STATUTORY INSTRUMENTS

1983 No. 169

EDUCATION, ENGLAND AND WALES

The Education (Grants) (Music and Ballet Schools) (Amendment) Regulations 1983

Made - - - -	*15th February* 1983
Laid before Parliament	*22nd February* 1983
Coming into Operation	*15th March* 1983

In exercise of the powers conferred by section 100(1)*(b)* and (3) 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 1983.

(2) These Regulations shall come into operation on 15th March 1983 but Part II thereof shall not have effect until 1st September 1983 except for the purposes of—

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

(b) 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.

(2) In these Regulations the expression "aid questions" means questions relating to—

(a) the remission of designated fees within the meaning of paragraph 11 of the Aided Pupil Scheme;

(b) the remission of charges for meals;

(**a**) 1944 c.31.
(**b**) S.I. 1964/490, 1970/1536, 1978/274.
(**c**) S.I. 1981/786, amended by S.I. 1981/1839.

(c) uniform grants, or

(d) school travel grants.

PART II

PROVISIONS HAVING FULL EFFECT ONLY AS FROM 1ST SEPTEMBER 1983

3.—(1) In sub-paragraph (3) of paragraph 7 of the Aided Pupil Scheme (references to income) for the sum "£800" there shall be substituted the sum "£850".

(2) At the end of the said paragraph 7 there shall be added the following provision:—

"(4) In this paragraph any reference to the parents of an aided pupil is a reference to the persons who are his parents at the time the relevant income is calculated.".

4. For paragraph 10(2) of the Aided Pupil Scheme (calculation of aid) there shall be substituted the following provision:—

"(2) Where one of the pupil's parents has died after aid 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 aid questions shall be redetermined 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 and the reference to the pupil's parents in sub-paragraph (2) of paragraph 7 included a reference to the deceased parent (notwithstanding the provision of sub-paragraph (4) of that paragraph).".

5.—(1) In sub-paragraph (2) of paragraph 12 of the Aided Pupil Scheme (remission of fees—boarding pupils) for the sum "£4,550" there shall be substituted the sum "£4,850".

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

"TABLE

(1) Part of the relevant income to which specified percentage applies	(2) Only aided pupil	(3) Each of two aided pupils
That part which exceeds £4,700 but does not exceed £5,930	10%	7.5%
That part (if any) which exceeds £5,930 but does not exceed £8,330	20%	15%
That part (if any) which exceeds £8,330	10%	7.5%"

6.—(1) In sub-paragraph (2) of paragraph 13 of the Aided Pupil Scheme (remission of fees—day pupils) for the sum "£5,700" there shall be substituted the sum "£6,080".

(2) In sub-paragraph (3) of the said paragraph 13 for the sum "£5,550" there shall be substituted the sum "£5,930".

7. In paragraph 14(2) of the Aided Pupil Scheme (remission of meal charges) for the sum "£4,400" there shall be substituted the sum "£4,700".

8.—(1) In sub-paragraph (4) of paragraph 15 of the Aided Pupil Scheme (uniform grants) for the sum "£5,800" (where it first occurs) there shall be substituted the sum "£6,200" and for paragraphs *(a), (b), (c)* and *(d)* there shall be substituted the following provisions:—

"*(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 sub-paragraph (5) of the said paragraph 15 for the sum "£5,350" (where it first occurs) there shall be substituted the sum "£5,700" and for paragraphs *(a)* and *(b)* there shall be substituted the following provisions:—

"*(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.".

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

(a) in paragraph *(a)* for the sum "£5,279" there shall be substituted the sum "£5,629", and

(b) in paragraph *(b)* for the sum "£5,100" there shall be substituted the sum "£5,450".

10.—(1) For paragraph 3 of the Appendix to the Aided Pupil Scheme (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;

(**a**) 1970 c. 24.

(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(**a**);

(d) in pursuance of section 75 of the Finance Act 1972(**b**), in respect of interest payments eligible for relief under that section by virtue of Part I of Schedule IX to that Act and paragraphs 4(1)*(a)* and 4A of Schedule I to the Finance Act 1974(**c**) (loan for purchase or improvement of land) or by virtue of paragraph 24 of the said Schedule I (loan to purchase life annuity);

(e) in respect of any sums paid under a deed of convenant 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(**d**), 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(**e**);

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

(i) in pursuance of Chapter II of Part IV of the Finance Act 1981(**g**) (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 Appendix.

PART III

PROVISIONS HAVING EFFECT AS FROM 15TH MARCH 1983

11. For paragraph 8 of Schedule 2 to the principal Regulations (conditions of payment of grant) there shall be substituted the following provision:—

"Teachers

8. No person shall be employed as a teacher at a school if, had the school been one maintained by a local education authority, his employment thereat would be precluded by regulations (**h**) for the time being in force under section 27(3) of the Education Act 1980(**i**).".

(**a**) 1982 c. 39.
(**b**) 1972 c. 41, as amended by section 19 of the Finance Act 1974 (c. 30) and section 26 of the Finance Act 1982.
(**c**) 1974 c. 30 as amended by section 36 of the Finance Act 1977 (c. 36).
(**d**) 1977 c. 36.
(**e**) 1978 c. 42.
(**f**) 1980 c. 48.
(**g**) 1981 c. 35.
(**h**) The Regulations currently in force are the Education (Teachers) Regulations 1982 (S.I. 1982/106).
(**i**) 1980 c. 20.

Keith Joseph,
Secretary of State for
Education and Science.

15th February 1983.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, which amend the Education (Grants) (Music and Ballet Schools) Regulations 1981 (including the Aided Pupil Scheme set out therein), come into operation on 15th March 1983 but the amendments in Part II (i.e. in Regulations 3 to 10) do not have effect until 1st September 1983 except for specified preliminary purposes (*Regulation 1(2)*).

In determining "relevant income" for the purposes of the means test in the Aided Pupil Scheme the deductions to be made in respect of a dependent relative is increased from £800 to £850 (*Regulation 3(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 3(2)*). Consequential changes are made in the special provision relating to the determination of aid questions where one of the parents dies (*Regulation 4*).

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 £4,850 instead of £4,550 and, in the case of day pupils, at £6,080 instead of £5,700 (*Regulations 5 to 9*).

The list of tax deductions to be disregarded in computing income for the purposes of the Aided Pupil Scheme is consolidated, with the addition of a reference to deductions under the Finance Act 1982; account is also taken of the provisions thereof whereby mobility allowances no longer constitute taxable income (*Regulation 10*).

Paragraph 8 of Schedule 2 to the Regulations of 1981 provides that a school shall comply with any prohibition or restriction on the employment of a person as a teacher imposed by the Secretary of State for the purposes thereof on specified grounds. For this provision there is substituted a requirement that a person be not employed as a teacher if his employment would be precluded in the case of a maintained school by regulations under section 27(3) of the Education Act 1980 (*Regulation 11*).

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