STATUTORY INSTRUMENTS

1981 No. 1839

EDUCATION, ENGLAND AND WALES

The Education (Grants) (Music and Ballet Schools) (Amendment) Regulations 1981

Made - - - -	18*th December* 1981
Laid before Parliament	23*rd December* 1981
Coming into Operation	1*st January* 1982

In exercise of the powers conferred by sections 100(1)(*b*) and (3) and 111 of the Education Act 1944(**a**) and vested in the Secretary of State(**b**), the Secretary of State for Education and Science hereby makes the following Regulations:—

PART I

GENERAL

1.—(1) These Regulations may be cited as the Education (Grants) (Music and Ballet Schools) (Amendment) Regulations 1981, shall come into operation on 1st January 1982 and, subject to the following paragraph, shall have effect as from that date.

(2) Parts II and III of the Regulations shall not have effect until 1st September 1982 except—

(*a*) as respects Part II in the case of Regulation 3 thereof or for the purposes of determining fee remission questions in relation to the school year which includes 1st January 1982 or for the purposes mentioned in paragraph (3) below;

(*b*) as respects Part III, for the purposes so mentioned below.

(3) The purposes referred to in paragraph (2)(*a*) and (*b*) above are the purposes of—

(*a*) determining a child's eligibility for an aided place to be taken up on or after 1st September 1982;

(*b*) determining aid questions (including fee remission questions) in relation to a school year or part of a school year beginning on or after that date; and

(*c*) the payment of uniform grant in pursuance of the proviso to paragraph 15(4) of the Aided Pupil Scheme.

2.—(1) In these Regulations a reference to the principal Regulations is a reference to the Education (Grants) (Music and Ballet Schools) Regulations 1981(**c**) and a reference to the Aided Pupil Scheme is a reference to the Scheme specified in Schedule 1 to those Regulations.

(**a**) 1944 c. 31.
(**b**) S.I. 1964/490, 1970/1536, 1978/274.
(**c**) S.I. 1981/786.

(2) In these Regulations—

"aid questions" means fee remission questions and questions relating to the remission of charges for meals, to uniform grants and to school travelling grants;

"fee remission questions" means questions relating to the remission of designated fees;

"designated fees" has the meaning assigned thereto by paragraph 11 of the Aided Pupil Scheme.

PART II

PROVISIONS HAVING EFFECT SUBJECT TO REGULATION 1(2)(*a*)

3.—(1) At the end of the definition of the expression "European Community" in Regulation 3(1) of the principal Regulations (interpretation) there shall be added the words "as constituted from time to time".

(2) In the definition of the expression "national of a member state of the European Community" in the said Regulation 3(1) after the words "European Economic Community" there shall be inserted the words "(including the United Kingdom) as constituted from time to time".

4. For paragraph 3(*b*) of the Appendix to the Aided Pupil Scheme (deductions made from total income for tax purposes which are to be disregarded) there shall be substituted the following provision:—

"(*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;".

5.—(1) This Regulation shall apply, in the case of a particular aided pupil, where the provisions of Regulation 4 above would affect the determination of fee remission questions for the school year which includes 1st January 1982.

(2) In such case the said questions shall be determined separately for the first part of that school year falling before that date and for the second part falling on or after that date, and

(*a*) the extent to which designated fees in respect of the first part are to be remitted shall be that proportion of the amount by which the designated fees for the whole school year would have fallen to be remitted but for Regulation 4 above which the designated fees for the first part bear to the designated fees for the whole school year;

(*b*) the extent to which designated fees in respect of the second part are to be remitted shall be that proportion of the amount by which the designated fees for the whole school year would have fallen to be remitted had Regulation 4 above had effect as from the beginning of the school year which the designated fees for the second part bear to the designated fees for the whole school year.

(a) 1970 c. 24.

PART III

PROVISIONS HAVING EFFECT SUBJECT TO REGULATION 1(2)(*b*)

6.—(1) At the end of sub-paragraph (1)(*c*) of paragraph 2 of the Aided Pupil Scheme (eligibility for aided places—conditions as to residence) there shall be added the words "or was granted asylum".

(2) At the end of sub-paragraph (3) of the said paragraph 2 there shall be added the words "or a child who enjoys asylum in the United Kingdom in pursuance of a decision of Her Majesty's government though not so recognised".

7. For paragraph 7(3) of the Aided Pupil Scheme (references to income) there shall be substituted the following provision:—

"(3) The relevant income calculated as aforesaid, shall be reduced by £800 in respect of each person other than the aided 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 purposes of sub-paragraph (*a*) there shall be disregarded payments, other than sums paid as mentioned in paragraph 3(*d*) of the Appendix hereto, 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 sub-paragraph (1).".

8. For paragraph 10(3) of the Aided Pupil Scheme (calculation of aid) there shall be substituted the following provision:—

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

(*a*) the school 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 aid 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 sub-paragraph applies, aid 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, sub-paragraph (1) shall have effect as if the reference therein to the preceding financial year were a reference to the current financial year.".

9.—(1) In sub-paragraph (2) of paragraph 12 of the Aided Pupil Scheme (remission of fees—boarding pupils) for the sum "£4,150" there shall be substituted the sum "£4,550".

(2) For the Table in the said paragraph 12 there shall be substituted the following Table:—

"TABLE

(1) Part of relevant income to which specified percentage applies	(2) Only aided pupil	(3) Each of two aided pupils
That part which exceeds £4,400 but does not exceed £5,550	10%	7.5%
That part (if any) which exceeds £5,550 but does not exceed £7,800	20%	15%
That part (if any) which exceeds £7,800	10%	7.5%"

10.—(1) In sub-paragraph (2) of paragraph 13 of the Aided Pupil Scheme (remission of fees—day pupils) for the sum "£5,150" there shall be substituted the sum of "£5,700".

(2) In sub-paragraph (3) of the said paragraph 13 for the sum of £5,000" there shall be substituted the sum "£5,550".

11. In paragraph 14(2) of the Aided Pupil Scheme (remission of meal charges) for the sum "£4,000" there shall be substituted the sum "£4,400".

12.—(1) In sub-paragraph (4) of paragraph 15 of the Aided Pupil Scheme (uniform grants) for the sum "£5,200" (where it first occurs) there shall be substituted the sum "£5,800" and for paragraph (5)(*a*), (*b*), (*c*) and (*d*) there shall be substituted the following provisions:—

"(*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;".

(2) In sub-paragraph (5) of the said paragraph 15 for the sum "£4,800" (where it first occurs) there shall be substituted the sum "£5,350" and for paragraphs (*a*) and (*b*) there shall be substituted the following provisions:—

"(*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.".

13. In paragraph 19(1) of the Aided Pupil Scheme (calculation of school travel grants)—

(*a*) in paragraph (*a*) for the sum "£4,779" there shall be substituted the sum "£5,279", and

(*b*) in paragraph (*b*) for the sum "£4,600" there shall be substituted the sum "£5,100".

14.—(1) In sub-paragraph (*e*) of paragraph 3 of the Appendix to the Aided Pupil Scheme (deductions made from total income for tax purposes which are to be disregarded), as amended by Regulation 4 above, the word "or" shall be omitted.

(2) After sub-paragraph (*f*) of the said paragraph 3 there shall be inserted the following provisions:—

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

(*h*) in pursuance of Chapter II of Part IV of the Finance Act 1981(**b**) (relief for investment in new corporate trades).".

Keith Joseph,
Secretary of State for
Education and Science.

18th December 1981.

(**a**) 1980 c. 48.

(**b**) 1981 c. 35.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Education (Grants) (Music and Ballet Schools) Regulations 1981, including the Aided Pupil Scheme set out therein. Save as mentioned below in the case of Part II, the amendments do not have effect until 1st September 1982 except for specified preliminary purposes (*Regulation 1*).

Part II clarifies certain definitions (*Regulation 3*, which has effect as from 1st January 1982). It also amends the provisions relating to the computation of income to take account of certain enactments relating to the treatment of superannuation contributions for income tax purposes contained in the Finance Act 1970 and makes transitory provision as to the determination of remission of fees where this is affected (*Regulations 4 and 5*, which for the purposes of fee remission have effect as from 1st January 1982).

The principal amendments in Part III are described below.

The relaxation of the requirement that to be eligible for an aided place a child must have been ordinarily resident in the British Islands for two years, at present enjoyed by certain children recognised as refugees, is extended to children who, though not so recognised, have been granted asylum in the United Kingdom (*Regulation 6*).

The deduction to be made in respect of a dependent relative in determining "relevant income" is increased from £600 to £800 but no deduction is to be made where payments made to the relative qualify for tax relief (*Regulation 7*). Further provision is made as to the cases in which fee remission and other aid is to be based on relevant income in the current, instead of the preceding, financial year (*Regulation 8*). The means tests for fee remission and other aid purposes are relaxed; in particular the level of relevant income at or below which fees are to be wholly remitted is set, in the case of boarding pupils, at £4,550 instead of £4,150 and, in the case of day pupils, at £5,700 instead of £5,150 (*Regulations 9 to 13*). In computing income certain deductions made for tax purposes under the Finance Acts of 1980 and 1981 are to be disregarded (*Regulation 14*).

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