STATUTORY INSTRUMENTS

1984 No. 113

EDUCATION, ENGLAND AND WALES

The Education (Grants) (Music and Ballet Schools) (Amendment) Regulations 1984

Made - - -	*6th February* 1984
Laid before Parliament	*21st February* 1984
Coming into Operation	*15th March* 1984

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 1984.

(2) These Regulations shall come into operation on 15th March 1984 but Part II thereof shall not have effect until 1st September 1984 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. 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.

3. In Regulation 3(1) of the principal Regulations (interpretation), in the definition of "the Scheme", for the word "pupils" there shall be substituted the word "pupil".

(**a**) 1944 c.31.
(**b**) S.I. 1964/490, 1970/1536, 1978/274.
(**c**) S.I. 1981/786, amended by S.I. 1981/1839, 1983/169 and 1017.

PART II

PROVISIONS HAVING FULL EFFECT ONLY AS FROM 1ST SEPTEMBER 1984

4. In Regulation 5(3) of the principal Regulations (references to parents), 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".

5. In Schedule 1 to the principal Regulations (the Aided Pupil Scheme) —

(1) in sub-paragraph (2) of paragraph 12 (remission of fees—boarding pupils) for the sum "£4,850" there shall be substituted the sum "£5,220";

(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 £5,070 but does not exceed £6,400	10%	7.5%
That part (if any) which exceeds £6,400 but does not exceed £8,980	20%	15%
That part (if any) which exceeds £8,980	10%	7.5%"

(3) in sub-paragraph (2) of paragraph 13 (remission of fees—day pupils) for the sum "£6,080" there shall be substituted the sum "£6,550";

(4) in sub-paragraph (3) of the said paragraph 13 for the sum "£5,930" there shall be substituted the sum "£6,400";

(5) in paragraph 14(2) (remission of meal charges) for the sum "£4,700" there shall be substituted the sum "£5,100";

(6) in paragraph 15 (uniform grants), sub-paragraph (3) shall be revoked, and for sub-paragraphs (4) and (5) there shall be substituted the following sub-paragraphs—

"(4) Unless an aided pupil has been a pupil at the school before taking up an aided place, in a pupil's first year at the school, uniform grant shall be payable in the case of an aided pupil as respects whom the relevant income does not exceed £6,700, and in such case the grant shall be of an amount equal to so much of the clothing expenditure as does not exceed —

(*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:

Provided that any uniform grant which would fall to be paid in pursuance of this sub-paragraph in an aided pupil's first year at the school may be paid in the two months preceding that year.

(5) Except where sub-paragraph (4) applies, uniform grant shall be payable in the case of an aided pupil as respects whom the relevant income does not exceed £6,420 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*) £36, where the relevant income does not exceed £6,046;

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

(7) in paragraph 16 (school travel expenditure qualifying for grants), for the words "Paragraph 17 or, as the case may be, paragraph 18" there shall be substituted the words "Paragraph 17, 17A or 18, as the case may be";

(8) in paragraph 17 (school travel grants—boarding pupils), in sub-paragraph (1), after the word "boarder" there shall be inserted the words "(other than a weekly boarder)"; and in sub-paragraph (2) there shall be substituted for the words "six return journeys" the words "12 journeys in either direction";

(9) after paragraph 17 there shall be inserted the following paragraph —

"School travel grants—weekly boarding pupils

17A—(1) This paragraph shall apply in the case of an aided pupil who is a weekly boarder at the school.

(2) Subject to and in accordance with paragraph 19, where an aided pupil's walking distance between home and school exceeds three miles, the school shall, in respect of each school year, pay a school travel grant to the parents of the pupil in relation to school travel expenditure incurred in respect of journeys between home and school in that year:

Provided that, for the purposes hereof and of paragraph 19, where a 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 season tickets or reduced or concessionary fares, the excess shall be disregarded.";

(10) in paragraph 19(1) (amount and payment of school travel grants) —

(*a*) in paragraph (*a*) for the sum "£5,629" there shall be substituted the sum "£6,059", and

(*b*) in paragraph (*b*) for the sum "£5,450" there shall be substituted the sum "£5,880";

(11) in the Appendix (computation of income) —

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

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

(*b*) the following paragraph shall be substituted for paragraph 5 —

"5. 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**)."

6. In Schedule 2 (conditions of payment of grant), for paragraph 8 (teachers) there shall be substituted the following paragraph —

"8. No person who is barred from employment as a teacher at a school maintained by a local education authority by directions, given and not withdrawn, of the Secretary of State under regulations(**c**) for the time being in force under section 27(3) of the Education Act 1980(**d**) shall be employed as a teacher at a school."

Keith Joseph,
Secretary of State for Education and Science.

6th February 1984.

(**a**) 1983 c.28, amended by section 5 of and 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).
(**c**) The regulations currently in force are the Education (Teachers) Regulations 1982 (S.I. 1982/106).
(**d**) 1980 c.20.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, which make further amendments to the Education (Grants) (Music and Ballet Schools) Regulations 1981, come into operation on 15th March 1984, but the amendments in Part II (i.e. in Regulations 4 to 6) do not have effect until 1st September 1984 except for specified preliminary purposes (*Regulation 1(2)*).

Regulation 5(3) of the 1981 Regulations, which sets out the circumstances in which the parents of a child are to be regarded as separated for the purposes of the Regulations, is amended to include the case where the parents are separated by deed of separation (*Regulation 4*).

The income scales for the remission of fees and meal charges, and for uniform grants and school travel grants, are relaxed; the level of income at or below which fees are to be wholly remitted is set at £5,220, instead of £4,800, for boarders and £6,550 instead of £6,080 for day pupils; uniform grants are to be made available each year instead of every second year; school travel grants for weekly boarders are to be payable for 12 single journeys (instead of six return journeys) per year, and this restriction is removed for weekly boarders (*Regulation 5(1)–(10)*).

In the rules for computation of income in the Appendix to the Aided Pupil Scheme, 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 purposes of the Regulations, is revoked, so that (currently) the first £25,000 of any such payment will be excluded from the computation of such income. Adoption allowances paid under a scheme approved under section 50(4) of the Adoption Act 1958 are also to be excluded. The reference to the relevant income tax legislation in paragraph 3(*i*) is brought up to date (*Regulation 5(11)*).

Paragraph 8 of the conditions of payment of grant in Schedule 2 to the 1981 Regulations is amended to make it clear that the prohibition on the employment of a teacher applies only where he is barred from employment at a maintained school by directions of the Secretary of State which have not been withdrawn (*Regulation 6*).

A minor error in Regulation 3(1) is corrected (*Regulation 3*).

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