STATUTORY INSTRUMENTS

1982 No. 949 (S. 124)

EDUCATION, SCOTLAND

The Education (Assisted Places) (Scotland) Regulations 1982

Made - - - -	9*th July* 1982
Laid before Parliament	20*th July* 1982
Coming into Operation	
Regulations 1 *to* 24 *and* 29 *to* 31 *and* *Schedules* 1 *and* 2	16*th August* 1982
Remainder - - -	1*st January* 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:—

PART I

GENERAL

Citation and commencement

1.—(1) These regulations may be cited as the Education (Assisted Places) (Scotland) Regulations 1982.

(2) Regulations 1 to 24 and 29 to 31 and Schedules 1 and 2 shall come into operation on 16 August 1982 and all other regulations and Schedule shall come into operation on 1 January 1983.

Interpretation

2.—(1) In these regulations, except where the context otherwise requires the following expressions shall have the meanings hereby respectively assigned to them, that is to say—

"the Act" means the Education (Scotland) Act 1980;

"assisted place" means any place at a participating school, in respect of which place fees are to be remitted in accordance with these regulations;

(**a**) 1980 c. 44; sections 75A and 75B were inserted by section 5 of the Education (Scotland) Act 1981 (c. 58).

"assisted pupil" subject to regulation 14(1) means any pupil in attendance at a participating school who has been admitted to an assisted place at that school;

"child" includes a step-child and a child adopted in pursuance of adoption proceedings (and "father" and "mother" shall be construed accordingly); Declaring that notwithstanding the definition in section 135(1) of the Act, "child" includes a person who is over school age but has not attained the age of 20 years at the commencement of any school year of the participating school which he attends or proposes to attend in that year;

"determination" in relation to a school means a determination made under section 75A(2) of the Act;

"employment" includes the holding of any office and any occupation for gain; and "employed" shall be construed accordingly;

"European Community" means the area comprised by the member states of the European Economic Community (including the United Kingdom) as constituted from time to time;

"fees" means—

(a) tuition and other fees the payment of which is a condition of attendance at a participating school excluding

(i) boarding fees;

(ii) such other charges if any as may be excluded in the determination relating to the school; and

(b) fees for public examinations paid by a participating school in respect of candidates from the school;

"financial year" has the meaning assigned thereto by regulation 9(1);

"first assisted year" has the meaning assigned thereto by regulation 4(3);

"income" and "relevant income" have the meanings respectively assigned thereto by regulation 10(1) and (2);

"national of a member state of the European Community" means any person who is a national of any member state of the European Community (including the United Kingdom) as constituted from time to time for the purposes of the Community Treaties;

"participating school" means a secondary school determined under section 75A(2) of the Act to be a participating school, for the purposes of the scheme mentioned in section 75A(1) of the Act, and references to a school include references to the proprietors and managers thereof;

"scheme" means the scheme for the time being in force established and operated by the Secretary of State under section 75A(1) of the Act;

"school day" means any day during which the school is open for the attendance of pupils;

"school year" means a period of 12 months commencing on 1 August of any year;

"secondary school" means a grant aided or independent school for the provision of secondary education or of both primary and secondary education.

(2) Except where the context otherwise requires, any reference in these regulations to the parents of a child or assisted pupil is a reference—

(a) in the ordinary case, to his father and mother or, where one is dead, to the survivor and, should he remarry, his spouse;

(b) where his parents, defined as in subparagraph (a) are divorced or, in any of the circumstances mentioned in paragraph (4), separated, to that one of them who has actual custody of the child or assisted pupil and, should that person being divorced remarry, his spouse;

(c) where he has no parents defined as in subparagraphs (a) and (b), to his guardian (if any);

(d) where he has no parents so defined and no guardian, to the person who has actual custody of the child or assisted pupil.

(3) Where—

(a) a child or assisted pupil either has no parents defined as in paragraph (2)(a), (b) or (c) or he has such parents whose whereabouts are unknown; and

(b) he is either received into the care of a local authority under Part III of the Social Work (Scotland) Act 1968(**a**) or is in the care of a voluntary organisation,

then, for the purposes of these regulations, he shall be treated as a child or assisted pupil whose parents have no income, and any reference in these regulations to his parents shall be construed as a reference to the authority or organisation in whose care he is.

(4) The circumstances referred to in paragraph (2)(b) are that the parents are separated in pursuance of a decree of judicial separation or other order of a court or, where they are not separated as aforesaid, that either it is not reasonably practicable to find one of the parents or that in pursuance of an order of a court—

(a) one parent is liable to make periodic payments to or for the benefit of the other or one or more of their children; or

(b) one parent has been given custody of, or access to, one or more of their children; or

(c) one parent is prohibited from entering the matrimonial home.

(5) In these regulations, any reference to a regulation or Schedule is a reference to a regulation of, or a Schedule to, these regulations and any reference in a regulation or Schedule to a paragraph is a reference to a paragraph of that regulation or Schedule as the case may be.

Revocation of regulations

3. The Education (Allowances for Assisted Places in Secondary Schools) (Scotland) Regulations 1981(**b**) are hereby revoked.

(**a**) 1968 c. 49.
(**b**) S.I. 1981/488.

PART II

ELIGIBILITY FOR ASSISTED PLACES

4.—(1) A child shall only be eligible for admission to an assisted place if all the conditions mentioned in this Part are, so far as relevant, satisfied in his case.

(2) Nothing in this regulation shall prevent a child from being admitted to an assisted place in advance of its being ascertained that such a condition is satisfied if the admission is subject to the condition being satisfied.

(3) In this Part "first assisted year" means the school year in which a child would first take up an assisted place if admitted thereto.

Conditions as to residence

5.—(1) It shall be a condition that the child shall either—

(a) have been ordinarily resident in the British Islands throughout the period of two years immediately preceding 1 January in the calendar year in which his first assisted year begins (hereinafter referred to as "the relevant date"); or

(b) in the case of such a child as is mentioned in paragraph (2) have been so ordinarily resident in the European Community; or

(c) in the case of a child who is a refugee as is mentioned in paragraph (3), have not been ordinarily resident outside the British Islands since he was recognised as a refugee or was granted asylum.

(2) The child referred to in paragraph (1)(b) is one who is resident in the British Islands on the relevant date and is the child of a national of a member state of the European Community who—

(a) where he is employed on the relevant date, is then in employment in the British Islands; or

(b) where he is not employed on that date (by reason of retirement or otherwise), was last employed in such employment.

(3) The child who is a refugee referred to in paragraph (1)(c) is a child recognised by Her Majesty's government as a refugee within the meaning of the United Nations Convention relating to the Status of Refugees done at Geneva on 28 July 1951 as extended by the Protocol thereto which entered into force on 4 October 1967, or a child who enjoys asylum in the United Kingdom in pursuance of a decision of Her Majesty's government though not so recognised.

Conditions as to age and education

6. It shall be a condition that the child

(a) shall have attained the age of 11 years on or before 31 July of the calendar year in which his first assisted year commences; or

(b) shall

(i) be of such an age that he will attain the age of 10 years on or

before 31 July of the calendar year in which his first assisted year commences; and

(ii) throughout the whole of his first assisted year follow a course of school education comprising wholly or mainly secondary education.

Conditions as to income

7.—(1) It shall be a condition that the parents of the child when applying to the participating school for an assisted place, shall have furnished the school with—

(a) a declaration of relevant income for the financial year immediately preceding the school year in relation to which the application is made, or

(b) if such a declaration cannot be furnished, a declaration of relevant income for the financial year preceding that financial year and a declaration of estimated relevant income for that financial year; and

(c) such other information as may be specified for the purposes hereof by the Secretary of State.

(2) A participating school shall not admit to an assisted place a child whose fees for his first assisted year would not fall to be remitted in whole or in part in pursuance of Part III of these regulations.

PART III

REMISSION OF FEES

References to remission questions

8. For the purposes hereof "remission questions" mean the questions whether or not the parents of an assisted pupil are entitled to any remission of fees payable in respect of him and the extent of such remission.

References to financial years

9.—(1) For the purposes of this Part "financial year" means, subject to paragraph (2), a year ending with 5th April and, in relation to a particular school year, "preceding financial year" means the financial year preceding that school year and "current financial year" means the financial year which includes the first day of that school year.

(2) Where the parents of a pupil satisfy the school that their income is wholly or mainly derived from the profits of a business or profession or vocation carried on by either or both of them, then if the parents and the school so agree, any reference in this Part to a financial year shall be construed as a reference to a year ending with such date as appears to the school expedient, having regard to any accounts kept in respect of that business, profession or vocation and the periods covered thereby;

Provided that, where that year ends with a date after 5 April but before the beginning of a school year then, in relation to that school year, "preceding financial year" shall mean the year last so ending before 6 April in the calendar year in which the school year begins and "current financial year" shall mean

the year so ending on or after that 6 April and before the beginning of the school year.

References to income

10.—(1) For the purposes of this Part the income of any person for a financial year shall, subject to the provisions of Schedule 1 be taken to be his total income for that year; and in this paragraph and that Schedule, "total income" has the same meaning as in section 32 of the Finance Act 1971(**a**).

(2) For the purposes of this Part "relevant income" as respects parents of an assisted pupil means, in relation to any financial year, their income for that year aggregated with the unearned income for that year, if any, of the pupil himself and of any other of the parents' children who are wholly or mainly dependent on them at the time the relevant income is calculated less, where paragraph (3) applies, the sum there mentioned; and in this paragraph the reference to unearned income is a reference to income other than such as arises from gainful employment.

(3) The relevant income, calculated as aforesaid, shall be reduced by £800 in respect of each person other than the assisted pupil who—

(a) at the time the relevant income is calculated, is wholly or mainly dependent on the parents or on payments made to him or for his benefit by one or both of them, and

(b) is a child or other relative of one or both of the parents:

Provided that, for the purpose of sub-paragraph (a), there shall be disregarded payments, other than sums paid as mentioned in paragraph 3(d) of Schedule 1 thereto, which fall to be deducted in ascertaining total income for income tax purposes and, accordingly, are taken into account in calculating relevant income in pursuance of paragraph (2).

General provisions relating to remission

11.—(1) The parents of an assisted pupil shall not be entitled to any remission of fees for which they are liable in respect of a period before the pupil took up his assisted place or (in lieu of notice or otherwise) 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.

(2) The parents of an assisted pupil shall be under no obligation to apply for remission of fees as respects a particular school year if they consider themselves not entitled thereto but if, as respects such a year, they do not—

(a) duly apply to the school for remission of fees payable for that year; or

(b) subject to regulation 13(4), duly furnish the school with the information and supporting evidence requisite for determining remission questions;

they shall not be entitled to any remission of fees for that year.

(3) If the Secretary of State is satisfied that, in the case of a particular assisted pupil, his parents have furnished information required for determining

(**a**) 1971 c. 68.

remission questions which they know to be false in a material particular, or have recklessly furnished such information which is false in a material particular, he may direct that those parents shall not be entitled to any remission of fees in the case of that pupil and, if he so directs, in the case of any other of their children who are assisted pupils, as respects a specified school year and, if he so directs, any subsequent school year:

Provided that—

(a) the Secretary of State shall not give a direction hereunder without affording the parents concerned an opportunity to make representations or without considering such representations;

(b) the giving of a direction hereunder shall be without prejudice to its variation or revocation by a subsequent direction.

(4) This regulation shall have effect notwithstanding anything in regulation 12 or any other provision of these regulations.

Determination of remission questions

12.—(1) Subject to paragraph (2), in the case of each assisted pupil remission questions shall be determined by the school, in accordance with this Part, for each school year, whether or not the parents have been entitled to any remission as respects a previous school year.

(2) Where either—

(a) the pupil holds an assisted place at the school for part only of a school year or leaves the school part way through the school year; or

(b) the number of children of the parents who hold assisted places differs for different parts of a school year;

the said questions shall be determined by the school for that part, or separately for those parts, and the extent to which fees in respect of part of a school year are to be remitted shall be that proportion of the amount by which the fees for the whole school year would fall to be remitted which is the proportion which the fees for the part bear to the fees for the whole school year; and for the purposes of this paragraph the duration of the school year and such part shall be calculated with reference to the total number of school days occurring therein respectively.

Calculation of remission

13.—(1) Subject to paragraphs (2), (3) and (4) remission questions shall be determined by reference to relevant income in the preceding financial year.

(2) Where either parent of the pupil has died in either the preceding financial year or the current financial year and the participating school concerned are satisfied that the income of the surviving parent in the current financial year, when aggregated with that of the deceased parent where he died in that year is likely to be less than their aggregated income in the preceding financial year, the extent to which fees are to be remitted shall be determined 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 if the deceased parent died in that

year, the reference to the pupil's parents in regulation 10(2) included a reference to the deceased parent.

(3) This paragraph shall apply in a case not falling within paragraph (2) if—

(a) the participating school concerned are satisfied that the relevant income in the current financial year is, as a result of some event beyond the control of the pupil's parents, likely to be not more than 85% of the relevant income in the preceding financial year, or

(b) the school, though not satisfied as aforesaid, are satisfied that the relevant income in the current financial year is likely to be so much less than the relevant income in the preceding financial year that financial hardship would result from remission questions being determined by reference to that year; and the Secretary of State approves the application of this sub-paragraph;

and, in a case in which this paragraph applies remission questions shall be determined in relation to the school year in question and, unless and until the Secretary of State otherwise directs, any subsequent school year 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.

(4) Where it is not reasonably practicable for the parents to furnish before the beginning of the school year, the requisite information as to relevant income for the appropriate financial year then, in relation to that school year, remission questions may be determined provisionally, by reference to relevant income for earlier financial years as the school think fit but—

(a) no such provisional determination shall be more favourable to the parents than one arrived at by reference to an estimate furnished by the parents of relevant income for the appropriate financial year;

(b) a provisional determination shall cease to have effect when the parents have furnished the requisite information or if the school are satisfied that it has become reasonably practicable for them to do so but they have failed to furnish it, and

(c) within three months of the determination of the remission questions any over-remission or under-remission of fees shall be adjusted by payments between the parents and the school.

Scale of remission

14.—(1) In this regulation—

(a) "assisted pupil" means any child who holds or is about to hold an assisted place;

(b) a reference to a relevant assisted place, in relation to an assisted pupil is a reference to the assisted place held by him or, as the case may be, about to be held by him after admission thereto;

and for the purposes of this regulation Column 1 of Schedule 2 specifies sums of relevant income and Column 2 of that Schedule specifies sums of parental contribution.

(2) Where the relevant income of parents of an assisted pupil in a preceding financial year does not exceed £5,275 fees for the school year to which that

preceding financial year relates as respects any relevant assisted place shall be remitted in full by the participating school or schools concerned.

(3) Where the relevant income of such parents in a preceding financial year does not exceed a particular sum of relevant income specified in Column 1 of Schedule 2 but exceeds the particular sum of relevant income so specified immediately above that first mentioned sum, then

(a) subject to paragraph (4), fees for the school year in relation to which that preceding financial year relates as respects any relevant assisted place, shall be remitted by the participating school or schools concerned to the extent of the amount by which the aggregate fees of such school or schools exceeds the sum of parental contribution specified in Column 2 of that Schedule, opposite the sum of relevant income first herein mentioned; and

(b) that sum of parental contribution shall be recoverable by such school or schools from those parents in accordance with paragraphs (5) and (6).

(4) Where the number of assisted pupils in the same family is, for the time being, two or more the sum of parental contribution mentioned in paragraph (3) shall be increased in accordance with the following scale—

(a) where the number of such pupils is 2 by the factor of 1.5;

(b) where the number of such pupils is 3, by the factor of 1.8; and

(c) where the number of such pupils is 4 or more, by the factor of 2.

(5) Where assisted pupils from the same family attend or propose to attend two or more different participating schools, each participating school concerned shall be entitled to recover such amount of the parental contribution, relating to those pupils, as bears to that contribution the same proportion as the number of those pupils attending or proposing to attend that school bears to the total number of assisted pupils for the time being in the family.

(6) Where a pupil does not hold an assisted place at a participating school for the full duration of the school year that part of the parental contribution which is attributable in relation to that pupil shall be reduced by the same proportion as the part of the school year during which the pupil held the assisted place bears to the whole school year; and for the purposes of this paragraph the duration of the school year and such part shall be calculated with reference to the total number of school days occurring therein respectively.

PART IV

MAKING OF GRANTS AND REMISSION OF CHARGES

General

15.—(1) The provisions of this Part shall apply in relation to the making of grants and remission of charges in respect of an assisted pupil.

(2) Subject to the provisions of this Part, a participating school shall make grants in respect of school travel expenditure (hereinafter in this Part referred to as "school travel grants") and clothing expenditure (hereinafter in this Part referred to as "clothing grants") and shall remit charges in respect of meals

provided and participation in field study courses all in accordance with the provisions of this Part.

(3) Subject to the provision of regulations 16(3), 17(3) and 18(3) no grant shall be made in pursuance of these regulations to a parent of an assisted pupil in respect of school travel or clothing expenditure incurred or relating to any period before the date on which he took up an assisted place or after the date on which he ceased to hold an assisted place; and no such charges as are mentioned in paragraph (2) in respect of any such period shall be remitted in pursuance of these regulations.

(4) 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.

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

(6) In this regulation, "school travel expenditure" includes school travel expenditure as defined in regulations 16(2) and 17(2) and "clothing expenditure" has the meaning assigned thereto by regulation 18(1).

School travel grants for day pupils and amount thereof

16.—(1) This regulation shall apply in relation to school travel grants in the case of an assisted pupil who is a day pupil 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 incurred by the parents of an assisted pupil who is a day pupil in attendance at a participating school in respect of his travel between his home and that 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;

where the walking distance between his home and that school exceeds 3 miles each way measured by the nearest available route.

(3) A participating school, in accordance with this regulation—

(a) shall, in respect of any school year, make a school travel grant in respect of any assisted pupil in whose case this regulation applies in

attendance at their school to the parents of that pupil in respect of school travel expenditure incurred by them in respect of him for that year; and

(b) may, in the course of, or immediately before the commencement of any school year, make payments in advance 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 such an assisted pupil;

and, where payments are made in accordance with sub-paragraph (b) 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 school travel grant, be adjusted by payments between the parents and the participating school.

(4) For the purposes of determining the aggregate amount of travelling expenses mentioned in paragraph (2), the following provisions shall apply—

(a) where an assisted pupil's travelling expenses are incurred in respect of journeys in excess of 25 miles each way between home and school by any of the means of transport mentioned in regulation 14(1), account shall be taken of only so much of the expenses as bears the same proportion to the full amount thereof as 25 miles bears to the length in miles of the journey in question measured with reference to the actual distance by the nearest available route between the pupil's home and the school;

(b) where such expenses are in respect of journeys by public transport and they are in excess of the expenses which would have been incurred if advantage had been taken of available arrangements for season tickets or reduced or concessionary fares, the excess shall be disregarded.

(5) The amount (if any) of school travel grant to be made in relation to an assisted pupil in respect of any school year in accordance with this regulation shall be determined in accordance with this paragraph by reference to the school travel expenditure incurred in respect of him for that school year and to the relevant income of his parents in the preceding financial year—

(a) in any case where that relevant income does not exceed £5,275 per annum the school travel grant shall be such sum as is equal to the amount of the school travel expenditure so incurred;

(b) in any other case, the school travel grant shall be of such sum, as is equal to the amount (if any) by which the school travel expenditure so incurred exceeds one twelfth rounded down to the nearest multiple of £3 of the sum by which that relevant income exceeds £5,100.

School travel grants for boarding pupils and amount 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 this regulation to be the aggregate amount of the travelling expenses reasonably incurred by the parents of an assisted pupil who is a boarder in attendance at a participating school.

(3) A participating school, in accordance with this regulation—

(a) shall in respect of any school year, make a school travel grant in respect of any assisted pupil in whose case this regulation applies in attendance at their school, to the parents of that pupil, in relation to school travel expenditure in respect of six return journeys actually made by the pupil in that year to visit a parent, or other relative or guardian; and

(b) 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;

but, where payments on account are made in accordance with this sub-paragraph, 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 school travel grant, be adjusted by payments between the parents and the school.

(4) For the purposes of determining the aggregate amount of travelling expenses mentioned in paragraph (2) the following provisions shall apply—

(a) where an assisted pupil's travelling 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;

(b) where a pupil's travelling 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;

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

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

Clothing Grants

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

(a) has been incurred by the parents of that pupil, or

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

(2) Subject to paragraph (3) a participating school shall not in the case of a particular assisted pupil make clothing grants more frequently than every other school year and, accordingly if such a grant is made in a particular school year no such grant shall be made in the next following school year.

(3) In an assisted pupil's first assisted year, clothing grant shall be made in the case of such a pupil as respects whom the relevant income does not exceed £5,800 and in such case the grant shall be of an amount equal to so much of the clothing expenditure as does not exceed—

(a) £90, where the relevant income does not exceed £5,100;

(b) £68, where that income exceeds £5,100 but does not exceed £5,350;

(c) £45, where that income exceeds £5,350 but does not exceed £5,550;

(d) £23, where that income exceeds £5,550 but does not exceed £5,800.

Provided that any clothing grant which would fall to be made in a pupil's first assisted year may be paid during the 2 months immediately preceding that year but, in such case, this paragraph shall have effect as if the grant were paid in the first assisted year.

(4) In any subsequent school year in which clothing grant is made having regard to paragraph (2), it shall be made in the case of an assisted pupil as respects whom the relevant income does not exceed £5,350 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) £45, where the relevant income does not exceed £5,100;

(b) £23, where that income exceeds £5,100 but does not exceed £5,350.

Remission of charges for meals

19.—(1) Charges which would otherwise be made by a participating school in respect of meals provided in the middle of any school day for an assisted pupil shall be remitted in accordance with this regulation.

(2) In the case of a pupil in respect of whom the relevant income does not exceed £4,400, the school shall remit (save as provided in paragraph (3)) one half of any such charges.

(3) Where the parents of an assisted pupil satisfy the school that at any time during a school year, or the month preceding the beginning of a school year, that they are in receipt of supplementary benefit or family income supplement, the school shall make such provision in the middle of the day for that pupil as appears to the school to be requisite and shall remit the whole of any charges in respect of such provision—

(a) during the whole of that school year, where they are satisfied as aforesaid at or before the beginning of that year; 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 supplementary benefit or family income supplement between the participating school being so satisfied and the end of the school year in question.

Questions arising under Regulations 15 to 19

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

(a) school travel grant under regulations 16 and 17;

(b) school clothing grant under regulation 18;

(c) remission of charges for meals under regulation 19

and the amount or extent thereof shall be determined as provided in regulation 12 in like manner as questions relating to fee remission in that year are determined under that last mentioned regulation.

(2) Regulations 9, 10, 11(2), (3) and (4), 12(1) and 13 and Schedule 1 shall apply for the purposes of regulations 15 to 19 as if references therein

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

(b) to remission questions were a reference to the questions so mentioned subject however in the case of regulation 12(1) to the provision of regulation 18(2).

Remission of charges for field study courses

21.—(1) In this regulation a "field study course" means a course of field study (provided by a participating school or otherwise) which forms part of a course of school education at the school for any examination conducted by the Scottish Examination Board or other examinations comparable thereto, being examinations in—

(a) biology;

(b) botany;

(c) geography;

(d) geology; or

(e) zoology;

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

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

(2) Charges which a participating school would otherwise make in respect of the participation in a field study course of an assisted pupil while holding an assisted place at that school shall be remitted in accordance with this regulation.

(3) The remission of charges mentioned in paragraph (2) shall be made if, and only if, the pupil in respect of whom remission is to be made—

(a) is a candidate or prospective candidate for a relevant public examination; and

(b) his parents are entitled in accordance with Part III of these regulations to remission of fees in whole or in part for the school year in which the course is held.

Reimbursement of amounts of grants made or charges remitted by a participating school

22.—(1) Subject to paragraph (2), the Secretary of State shall in accordance with these regulations reimburse to a participating school the aggregate amounts granted or remitted by them in respect of travel grants, clothing

grants, charges for meals and charges for field study courses as respects assisted pupils holding assisted places in their school.

(2) The amounts so reimbursed to any participating school shall not exceed in relation to any school year the maximum annual amount in respect of that year allocated for the purposes of section 75B of the Act and stated in accordance with section 75A(3) of the Act in the determination of that school.

PART V

REIMBURSEMENT CLAIMS AND CONDITIONS OF PAYMENT

23.—(1) Claims for reimbursements of fees remitted and grants made and charges remitted in pursuance of these regulations (hereinafter referred to as "reimbursement claims") may be submitted to the Secretary of State by a participating school in respect of such periods, not being less than a term, as appear to them appropriate and, with his consent, claims may be submitted on the basis of an estimate of fees or charges so remitted or grants made ("provisional claims"); but, where a provisional claim is submitted, the school shall, as soon as is reasonably practicable, submit a reimbursement claim in respect of the period in question which is not based on such an estimate and that claim shall supersede the provisional claim.

(2) As soon as is reasonably practicable after he is satisfied as respects a reimbursement claim, the Secretary of State shall reimburse the school in pursuance of the claim in accordance with these regulations without prejudice, however, where he considers it expedient to do so, to his making earlier payments on account in pursuance of the reimbursement claim or in pursuance of a provisional claim in respect of the same period.

(3) Any overpayment or underpayment which appears to the Secretary of State to have occurred shall be adjusted as soon as is reasonably practicable by payments between the Secretary of State and the school concerned and, in particular, but without prejudice to that generality, where the amount of any reimbursement claim under these regulations is less than the amount paid to the school under a provisional claim, the Secretary of State shall be entitled to recover the amount overpaid from that school and, without prejudice to any other method of recovery available to him, he may deduct that amount from the amount of any other reimbursement claim falling to be made to that school in accordance with these regulations.

Conditions of payment

24.—(1) Any reimbursement under these regulations shall be subject to the condition that the Secretary of State shall be satisfied that the participating school, to which such reimbursement is made, shall comply or shall have complied with the requirements specified in these regulations.

(2) If the Secretary of State is satisfied that a participating school has failed to observe any of the conditions or requirements specified in these regulations in relation to any school year he may

(a) refuse to make payment in whole or in part of any claim falling to be made to that school in respect of that year in accordance with the regulations; or

(b) withhold payment of such claim or such part thereof as he considers appropriate for such period or periods as he considers appropriate;

and where a reimbursement claim has been paid to such a school in advance of the Secretary of State being so satisfied the Secretary of State shall be entitled to recover from the school such sum as he considers appropriate being a sum equal to the whole or such part of the payment made in respect of such claim as he thinks expedient, and without prejudice to any other method of recovery available to him he may deduct such sum from the amount of any other reimbursement claim falling to be made to that school in accordance with these regulations.

PART VI

REQUIREMENTS AS TO SUPPLY OF INFORMATION, FEES ETC.

Publication of information

25. Each participating school shall publish annually in a national newspaper circulating at least weekly information on the following matters—

(a) that the school is a school participating in the assisted places scheme operated under section 75A of the Education (Scotland) Act 1980(**a**);

(b) one or more addresses and telephone numbers at which information about the scheme may be obtained;

(c) that on written application being made by parents of children eligible for an assisted place, information about the school will be supplied to them;

(d) that information about the school is available for inspection or reference purposes at the times and places stated.

Supply of information

26. Each participating school shall supply in writing to the parent of a pupil eligible for an assisted place in their school, on a written request being made therefor, information of the kinds specified in Schedule 3.

Updating of information

27. Each participating school shall review yearly and revise as necessary their provision of information of the kinds specified in Schedule 3 and such provision shall at all times state the school year to which the information therein referred to relates or refers and shall contain a warning that although the information given is believed to be correct in relation to that year at a date specified in the provision, it should not be assumed that there will be no change in or affecting the matters covered by the provision

(a) before the commencement or during the course of the school year in question; or

(b) in relation to subsequent school years.

(**a**) 1980 c. 44.

Information available to the Secretary of State

28. Each participating school shall furnish the Secretary of State with a copy of the information specified in Schedule 3 in whatever form the same is supplied in accordance with regulation 26.

Fees, etc payable

29.—(1) In the case of an assisted pupil—

(a) the fees charged by a participating school shall not include a sum paid into a bursary or similar fund; and

(b) the school shall not make it a condition of his attendance that any payment otherwise than in respect of fees be made to the school or into a fund specified by the school.

(2) This Regulation shall have effect subject to any provisions relating to fees in a determination.

Increase in fees

30. A school shall not increase the fees for assisted pupils unless they have given the Secretary of State at least two months' written notice of their intention so to do and, if within a month 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.

Information to Secretary of State

31. Each participating school shall furnish the Secretary of State with

(a) information required to be supplied under regulation 26 revised as necessary in accordance with regulation 27 not later than the end of the school year in which revision is made;

(b) such periodic returns and other information as he may require relating to the school or pupils thereat including in particular information relevant to an intended increase in fees for pupils at the school;

(c) such information as he may require relating to any reimbursement claim or provisional claim submitted in accordance with these regulations.

School accounts

32. A participating school shall keep proper accounts and shall, at the request of the Secretary of State, furnish him with copies of accounts for such period or periods as he may require duly audited by an independent auditor together with copies of the auditor's certificate relating thereto.

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

New St Andrew's House,
Edinburgh.
9th July 1982.

Regulation 10

SCHEDULE 1

COMPUTATION OF INCOME

1.—(1) This Schedule shall have effect for the purposes of determining a person's income for the purposes of these regulations by reference to his total income.

(2) In this Schedule any reference to the Act of 1970 is a reference to the Income and Corporation Taxes Act 1970(**a**).

2. Where any income of a person is not part of his total income by reason only that—

(a) he is not resident, ordinarily resident or domiciled in the United Kingdom, or

(b) the income does not arise in the United Kingdom, or

(c) the income arises from an office, service or employment, income from which is exempt from tax in pursuance of any enactment,

his income for the purposes of these regulations shall be computed as though the income first mentioned in this paragraph were part of his total income.

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(**b**) 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 pursuance of section 75 of the Finance Act 1972(**c**), in respect of interest payments eligible for relief under that section by virtue of

(**a**) 1970 c. 10; the amending enactments (which relate to qualifications for, and the amount of, reliefs) are not expressly relevant to these Regulations.
(**b**) 1970 c. 24.
(**c**) 1972 c. 41, amended by section 19 of the Finance Act 1974 (c. 30).

Part I of Schedule 9 to that Act and paragraph 4(1)(a) of Schedule 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);

(d) 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;

(e) in pursuance of section 31 of the Finance Act 1977(**b**), in respect of earnings from work done abroad,

(f) by way of relief for person carrying on a trade, profession or vocation partly abroad provided for in section 27 of the Finance Act 1978(**c**),

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

(h) 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.

4. Where income by way of mobility allowance within the meaning of section 37A of the Social Security Act 1975(**f**) or section 37A of the Social Security (Northern Ireland) Act 1975(**g**) is included in a person's total income, his income for the purposes of these regulations shall be computed as though it were not so included.

5. Where a person receives any payments to which section 187 of the Act of 1970 applies (payment on retirement or removal from office or employment) and those payments are, in whole or in part, not charged to tax by virtue of section 188(3) of that Act, the person's income for the purposes of these regulations shall be computed as though the said section 188(3) had not been enacted.

(**a**) 1974 c. 30.
(**b**) 1977 c. 36.
(**c**) 1978 c. 42.
(**d**) 1980 c. 48.
(**e**) 1981 c. 35.
(**f**) 1975 c. 14, amended by section 22 of the Social Security Pensions Act 1974 (c. 60) and section 3 of the Social Security Act 1979 (c. 18).
(**g**) 1975 c. 15, amended by article 24 of the Social Security Pensions (Northern Ireland) Order 1975 (S.I. 1975/1503 (N.I. 15)) and article 4 of the Social Security (Northern Ireland) Order 1979 (S.I. 1979/396 (N.I. 5)).

Regulation 14

SCHEDULE 2

Col. 1 Relevant Income	Col. 2 Parental Contribution	Col. 1 Relevant Income	Col. 2 Parental Contribution	Col. 1 Relevant Income	Col. 2 Parental Contribution
£5,275	NIL	£6,550	£168	£7,560	£408
£5,308	£18	£6,570	£171	£7,580	£414
£5,342	£21	£6,590	£174	£7,600	£420
£5,375	£24	£6,610	£177	£7,620	£426
£5,408	£27	£6,630	£180	£7,640	£432
£5,442	£30	£6,650	£183	£7,660	£438
£5,475	£33	£6,670	£186	£7,680	£444
£5,508	£36	£6,690	£189	£7,700	£450
£5,542	£39	£6,710	£192	£7,720	£456
£5,575	£42	£6,730	£195	£7,740	£462
£5,608	£45	£6,750	£198	£7,760	£468
£5,642	£48	£6,770	£201	£7,780	£474
£5,668	£51	£6,790	£204	£7,800	£480
£5,695	£54	£6,810	£207	£7,820	£486
£5,720	£57	£6,830	£210	£7,840	£492
£5,745	£60	£6,850	£213	£7,860	£498
£5,770	£63	£6,870	£216	£7,880	£504
£5,795	£66	£6,890	£219	£7,900	£510
£5,820	£69	£6,910	£222	£7,920	£516
£5,845	£72	£6,930	£225	£7,940	£522
£5,870	£75	£6,950	£228	£7,960	£528
£5,895	£78	£6,970	£231	£7,980	£534
£5,920	£81	£6,980	£234	£8,000	£540
£5,945	£84	£7,000	£240	£8,020	£546
£5,970	£87	£7,020	£246	£8,040	£552
£5,995	£90	£7,040	£252	£8,060	£558
£6,020	£93	£7,060	£258	£8,080	£564
£6,045	£96	£7,080	£264	£8,100	£570
£6,070	£99	£7,100	£270	£8,120	£576
£6,095	£102	£7,120	£276	£8,140	£582
£6,120	£105	£7,140	£282	£8,160	£588
£6,145	£108	£7,160	£288	£8,180	£594
£6,170	£111	£7,180	£294	£8,200	£600
£6,190	£114	£7,200	£300	£8,220	£606
£6,210	£117	£7,220	£306	£8,240	£612
£6,230	£120	£7,240	£312	£8,260	£618
£6,250	£123	£7,260	£318	£8,280	£624
£6,270	£126	£7,280	£324	£8,300	£630
£6,290	£129	£7,300	£330	£8,320	£636
£6,310	£132	£7,320	£336	£8,340	£642
£6,330	£135	£7,340	£342	£8,360	£648
£6,350	£138	£7,360	£348	£8,380	£654
£6,370	£141	£7,380	£354	£8,400	£660
£6,390	£144	£7,400	£360	£8,420	£666
£6,410	£147	£7,420	£366	£8,440	£672
£6,430	£150	£7,440	£372	£8,460	£678
£6,450	£153	£7,460	£378	£8,480	£684
£6,470	£156	£7,480	£384	£8,500	£690
£6,490	£159	£7,500	£390	£8,520	£696
£6,510	£162	£7,520	£396	£8,540	£702
£6,530	£165	£7,540	£402	£8,560	£708

Col. 1 Relevant Income	Col. 2 Parental Contribution	Col. 1 Relevant Income	Col. 2 Parental Contribution
£8,580	£714	£9,360	£948
£8,600	£720	£9,380	£954
£8,620	£726	£9,400	£960
£8,640	£732	£9,420	£966
£8,660	£738	£9,440	£972
£8,680	£744	£9,460	£978
£8,700	£750	£9,480	£984
£8,720	£756	£9,500	£990
£8,740	£762	£9,520	£996
£8,760	£768	£9,540	£1,002
£8,780	£774	£9,560	£1,008
£8,800	£780	£9,580	£1,014
£8,820	£786	£9,600	£1,020
£8,840	£792	£9,620	£1,026
£8,860	£798	£9,640	£1,032
£8,880	£804	£9,660	£1,038
£8,900	£810	£9,680	£1,044
£8,920	£816	£9,700	£1,050
£8,940	£822	£9,720	£1,056
£8,960	£828	£9,740	£1,062
£8,980	£834	£9,760	£1,068
£9,000	£840	£9,780	£1,074
£9,020	£846	£9,800	£1,080
£9,040	£852	£9,820	£1,086
£9,060	£858	£9,840	£1,092
£9,080	£864	£9,860	£1,098
£9,100	£870	£9,880	£1,104
£9,120	£876	£9,900	£1,110
£9,140	£882	£9,920	£1,116
£9,160	£888	£9,940	£1,122
£9,180	£894	£9,960	£1,128
£9,200	£900	£9,980	£1,134
£9,220	£906	£10,000	£1,140
£9,240	£912	£10,020	£1,146
£9,260	£918	£10,040	£1,152
£9,280	£924	£10,060	£1,158
£9,300	£930	£10,080	£1,164
£9,320	£936	£10,100	£1,170
£9,340	£942	£10,120	£1,176

Regulations 25, 26, 27, 28 SCHEDULE 3

INFORMATION TO BE SUPPLIED BY A PARTICIPATING SCHOOL

1. Arrangements of the school for the admission of pupils.

2. Any entrance requirements to be satisfied and any special categories of pupils considered in this respect.

3. The name, address and telephone number of the school, the present roll, the stages covered, denominational affiliation, if any, and if the school takes pupils of one sex only, the sex admitted.

4. The headteacher's name and the number of other teaching staff.

5. Arrangements for parents offered or applying for a place in the school to visit the school.

6. A statement of the school's educational aims.

7. The range and level of curriculum provided for pupils of different ages; provision for religious education and arrangements for parents who wish to withdraw their child from the religious education provided; policy or practice on homework; subject options and choices available and arrangements for parents to be consulted about such choices and provision for curricular, personal and careers guidance.

8. Arrangements for assessing pupils' progress and reporting this to parents.

9. Any arrangements made at or in connection with the school for pupils with special educational needs.

10. Extra-curricular activities.

11. Facilities available for sports and outdoor activities.

12. Policy or practice on clothing or uniform; approximate cost of each item of required uniform; and any assistance given with costs.

13. Policy or practice on discipline, including corporal punishment; school rules; action to be taken by parents and schools respectively in the event of pupil's absence.

14. Arrangements for health care.

15. Organisation of school day; times of arrival and dismissal; school term dates and holidays for the forthcoming session.

16. Policy or practice with regard to mixed ability classes, streaming or setting.

17. Policy or practice with regard to entering pupils for public examinations and the following information for the most recent school year for which the information was available at the date of supplying the information:—

i. the number of pupils who attained each band of awards in each such public examination, shown separately for each subject and for each stage of secondary education;

ii. the number of pupils in each of the school stages concerned, shown separately for each stage, as recorded in the first term of the school year to which the examination results relate.

18. Any financial assistance to pupils available under schemes administered by the school.

19. Arrangements for meals/snacks taken at school and any assistance given with costs; facilities for the consumption of packed lunches.

20. Any arrangements for the transport of pupils to and from school and any assistance given with costs.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations relate to the scheme for assisted places at grant-aided and independent schools required to be established under section 75A of the Education (Scotland) Act 1980 and the incidental expenses, grants and remission of charges of pupils holding assisted places under section 75B of that Act.

Part I makes general provision for citation and commencement, definitions and revocation of the Education (Allowances for Assisted Places in Secondary Schools) (Scotland) Regulations 1981.

Part II of the Regulations deals with eligibility for an assisted place. In particular, a child must have been ordinarily resident in the United Kingdom, the Channel Islands or the Isle of Man (or, in certain cases, the European Community) throughout the two years preceding 1 January before his first assisted year, that is to say, the school year in which he is first admitted to an assisted place (Regulations 5(1) and (2)). An exception is made in the case of refugee children (Regulation 5(3)). Further, the child must have attained his 11th birthday on or before 31 July of the calendar year in which his first assisted year commences, or failing that he must attain his 10th birthday on or before that date and follow a course of wholly or mainly secondary education in his first assisted year (Regulation 6). A child is not eligible for an assisted place unless he would qualify for partial or total fee remission in his first assisted year (Regulation 7(2)).

Part III deals with the extent to which fees are to be remitted. The extent of remission is determined by reference to relevant income (defined in Regulation 10) but where that income does not exceed £5,275 the fees are to be remitted in full (Regulation 14(2)).

Part IV deals with incidental expenses of pupils holding assisted places and provides for making grants towards certain expenditure and for the remission of certain charges. Schools are required to pay means tested grants towards the cost of travel between home and school for day pupils where the walking distance exceeds three miles, and in the case of boarders towards the full cost of up to six return journeys per year to visit parents or relatives (Regulations 15, 16 and 17) (School Travel Grants). They are also required to pay means tested grants towards uniform and other clothing expenditure (Clothing Grants) (Regulations 15 and 18). They are required to remit one half of any charges for school meals where the relevant income does not exceed £4,400 and to remit such charges in full in the case of a pupil whose parents are in receipt of supplementary benefit or family income supplement (Regulation 19). Charges made by a school in respect of certain field study courses are to be wholly remitted in the case of a candidate whose fees fall to be remitted in whole or in part under Regulation 14 (Regulation 21).

Part V deals with administrative arrangements for reimbursement claims by schools and conditions of payment.

Part VI deals with the requirement on a participating school to supply information about the school to the parents of eligible pupils (Regulations 25–27). The Part also concerns certain requirements in connection with the supply of information to the Secretary of State and in connection with school fees. In particular charges additional to fees are not to be made to parents

(Regulation 29) and the Secretary of State is given power to prevent, postpone or restrict a proposed increase in fees for assisted pupils (Regulation 30).

The Regulations come into operation on 16 August 1982 except for regulations 25–28 (Publication of information) which will come into operation on 1 January 1983 (Regulation 1(2)).

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