203
£9,660	£909	£10,660	£1,209
£9,680	£915	£10,680	£1,215
£9,700	£921	£10,700	£1,221
£9,720	£927	£10,720	£1,227
£9,740	£933	£10,740	£1,233
£9,760	£939	£10,760	£1,239
£9,780	£945	£10,780	£1,245
£9,800	£951	£10,800	£1,251
£9,820	£957	£10,820	£1,257
£9,840	£963		
£9,860	£969		
£9,880	£975		
£9,900	£981		
£9,920	£987		
£9,940	£993		
£9,960	£999		
£9,980	£1,005		
£10,000	£1,011		

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Education (Assisted Places) (Scotland) Regulations 1982, (the principal regulations) to uprate the qualifying income levels for the remission of fees and charges and the making of grants under the assisted places scheme and in certain other minor respects.

Regulation 3 amends regulation 2 of the principal regulations to secure that children whether in compulsory or voluntary care may be eligible for assisted places and it further amends regulation 2 to clarify its provision with respect to parental income in relation to such children.

Regulation 4 amends regulation 6 of the principal regulations to make clear that all pupils admitted to assisted places must in their first assisted year and any subsequent assisted year follow a course of wholly or mainly secondary education.

The remaining provisions relate to determining the relevant income of parents for the purposes of the assisted places scheme, the deduction to be made in respect of a dependent relative is increased from £800 to £850 (regulation 5(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 5(2)). Consequential changes are made in the special provision relating to the determination of remission questions where one of the parents dies (regulation 6).

The income scale to determine the parental contribution to fees is uprated and the level of income at or below which fees are to be wholly remitted is set at £5,622 instead of £5,275 (regulation 7). The qualifying income levels for school travel grants, clothing grants and the remission of charges for meals are uprated (regulations 8 to 10).

Regulation 11 removes the provision in the principal regulations whereby parents were required to repay a proportion of any clothing grant they had received if a child held an assisted place for part of a school year.

In computing relevant income for the purpose of the scheme 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 12).

Regulation 13 substitutes for the Schedule of income scale contained in the principal regulations, a new Schedule of new income scales.

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