STATUTORY INSTRUMENTS

1984 No. 840 (S. 78)

EDUCATION, SCOTLAND

The Education (Assisted Places) (Scotland) Amendment Regulations 1984

Made - - - -	*15th June* 1984
Laid before Parliament	*2nd July* 1984
Coming into Operation	*1st August* 1984

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 1984 and shall come into operation on 1st August 1984.

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. The principal regulations shall be amended as follows:—

(*a*) in regulation 2(4) (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 a deed of separation";

(*b*) in regulation 14(2) (scale of remission) for the sum of "£5,622" there shall be substituted the sum of "£6,046";

(*c*) in regulation 16(5) (school travel grants for day pupils and amount thereof), in sub-paragraph (*a*) for the sum of "£5,622" there shall be substituted the sum of "£6,059" and in sub-paragraph (*b*) for the sum of "£5,450" there shall be substituted the sum of "£5,880";

(*d*) for regulation 17 (school travel grants for boarding pupils and amount thereof) there shall be substituted the following regulation:—

(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, amended by S.I. 1983/1030.

"*School travel grants for boarding pupils and amounts thereof*

17.—(1) This regulation shall apply in relation to school travel grants in the case of an assisted pupil who is a boarder in attendance at a participating school.

(2) In this regulation "school travel expenditure" means such amount as may be determined in accordance with the provisions of this regulation, to be the aggregate amount of travelling expenses reasonably incurred by the parents of an assisted pupil in respect of whom this regulation applies in respect of his travel between his home and the participating school by any of the following means:—

(*a*) by public transport services including any train, bus, boat, hovercraft or air services within such services;

(*b*) by transport provided in pursuance of arrangements made by that school and for the time being approved by the Secretary of State;

(*c*) any combination thereof.

(3) A participating school, in accordance with this regulation, shall make in respect of any school year, a school travel grant to the parents of the assisted pupil in respect of his school travel expenditure:

Provided that—

(*a*) in the case of a pupil who is a boarder (other than a weekly boarder) grant shall not be payable in respect of more than 12 journeys in either direction in any school year;

(*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 3 miles, but in respect of journeys in excess of 50 miles in each direction by any such transport as is mentioned in paragraph (2) 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 measured with reference to the actual distance by the nearest available route between the pupil's home and the school;

(*c*) in the case of any pupil—

(i) 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 reduced or concessionary fares, the excess shall be disregarded;

(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;

(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.

(4)(*a*) A participating school may, in the course of or immediately before a school year, make payments on account of any school travel grant in respect of school travel expenditure being grant which it appears to them will fall to be made in respect of that year to the parents of that pupil;

(*b*) where any such payments on account are made, any overpayment or underpayment of grant for the year in question shall, within 3 months of the final determination of the amount (if any) of the school travel grant, be adjusted by payments between the parents and the school.";

(*e*) in regulation 18 (clothing grants)—

(i) paragraph (2) shall be revoked;

(ii) in paragraph (3) for the sum of "£6,200" there shall be substituted the sum of "£6,700" and for sub-paragraphs (*a*) to (*d*) there shall be substituted the following sub-paragraphs—

"(*a*) £100 where the relevant income does not exceed £5,880;

(*b*) £75 where that income exceeds £5,880 but does not exceed £6,150;

(*c*) £50 where that income exceeds £6,150 but does not exceed £6,420;

(*d*) £25 where that income exceeds £6,420 but does not exceed £6,700.";

(iii) in paragraph (4) the words "having regard to paragraph (2)" shall be omitted and for the sum of "£5,700" there shall be substituted the sum of "£6,420"; and for sub-paragraphs (*a*) and (*b*), there shall be substituted the following sub-paragraphs:—

"(*a*) £36, where the relevant income does not exceed £6,046;

(*b*) £18, where that income exceeds £6,046 but does not exceed £6,420.";

(*f*) in regulation 19(2) (remission of charges for meals) for the sum of "£4,700" there shall be substituted the sum of "£5,100";

(*g*) in regulation 20(2)(*b*) (questions arising under regulations 15 to 19) the words "subject however in the case of regulation 12(1) to the provisions of regulation 18(2)" shall be omitted;

(*h*) for regulation 30 (increase in fees) there shall be substituted the following regulation:—

"*Increase in fees*

30. A school shall not increase the fees for assisted pupils unless they have given the Secretary of State at least one month's written notice of their intention so to do and, if within seven days of receiving such notice the Secretary of State so directs, shall refrain from making, postpone or restrict the amount of the increase as he may then or subsequently require.";

(*i*) in Schedule 1 (computation of income)—

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

"(*i*) in pursuance of Part 1 of Schedule 5 to the Finance Act 1983**(a)** (relief for investment in corporate trades);";

(ii) for paragraph 5 there shall be substituted the following paragraph:—

"4. 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**(b)**.";

(*j*) for Schedule 2 (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.
15th June 1984.

(a) 1983 c. 28; Part I of Schedule 5 was amended by Schedule 1 to the Finance (No. 2) Act 1983 (c. 49).

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

Regulation 3(*j*)

SCHEDULE

(to stand as Schedule 2 to the principal regulations.)

Column 1 Relevant income	*Column 2* Parental contribution (1st child)	*Column 1* Relevant income	*Column 2* Parental contribution (1st child)	*Column 1* Relevant income	*Column 2* Parental contribution (1st child)
£	£	£	£	£	£
6,046	NIL	7,240	147	8,120	294
6,080	18	7,260	150	8,140	300
6,114	21	7,280	153	8,160	306
6,147	24	7,300	156	8,180	312
6,180	27	7,320	159	8,200	318
6,214	30	7,340	162	8,220	324
6,247	33	7,360	165	8,240	330
6,280	36	7,380	168	8,260	336
6,314	39	7,400	171	8,280	342
6,347	42	7,420	174	8,300	348
6,380	45	7,440	177	8,320	354
6,414	48	7,460	180	8,340	360
6,447	51	7,480	183	8,360	366
6,480	54	7,500	186	8,380	372
6,510	57	7,520	189	8,400	378
6,535	60	7,540	192	8,420	384
6,560	63	7,560	195	8,440	390
6,585	66	7,580	198	8,460	396
6,610	69	7,600	201	8,480	402
6,635	72	7,620	204	8,500	408
6,660	75	7,640	207	8,520	414
6,685	78	7,660	210	8,540	420
6,710	81	7,680	213	8,560	426
6,735	84	7,700	216	8,580	432
6,760	87	7,720	219	8,600	438
6,785	90	7,740	222	8,620	444
6,810	93	7,760	225	8,640	450
6,835	96	7,780	228	8,660	456
6,860	99	7,800	231	8,680	462
6,885	102	7,820	234	8,700	468
6,910	105	7,840	237	8,720	474
6,935	108	7,860	240	8,740	480
6,960	111	7,880	243	8,760	486
6,985	114	7,900	246	8,780	492
7,010	117	7,920	249	8,800	498
7,035	120	7,940	252	8,820	504
7,060	123	7,960	255	8,840	510
7,085	126	7,980	258	8,860	516
7,110	129	8,000	261	8,880	522
7,135	132	8,020	264	8,900	528
7,160	135	8,040	270	8,920	534
7,180	138	8,060	276	8,940	540
7,200	141	8,080	282	8,960	546
7,220	144	8,100	288	8,980	552

SCHEDULE

Regulation 3(*j*)

(*to stand as Schedule 2 to the principal regulations.*)

Column 1 Relevant income	*Column 2* Parental contribution (1st child)	*Column 1* Relevant income	*Column 2* Parental contribution (1st child)	*Column 1* Relevant income	*Column 2* Parental contribution (1st child)
£	£	£	£	£	£
9,000	558	9,900	828	10,800	1,098
9,020	564	9,920	834	10,820	1,104
9,040	570	9,940	840	10,840	1,110
9,060	576	9,960	846	10,860	1,116
9,080	582	9,980	852	10,880	1,122
9,100	588	10,000	858	10,900	1,128
9,120	594	10,020	864	10,920	1,134
9,140	600	10,040	870	10,940	1,140
9,160	606	10,060	876	10,960	1,146
9,180	612	10,080	882	10,980	1,152
9,200	618	10,100	888	11,000	1,158
9,220	624	10,120	894	11,020	1,164
9,240	630	10,140	900	11,040	1,170
9,260	636	10,160	906	11,060	1,176
9,280	642	10,180	912	11,080	1,182
9,300	648	10,200	918	11,100	1,188
9,320	654	10,220	924	11,120	1,194
9,340	660	10,240	930	11,140	1,200
9,360	666	10,260	936	11,160	1,206
9,380	672	10,280	942	11,180	1,212
9,400	678	10,300	948	11,200	1,218
9,420	684	10,320	954	11,220	1,224
9,440	690	10,340	960	11,240	1,230
9,460	696	10,360	966	11,260	1,236
9,480	702	10,380	972	11,280	1,242
9,500	708	10,400	978	11,300	1,248
9,520	714	10,420	984	11,320	1.254
9,540	720	10,440	990	11,340	1,260
9,560	726	10,460	996	11,360	1,266
9,580	732	10,480	1,002	11,380	1,272
9,600	738	10,500	1,008	11,400	1,278
9,620	744	10,520	1,014	11,420	1,284
9,640	750	10,540	1,020	11,440	1,290
9,660	756	10,560	1,026	11,460	1,296
9,680	762	10,580	1,032	11,480	1,302
9,700	768	10,600	1,038	11,500	1,308
9,720	774	10,620	1,044	11,520	1,314
9,740	780	10,640	1,050	11,540	1,320
9,760	786	10,660	1,056	11,560	1,326
9,780	792	10,680	1,062	11,580	1,332
9,800	798	10,700	1,068	11,600	1,338
9,820	804	10,720	1,074	11,620	1,344
9,840	810	10,740	1,080	11,640	1,350
9,860	816	10,760	1,086	11,660	1,356
9,880	822	10,780	1,092		

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

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

Regulation 2(4) of the principal regulations is amended so that the circumstances in which the parents of a child are to be regarded as separated for the purposes of the regulations includes the case where the parents are separated by deed of separation (regulation 3(*a*)).

The income scales for the remission of fees and school meal charges, and for school travel grants and clothing grants are relaxed; the level of income at or below which tuition fees are to be wholly remitted is set at £6,046 instead of £5,622; school travel grants for full boarders are to be payable for 12 single journeys (instead of 6 return journeys) per year; and travel grants are to be payable to weekly boarders for journeys up to 50 miles with a proportionate payment for longer journeys; clothing grants are to be made available each year instead of every second year (regulations 3(*b*)–3(*g*)).

The period of notice which a school is required by regulation 30 of the principal regulations to give to the Secretary of State before increasing the fees of assisted pupils is reduced from 2 months to one month, with a consequential reduction to 7 days in the period within which the Secretary of State may give countermanding instructions (regulation 3(*h*)).

In Schedule 1 to the principal regulations the reference to the relevant income tax legislation in paragraph 3(*i*) is brought up to date; a new paragraph 4 is substituted so that adoption allowances paid under a scheme approved under section 50(4) of the Adoption Act 1958 are excluded from the computation of income; and 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 regulations is revoked so that (currently) £25,000 of any such payment will be excluded from the computation of income (regulation 3(*i*)).

An amended Schedule 2 is inserted containing a new scale uprating that contained in the principal regulations to take account of the annual increase in average earnings (regulation 3(*j*)).

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