STATUTORY INSTRUMENTS

1986 No. 989

EDUCATION, ENGLAND AND WALES

The Education (Grants) (Music and Ballet Schools) (Amendment) Regulations 1986

Made - - - -	*9th June* 1986
Laid before Parliament	*17th June* 1986
Coming into Operation	
Part I	*8th July* 1986
Part II *for the purposes specified in Regulation* 1(2)*(a)* and *(b)*	*8th July* 1986
Part II *for all other purposes*	*1st September* 1986

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 1986.

(2) Part I of these Regulations shall come into operation on 8th July 1986. Part II shall come into operation on that date for the purposes of—

(a) determining aid questions in relation to a school year or part of a school year beginning on or after 1st September 1986; and

(b) the payment of uniform grant in pursuance of the proviso to paragraph 16(3) of the Aided Pupil Scheme,

and on 1st September 1986 for all other purposes.

2. In these Regulations a reference to the principal Regulations is a reference to the Education (Grants) (Music and Ballet Schools) Regulations 1985 (**c**) and a reference to the Aided Pupil Scheme is a reference to the scheme specified in Schedule 1 to those Regulations.

PART II

PROVISIONS HAVING FULL EFFECT ONLY AS FROM 1ST SEPTEMBER 1986

3.—(1) For paragraph (1) of Regulation 4 of the principal Regulations (references to parents) there shall be substituted the following paragraph—

"(1) Except where the context otherwise requires and subject to paragraphs (2) and (2A), any reference in these Regulations to the parents of a child or aided pupil is a reference—

(**a**) 1944 c.31. (**b**) S.I. 1964/490, 1970/1536, 1978/274. (**c**) S.I. 1985/684.

(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 father or mother, having actual custody of him, has married a person who is not his parent, to that parent and his spouse;

(c) where his parents, defined as in sub-paragraph *(a)*, are divorced or, in any of the circumstances mentioned in paragraph (3), separated, to that one of them who has, or in pursuance of an order of a court is entitled to, actual custody of the child or pupil and, should that person being divorced remarry, his spouse;

(d) where he has no parents defined as in sub-paragraphs *(a)*, *(b)* and *(c)*, to his guardian or guardians, if any;

(e) where he has no parents so defined and no guardian, to the person or persons who have actual custody of the child or pupil."

(2) In paragraph (2) of the said Regulation 4 for the words "paragraph (1)*(a)*, *(b)* or *(c)*" there shall be substituted the words "paragraph (1)*(a)*, *(b)*, *(c)* or *(d)*".

(3) After paragraph (2) of the said Regulation 4 there shall be inserted the following paragraph—

"(2A) Where a custodianship order made under section 33 of the Children Act 1975 (**a**) is in force in respect of a child or pupil, his custodian and the spouse of the custodian (if any) shall be treated as the parents of the child or pupil for the purposes of these Regulations."

(4) In paragraph (3) of the said Regulation 4 for the words "paragraph (1)*(b)*" there shall be substituted the words "paragraph (1)*(c)*".

4. 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 "£5,500" there shall be substituted the sum "£5,859";

(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
The part which exceeds £5,710 but does not exceed £7,210	10%	7.5%
That part (if any) which exceeds £7,210 but does not exceed £10,130	20%	15%
That part (if any) which exceeds £10,130	10%	7.5% "

(3) in sub-paragraph (2) of paragraph 13 (remission of fees—day pupils) for the sum "£6,900" there shall be substituted the sum "£7,359";

(4) in sub-paragraph (3) of the said paragraph 13 for the sum "£6,750" there shall be substituted the sum "£7,210";

(**a**) 1975 c.72.

(5) in sub-paragraph (2) of paragraph 15 for the sum "£5,400" there shall be substituted the sum "£5,773";

(6) for sub-paragraphs (3) and (4) of paragraph 16 there shall be substituted the following sub-paragraphs—

"(3) 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 £7,563 and in such case the grant shall be of an amount equal to so much of the clothing expenditure as does not exceed—

(a) £115 where the relevant income does not exceed £6,638;

(b) £87 where that income exceeds £6,638 but does not exceed £6,949;

(c) £58 where that income exceeds £6,949 but does not exceed £7,248;

(d) £29 where that income exceeds £7,248 but does not exceed £7,563:

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.

(4) Except where sub-paragraph (3) applies, uniform grant shall be payable in the case of an aided pupil as respects whom the relevant income does not exceed £7,248 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) and does not exceed—

(a) £43 where the relevant income does not exceed £6,806;

(b) £21 where the income exceeds £6,806 but does not exceed £7,248.";

(7) in sub-paragraph (1)*(a)* of paragraph 22 for the sum "£6,389" there shall be substituted the sum "£6,819" and in sub-paragraph (1)*(b)* of that paragraph for the sum "£6,210" there shall be substituted the sum "£6,638";

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

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

"*(g)* in pursuance of section 42 of the Finance Act 1985 (**a**) (relief for Class 4 contributions),"; and

(b) at the end of paragraph 4 there shall be added the following words "and any contributions paid to him by a local authority pursuant to section 34(6) of the Children Act 1975".

Kenneth Baker,
Secretary of State for
Education and Science.

9th June 1986.

(**a**) 1985 c.54.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations amend the Education (Grants) (Music and Ballet Schools) Regulations 1985. Part I comes into operation on 8th July 1986. The amendments in Part II (ie in Regulations 3 and 4) come into operation on that date for specified preliminary purposes and on 1st September 1986 for all other purposes (*Regulation* 1(2)).

The definition of parents in Regulation 4 of the 1985 Regulations is amended to cover two additional cases: where an unmarried parent having actual custody of a child marries a person other than the child's natural parent, and where a child is the subject of a custodianship order under the Children Act 1975 (the relevant provisions of which came into force on 1st December 1985) (*Regulation* 3).

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 £5,859, instead of £5,500, for boarders and £7,359 instead of £6,900 for day pupils (*Regulation* 4).

References to the relevant income tax legislation in the Appendix to the Schedule to the 1985 Regulations are updated, and maintenance contributions paid by a local authority to the custodian of a child under the Children Act 1975 are to be left out of account in computing a person's total income.

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