STATUTORY INSTRUMENTS

1985 No. 684

EDUCATION, ENGLAND AND WALES

The Education (Grants) (Music and Ballet Schools) Regulations 1985

Made - - - - - - -	30*th April* 1985
Laid before Parliament	10*th May* 1985
Coming into Operation—	
Part I	1*st June* 1985
Parts II *and* III *for the purposes specified in Regulation* 1(2)*(a) and (b)*	1*st June* 1985
Parts II *and* III *for all other purposes*	1*st September* 1985

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

Citation and operation

1.— (1) These Regulations may be cited as the Education (Grants) (Music and Ballet Schools) Regulations 1985.

(2) Part I of these Regulations shall come into operation on 1st June 1985. Parts II and III thereof 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 that date; and

(b) the payment of uniform grant in pursuance of the proviso to paragraph 16(3) of the Aided Pupil Scheme described in Schedule 1 to these Regulations,

and on 1st September 1985 for all other purposes.

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

Interpretation

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

"aid" and "aid questions" have the meanings assigned thereto by paragraph 5 of Schedule 1 and "aided" means aided in pursuance of the Scheme;

"child" includes a step-child and a child adopted in pursuance of adoption proceedings and "father" and "mother" shall be construed accordingly and, notwithstanding the definition in section 114(1) of the Education Act 1944, includes a child who is over compulsory school age;

"designated fees" has the meaning assigned thereto by paragraph 11 of Schedule 1;

"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;

"financial year" has the meaning assigned thereto by paragraph 6 of Schedule 1;

"income" and "relevant income" have the meanings assigned thereto by paragraph 7 of Schedule 1;

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

"public transport" has the meaning assigned thereto by paragraph 17*(a)* of Schedule 1;

"the Scheme" means the aided pupil scheme described in Schedule 1 as well as, in Regulation 5, the aided pupil scheme described in the Regulations revoked by Regulation 9.

(2) Except where the context otherwise requires, in these Regulations any reference to a Regulation or Schedule is a reference to a Regulation or Schedule contained in these Regulations, any reference in a Regulation or Schedule to a paragraph is a reference to a paragraph of that Regulation or Schedule and any reference in a paragraph to a sub-paragraph is a reference to a sub-paragraph of that paragraph.

References to schools

3.— (1) Any reference in these Regulations to a school is a reference to any one of the following schools, namely—

The Chetham's School of Music, Manchester;
The Purcell School, Harrow;
The Royal Ballet School, London;
The Wells Cathedral School, Somerset;
The Yehudi Menuhin School, Surrey,

being a school which has adopted the aided pupil scheme described in Schedule 1.

(2) Except where the context otherwise requires, references to a school include references to the governing body thereof and persons acting with their authority.

References to parents

4.— (1) Except where the context otherwise requires and subject to paragraph (2), any reference in these Regulations to the parents of a child or aided 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 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;

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

(d) 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) Where—

(a) a child or aided pupil either has no parents defined as in paragraph (1)*(a)*, *(b)* or *(c)* or he has such parents but the school are satisfied that they cannot be found, and

(b) he is either in the care of a local authority or in the care of a voluntary organisation within the meaning of section 88 of the Children Act 1975(**a**),

then, for the purposes of these Regulations, he shall be treated as a child whose parents have no income but, subject as aforesaid, any reference to his parents shall be construed as a reference to the authority or organisation in whose care he is.

(3) The circumstances referred to in paragraph (1)*(b)* are that the parents are separated under an order of a court of competent jurisdiction, or by deed of separation 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.

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

PART II

GRANT

Grant in respect of aided pupil scheme

5. Subject to the provisions of this Part, the Secretary of State may, in respect of any school year, pay to each school grant in respect of their expenditure in operating the Scheme and the amount of the grant in respect of any school year shall equal the aggregate of—

(a) the fees and charges for that year remitted by them, and

(b) the grants made by them in that year,

in accordance with the Scheme.

Conditions of grant

6. The making of payments by way of such grant shall, in the case of each school, be subject to grant being claimed in accordance with Regulation 7 and the fulfilling of the conditions mentioned in Schedule 2 applicable in the case of the school.

Grant claims

7.— (1) Grant shall be claimed by a school in respect of such periods, not being less than a term, as appear to them appropriate but, subject as aforesaid, grant claims shall be submitted to the Secretary of State at such times, in such manner and form and be supported by such declarations and other information, as the Secretary of State may require.

(2) Grant claims may be submitted on the basis of estimated expenditure ("provisional claims") but where a provisional claim is submitted the school shall, as soon as is reasonably practicable, submit a claim in respect of the period in question which is not based on such an estimate and that claim shall supersede the original claim.

Payment of grant

8.— (1) Subject to Regulation 6, as soon as is reasonably practicable after he is satisfied as respects a grant claim, the Secretary of State shall pay the grant in pursuance of the claim without prejudice, however, where he considers it appropriate, to his making earlier payments on account in pursuance of the claim or in pursuance of a provisional claim in respect of the same period.

(2) Any over-payment or under-payment of grant 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.

PART III

REVOCATION AND TRANSITIONAL PROVISIONS

Revocation and transitional provisions

9.— (1) The Regulations specified in Schedule 3 are hereby revoked.

(2) Any payment of grant in respect of expenditure incurred by a school in operating the aided pupil scheme described in the Regulations revoked by paragraph (1) shall be calculated as if those Regulations had not been revoked.

SCHEDULE 1

AIDED PUPIL SCHEME

PART I

ELIGIBILITY FOR AIDED PLACES

General

1.— (1) The school shall select children to hold aided places thereat but a child shall only be eligible for such selection if all the conditions mentioned in this Part are, so far as relevant, satisfied in his case:

Provided that in relation to the Royal Ballet School or the Yehudi Menuhin School, the said conditions shall not apply in the case of a pupil at the school in question before 1st September 1981 in respect of whom fees were remitted in accordance with arrangements approved by the Secretary of State for the purposes of the Royal Ballet School and the Yehudi Menuhin School (Grants) Regulations 1973(a).

(2) Nothing in this paragraph shall prevent a child from being selected for an aided place in advance of its being ascertained that such a condition is satisfied if the selection is subject to the condition being satisfied.

Conditions as to residence

2.— (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 preceding 1st January in the calendar year in which he would take up an aided place at the school ("the relevant date"), or

(b) in the case of such a child as is mentioned in sub-paragraph (2), have been so ordinarily resident in the European Community as constituted during the relevant two year period, or

(c) in the case of such a child who is a refugee as is mentioned in sub-paragraph (3), have not been ordinarily resident outside the British Islands since he or, in the case mentioned in sub-paragraph (3)*(d)*, his parent, was recognised as a refugee or granted asylum or granted leave to enter or remain, as the case may be.

(2) The child referred to in sub-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

(a) S.I. 1973/370.

(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 sub-paragraph (1)*(c)* is—

(a) 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 28th July 1951(a) as extended by the Protocol thereto which entered into force on 4th October 1967(b); or

(b) a child who enjoys asylum in the United Kingdom in pursuance of a decision of Her Majesty's government though not so recognised; or

(c) a child who has been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that, although he is considered not to qualify for asylum or for recognition as a refugee, it is thought right to allow him to enter or remain in the United Kingdom, and has been granted leave to enter or remain accordingly; or

(d) a child who is the child of a person who is so recognised, or has been granted such asylum or leave to enter or remain in such circumstances.

Conditions as to age

3. It shall be a condition that the child shall have attained the age of eight years before he would take up an aided place at the school or that he will have attained that age before 1st August next following his taking up an aided place.

Condition as to furnishing of information

4. It shall be a condition that the parents of the child, when applying to the school for an aided place, shall have furnished the school with such information as is requisite for determining whether he is eligible for selection for such a place.

PART II

GENERAL PROVISIONS RELATING TO AID

Aid questions

5.— (1) Subject to sub-paragraph (2), in the case of each aided pupil questions whether aid should be granted as hereinafter provided by way of—

(a) remission of fees or charges, or

(b) grants,

shall be determined by the school for the school year in which he takes up an aided place and for each subsequent school year by reference to the relevant income as respects the pupil, whether or not the parents have been entitled to any aid as respects a previous school year; and such questions and aid are hereinafter referred to, respectively, as "aid questions" and "aid".

(a) Cmd. 9171.

(b) Cmnd. 3906 (Out of print: photocopies of the English text are available, free of charge, from Schools 1 Branch, Department of Education and Science, Room 3/65, Elizabeth House, York Road, London SE1 7PH).

(2) Where either—

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

(b) the number of children of the parents who hold aided places (whether at the same or different schools) differs for different parts of the school year,

aid questions shall be determined by the school for that part, or separately for those parts, and the extent to which designated fees (within the meaning of paragraph 11) 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.

References to financial years

6.— (1) For the purposes hereof "financial year" means, subject to sub-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, profession or vocation carried on by either or both of them, then if the parents and the school so agree, any reference herein 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 the accounts kept in respect of that business or profession and the periods covered thereby:

Provided that, when that year ends with a date after 5th April but before the beginning of a school year, then, in relation to that year "preceding financial year" shall mean the year last so ending before 6th 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 6th April and before the beginning of the school year.

References to income

7.— (1) For the purposes hereof the income of any person for a financial year shall, subject however to the provisions of the Appendix hereto, be taken to be his total income for that year; and, in this sub-paragraph and the said Appendix, "total income" has the same meaning as in section 32 of the Finance Act 1971(a).

(2) For the purposes hereof "relevant income" as respects an aided pupil means, in relation to any financial year, his parents' 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 sub-paragraph (3) or (4) applies the sum mentioned.

In this sub-paragraph the reference to unearned income is a reference to income other than such as arises from gainful employment.

(3) Subject to sub-paragraph (4), the relevant income, calculated as aforesaid, shall be reduced by £900 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 purposes of sub-paragraph *(a)*, there shall be disregarded

(a) 1971 c.68.

payments, other than sums paid as mentioned in paragraph 3*(e)* 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).

(4) Where a child (other than the aided pupil) who is wholly or mainly dependent on the parents or on payments made to him or for his benefit by one or both of them is the holder of an award of a kind described in sub-paragraph (5) and there has been deducted, in calculating the amount of that award, a sum exceeding £900 in respect of the parental contribution which is assumed to be available as part of the resources of that child, that sum shall be deducted from the relevant income in lieu of the £900 prescribed in respect of that child by sub-paragraph (3).

(5) The awards referred to in sub-paragraph (4) are—

(a) a mandatory award paid by a local education authority in England or Wales pursuant to regulations from time to time in force under section 1 of the Education Act 1962(**a**) providing for the payment of awards to students attending specified courses of further or higher education(**b**);

(b) an allowance granted by the Secretary of State for Scotland pursuant to regulations from time to time in force or having effect under sections 73 and 74 of the Education (Scotland) Act 1980(**c**) providing for the payment of allowances to students(**d**);

(c) an award made by—

(i) an education and library board in Northern Ireland pursuant to article 39 of the Education and Libraries (Northern Ireland) Order 1972(**e**) and regulations from time to time in force thereunder(**f**), being an award for the purpose of enabling or encouraging the holder to take advantage of educational facilities specified in or designated under such regulations; or

(ii) the Department of Education for Northern Ireland pursuant to article 40 of the said Order and regulations from time to time in force thereunder(**f**), being an award in respect of attendance at a course for the training of teachers.

(6) 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.

Application for aid etc.

8. Applications for aid shall be made, and declarations of relevant income or estimated income and other information requisite for determining aid questions shall be furnished, by such time and in such manner and form, if any, as may be specified for the purposes hereof by the Secretary of State.

(**a**) 1962 c.12; section 1 was substituted by Schedule 5 to the Education Act 1980 (c.20) and amended by section 4 of the Education (Grants and Awards) Act 1984 (c.11).

(**b**) The Regulations in force at the date on which these Regulations were made were the Education (Mandatory Awards) Regulations 1984 (S.I. 1984/1116), amended by S.I. 1984/1240.

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

(**d**) The Regulations in force at the date on which these Regulations were made were the Students' Allowances (Scotland) Regulations 1971 (S.I. 1971/124), to which there are relevant amendments in S.I. 1983/798. The administrative arrangements for assessing assumed parental contributions were set out in the "Guide to Students' Allowances 1984–85" (Form AB2) published in April 1984 by the Scottish Education Department and the supplement thereto published in July 1984, copies of which are obtainable from the Scottish Education Department, Awards Branch, Haymarket House, Clifton Terrace, Edinburgh, EH12 5DT.

(**e**) S.I. 1972/1263 (N.I.12); Articles 39 and 40 were substituted by Article 6 of the Education (Northern Ireland) Order 1978 (S.I. 1978/1040 (N.I.10)) and amended by Article 7 of the Education (Northern Ireland) Order 1980 (S.I. 1980/1958 (N.I.16)).

(**f**) The Regulations in force at the date on which these Regulations were made were the Students Awards Regulations (Northern Ireland) 1984 (S.R. (N.I.) 1984 No. 335).

Restrictions on aid

9.— (1) The parents of an aided pupil shall not be entitled to any aid in respect of a period before the pupil took up his aided place or 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 twenty years without prejudice, however, to the provisions of the proviso to paragraph 16(3) and of paragraph 22(2) and, without prejudice to the generality of the foregoing provision, the parents shall not be entitled to remission of fees or charges payable in lieu of notice of the withdrawal of an aided pupil from the school.

(2) The parents of an aided pupil shall be under no obligation to apply for aid 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 aid for that year, or

(b) subject to paragraph 10(4), duly furnish the school with the information and supporting documentary and other evidence requisite for determining aid questions,

they shall not be entitled to any aid for that year.

(3) If the Secretary of State is satisfied that, in the case of a particular pupil holding an aided place at any of the schools, his parents have furnished information required for determining aid 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 aid in the case of that pupil and, if he so directs, in the case of any other of their children who hold aided places at any of the schools, 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 for the purposes hereof without affording the parents concerned an opportunity to make representations or without considering such representations;

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

(4) This paragraph shall have effect notwithstanding anything in paragraph 5 or any other provision hereof.

Calculation of aid

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

(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 (6) of that paragraph).

(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.

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

(a) in relation to the first year in which aid is granted in the case of a pupil, no such provisional determination shall be made unless his parents have furnished information as to relevant income for the financial year before the appropriate financial year;

(b) 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;

(c) 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

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

PART III

REMISSION OF FEES AND CHARGES

Fees and charges qualifying for remission

11. Paragraph 12 or, as the case may be, paragraph 13, shall apply to the remission of fees and other charges payable by the parents of an aided pupil being fees and charges (other than such as are mentioned in paragraph 15) which are designated for the purposes hereof by the school with the approval of the Secretary of State for the purposes of paragraph 4(3) of Schedule 2; and all such fees and charges are hereinafter referred to as designated fees.

Remission of fees—boarding pupils

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

(2) Where the relevant income for the appropriate financial year does not exceed £5,500 the designated fees shall be wholly remitted.

(3) In any other case the designated fees for a school in respect of each aided pupil shall be remitted to the extent (if any) necessary to secure that the parents' residual liability for that pupil's designated fees is of an amount (rounded down to the nearest multiple of £3) equal to the aggregate of the specified percentages of those parts of the relevant income referred to in column (1) of the following Table, being the percentages—

(a) specified opposite those parts in column (2), where only one child of the parents holds an aided place at any of the schools;

(b) so specified in column (3) where two children of the parents hold such aided places;

(c) specified for the purposes hereof by the Secretary of State, where more than two children of the parents hold such aided places.

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 £5,350 but does not exceed £6,750	10%	7.5%
That part (if any) which exceeds £6,750 but does not exceed £9,480	20%	15%
That part (if any) which exceeds £9,480	10%	7.5%

Remission of fees—day pupils

13.— (1) This paragraph shall apply in the case of an aided pupil who is a day pupil at the school.

(2) Where the relevant income for the appropriate financial year does not exceed £6,900 the designated fees shall be wholly remitted.

(3) In any other case the designated fees in respect of each aided pupil shall be remitted to the extent (if any) necessary to secure that the parents' residual liability for that pupil's designated fees is of an amount (rounded down to the nearest multiple of £3) equal to the percentage mentioned below of that part of the relevant income which exceeds £6,750 namely—

(a) 10% of that part, where only one child of the parents holds an aided place at any of the schools;

(b) 7.5% of that part, where two children of the parents hold such aided places;

(c) such percentage of that part as is specified for the purposes hereof by the Secretary of State, where more than two children of the parents hold such places.

Allowances to be made for assisted pupils

14. Where the parents of an aided pupil also have a child who is the holder of an assisted place at an independent school by virtue of a scheme operated by the Secretary of State pursuant to section 17 of the Education Act 1980(a), the parents' residual liability for designated fees shall be calculated pursuant to paragraph 12 or 13 above (as the case may be) as if their child who is an assisted pupil under that scheme held an aided place for the purposes of that paragraph.

Remission of charges for meals—day pupils

15.— (1) Subject to and in accordance with this paragraph, in the cases mentioned in sub-paragraphs (2) and (3) the school shall remit part or the whole of any charges they

(a) 1980 c.20.

would otherwise make for meals provided for a day pupil while he holds an aided place thereat.

(2) In the case of an aided pupil as respects whom the relevant income does not exceed £5,400, the school shall remit (save as provided in sub-paragraph (3)) a half of any charges for meals for the whole of the school year.

(3) Where the parents of an aided pupil satisfy the school 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, then the school shall remit the whole of any charges for meals—

(a) for the whole of that school year, where they are satisfied as aforesaid at or before the beginning thereof, 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 school being so satisfied and the end of the school year in question.

PART IV

Uniform and School Travel Grants

Uniform grants

16.— (1) In this paragraph "clothing expenditure" means expenditure on items of uniform and other clothing (including sports clothing) to be worn by an aided pupil either at school or for the purposes of school activities which the school are satisfied—

(a) has been incurred by the pupil's parents, or

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

(2) Subject to and in accordance with this paragraph, a school shall, in each school year, in the cases mentioned in sub-paragraphs (3) and (4), pay a uniform grant to the parents of a pupil holding an aided place thereat in respect of their clothing expenditure.

(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 £7,075 and in such case the grant shall be of an amount equal to so much of the clothing expenditure as does not exceed—

(a) £108 where the relevant income does not exceed £6,210;

(b) £81 where that income exceeds £6,210 but does not exceed £6,500;

(c) £54 where that income exceeds £6,500 but does not exceed £6,780;

(d) £27 where that income exceeds £6,780 but does not exceed £7,075:

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 £6,780 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) £40 where the relevant income does not exceed £6,376;

(b) £20 where the income exceeds £6,376 but does not exceed £6,780.

(5) Where a pupil has been a pupil at the school before taking up an aided place thereat, no grant shall be paid to his parents in respect of clothing expenditure incurred before he took up the aided place.

School travel expenditure qualifying for grants

17. In the following paragraphs "school travel expenditure", means, subject to the paragraph in question, the aggregate expenses incurred by or on behalf of a pupil holding an aided place at a school in respect of his journeys to and from the school or as hereinafter provided—

(a) by public transport, that is to say, by train, bus, boat, hovercraft or air services available to the public;

(b) by transport provided in pursuance of arrangements which, at the request of the school, are for the time being approved by the Secretary of State, or

(c) by transport provided by a local education authority.

School travel grants—boarding pupils

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

(2) Subject to and in accordance with paragraph 22, the school shall, in respect of each school year, pay a school travel grant to the parents of an aided pupil thereat in relation to school travel expenditure reasonably incurred in relation to journeys actually made by the pupil in that year to or from his home or to visit a parent or guardian or other relative:

Provided that grant shall not be payable in respect of more than 12 single journeys, either to or from the school, in any school year;

And provided that for the purposes hereof and of paragraph 22—

(a) 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 reduced or concessionary fares, the excess shall be disregarded;

(b) where a pupil's 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 to a place other than the pupil's home and his 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 to a place outside the British Islands, so much of the expenses as are in respect of a journey between a port, hoverport or airport within the British Islands and that place shall be disregarded.

School travel grants—weekly boarding pupils

19.— (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 22, 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 22, 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.

School travel grants—day pupils

20.— (1) This paragraph shall apply in the case of an aided pupil who is a day pupil at the school.

(2) Subject to and in accordance with paragraph 22, 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 22—

(a) where a pupil's expenses are in respect of journeys in excess of twenty-five miles each way by such transport as is mentioned in paragraph 17, account shall be taken of only so much of the expenses as bears the same proportion to the full amount thereof as twenty-five miles bears to the length in miles of the journey in question;

(b) 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.

School travel grants—travel to universities, etc.

21. Subject to and in accordance with paragraph 22, the school shall pay a school travel grant to the parents of the pupil in respect of school travel expenditure reasonably incurred in relation to journeys actually made by the pupil in the school year within the British Islands for the purpose of attending a university, college or other establishment of further education at the invitation of the establishment with a view to being admitted to that establishment for the purpose of further education:

Provided that grant shall not be payable in respect of more than three such journeys from the school or from the pupil's home to such an establishment and three journeys from the establishment to the school or to the pupil's home in any school year.

Amount and payment of school travel grants

22.— (1) The amount, if any, of the school travel grant for a school year payable in the case of an aided pupil shall be determined as follows by reference to the school travel expenditure for that year in relation to which it is paid and the relevant income as respects the pupil—

(a) where the relevant income does not exceed £6,389, the school travel grant shall be of an amount equal to that of the school travel expenditure to which it relates;

(b) in any other case the school travel grant shall be of the amount, if any, by which the school travel expenditure to which it relates exceeds an amount (rounded down to the nearest multiple of £3) equal to one-twelfth of that part of the relevant income which exceeds £6,210.

(2) The school may, in the course of, or immediately before, a school year, make payments on account of the grant which it appears to them will be payable for that year but, where payments on account are made, within three months of the final determination of the amount (if any) of the grant, any over-payment or under-payment of grant for the year in question shall be adjusted by payments between the parents and the school.

APPENDIX TO AIDED PUPIL SCHEME Paragraph 7

COMPUTATION OF INCOME

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

(2) In this Appendix 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 the Scheme 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 respect of payments by way of relevant loan interest within the meaning of paragraph 2 of Schedule 7 to the Finance Act 1982(c);

(d) in pursuance of section 75 of the Finance Act 1972(d) in respect of interest payments eligible for relief under that section by virtue of Part I of Schedule 9 to that Act and paragraphs 4(1)*(a)* and 4A of Schedule 1 to the Finance Act 1974(e) (loan for purchase or improvement of land) or by virtue of paragraph 24 of the said Schedule 1 (loan to purchase life annuity);

(e) 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;

(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) 1982 c.39.
(d) 1972 c.41, as amended by section 19 of the Finance Act 1974 (c.30) and section 26 of the Finance Act 1982.
(e) 1974 c.30, as amended by section 36 of the Finance Act 1977 (c.36).

(f) in pursuance of section 31 of the Finance Act 1977(**a**) 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(**b**);

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

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

his income for the purposes of the Scheme shall be computed as though those deductions did not fall to be made.

4. There shall be left out of account, in computing a person's total income for the purposes of the Scheme, 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(**e**).

SCHEDULE 2 Regulation 6

CONDITIONS OF PAYMENT OF GRANT

Total number of aided places

1.— (1) This paragraph shall apply if the Secretary of State, for the purposes hereof, specifies the total number of pupils who may hold aided places at a particular school and different total numbers may be specified for boarding pupils and for day pupils; and in this paragraph "the specified number" means a number for the time being so specified by him.

(2) If and so long as the total number of pupils holding aided places at the school or, as the case may be, the total number of boarding pupils or of day pupils holding such places, is not less than the specified number then no further aided places or, as the case may require, no further boarding or day aided places, shall be granted at the school.

Number of aided places granted each year

2. If the Secretary of State, for the purposes hereof, specifies the number of aided places which may be granted at a particular school to be taken up in a particular school year then that school shall not so grant a greater number of such places.

Selection of aided pupils

3.— (1) Aided places shall only be granted in the case of children who will be provided—

(a) at a school other than the Royal Ballet School, with education in music (otherwise than wholly or mainly in connection with singing in a choir);

(b) at the Royal Ballet School, with education in ballet dancing.

(2) An aided place shall not be granted by a school to a child who was a pupil thereat before 1st September 1981:

(**a**) 1977 c.36.
(**b**) 1978 c.42.
(**c**) 1980 c.48.
(**d**) 1983 c.28, amended by section 5 of and Schedule 1 to the Finance (No. 2) Act 1983 (c.49).
(**e**) 1958 c.5 (7 & 8 Eliz.2); section 50(4) was inserted by section 32 of the Children Act 1975 (c.72).

Provided that this condition shall not apply in relation to the grant of an aided place by the Royal Ballet School or the Yehudi Menuhin School to a pupil in respect of whom fees were remitted before the said date in accordance with arrangements approved by the Secretary of State for the purposes of the Royal Ballet School and Yehudi Menuhin School (Grants) Regulations 1973(a).

(3) An aided place to be first taken up in the Upper Division at the Royal Ballet School shall only be granted—

(a) to a child in the Lower Division about to transfer to the Upper Division thereof, or

(b) to a child in the Upper Division who transferred thereto from the Lower Division thereof on or after 1st September 1983.

Fees

4.— (1) Subject to sub-paragraph (2) the tuition fees and other fees and charges payable in respect of pupils attending a particular school shall be such as are for the time being approved by the Secretary of State.

(2) The Secretary of State may waive the condition in sub-paragraph (1) in the case of a school either generally or in relation to particular fees or charges but any such waiver shall be subject to revocation by him and may be subject to the school fulfilling such other conditions relating to fees and charges as may for the time being be specified by him including, in particular, conditions requiring that he be given notice of proposals to increase fees or charges.

(3) No fee or other charge shall be designated for remission in accordance with paragraph 12 or 13 of the Scheme specified in Schedule 1 without the approval of the Secretary of State.

Publication of information

5.— (1) A school shall publish—

(a) particulars of the Scheme;

(b) annual particulars of the number of aided places likely to be offered in the year in question together with information as to the making of applications therefor and as to arrangements for selection, admission and the remission of fees and charges, and

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

(2) Subject to any directions given by the Secretary of State for the purposes hereof, either in the case of a named school or all the schools, anything required to be published under sub-paragraph (1) shall be published in such manner, and at such time or times, as appears to the school appropriate for the purpose of bringing the particulars or information to the attention of parents likely to be interested therein.

Returns etc. required by the Secretary of State

6. A school shall furnish the Secretary of State with such periodic returns and information as he may require relating to the school or aided pupils thereat including, in particular, information relevant to an intended increase in fees or charges for aided pupils.

(a) S.I. 1973/370.

School accounts

7.— (1) The accounts of a school shall—

(a) if the Secretary of State so requires, be kept in a form specified by him;

(b) be audited by an independent auditor.

(2) At the request of the Secretary of State, a school shall furnish him with copies of their accounts for such periods as he may specify together with copies of the auditor's certificate relating thereto.

Teachers

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(**a**) for the time being in force under section 27(3) of the Education Act 1980(**b**) shall be employed as a teacher at a school.

School governing body

9.— (1) If, after consultation with a particular school, the Secretary of State so directs, as from a date specified by him whichever of the following conditions as is specified in his direction shall apply in the case of that school, namely—

(a) the governing body shall include one or two members, as he may specify, appointed by him, or

(b) one or two persons representing him, as he may specify, shall be entitled to attend, and take part in any discussions at, meetings of the governing body notwithstanding that they are not members thereof and have no say in any decision taken.

(2) This paragraph shall apply in relation to a committee or sub-committee of the governing body of a school and the meetings thereof as it applies in relation to the governing body and that body's meetings.

Proposals relating to premises

10.— (1) Any proposals by a school—

(a) to acquire new premises, or

(b) to make alterations to existing premises,

shall be notified to the Secretary of State.

(2) If in the case of any such proposals he so requires, the proposals shall not be implemented without his approval which may be given either unconditionally or subject to conditions specified by him being fulfilled.

Proposals relating to boarding arrangements

11.— (1) Any proposals by a school—

(a) to make arrangements for boarding pupils, or

(b) to change existing arrangements for such pupils,

shall, if the Secretary of State so requires, be notified to him.

(**a**) The regulations in force at the date when these Regulations were made were the Education (Teachers) Regulations 1982 (S.I. 1982/106).
(**b**) 1980 c.20.

(2) If in the case of any such proposals he so requires, the proposals shall not be implemented without his approval which may be given either unconditionally or subject to conditions specified by him being fulfilled.

SCHEDULE 3

Regulation 9(1)

REVOCATION

Regulations revoked	*References*
The Education (Grants) (Music and Ballet Schools) Regulations 1981	S.I. 1981/786
The Education (Grants) (Music and Ballet Schools) (Amendment) Regulations 1981	S.I. 1981/1839
The Education (Grants) (Music and Ballet Schools) (Amendment) Regulations 1983	S.I. 1983/169
The Education (Grants) (Music and Ballet Schools) (Amendment) (No. 2) Regulations 1983	S.I. 1983/1017
The Education (Grants) (Music and Ballet Schools) (Amendment) Regulations 1984	S.I. 1984/113

Keith Joseph,
Secretary of State for
Education and Science.

30th April 1985.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations consolidate, with amendments, the Education (Grants) (Music and Ballet Schools) Regulations 1981 which, with regulations amending them, are revoked by Regulation 9(1). Part I of the Regulations comes into operation on 1st June 1985, as do the provisions of Parts II and III, but only for specified preliminary purposes. For all other purposes Parts II and III come into operation on 1st September 1985 *(Regulation 1(2))*. Changes of substance are described below.

The Regulations provide for the payment of grant to the schools of music and ballet specified in Regulation 3(1) to reimburse them for their expenditure in operating the aided pupil scheme described in Schedule 1. It is made clear that such grants are discretionary *(Regulation 5)*.

Part I of the Scheme in Schedule 1 deals with eligibility for aided places. The provision for refugee children is extended to include certain children who have been granted leave to enter or remain in the United Kingdom, and the children of refugees and persons granted asylum or such leave to enter or remain *(paragraph 2)*.

Part II of the Scheme contains general provisions relating to aid, whether by way of remission of fees and charges in pursuance of Part III or by way of uniform and school travel grants under Part IV. The deduction to be made from "relevant income" (as defined in paragraph 7) for dependent children and relatives is increased from £850 to £900 *(paragraph 7(3))*, but where another child of the parents is the holder of a specified award paid by a local education authority in England or Wales, the Secretary of State for Scotland, the Department of Education for Northern Ireland or an education and library board in Northern Ireland to enable that child to attend a course of further or higher education and the award has been reduced by a sum exceeding £900 on account of the assumed parental contribution to the child's resources, that sum is to be deducted instead *(paragraph 7(2) and (4))*.

The extent of remission, dealt with in Part III, is determined by reference to relevant income. The level of relevant income below which all designated fees and charges are to be remitted is raised from £5,220 to £5,500 for boarding pupils and from £6,550 to £6,900 for day pupils, with corresponding increases in the extent of remission where relevant income exceeds those sums *(paragraphs 12 and 13)*. Where another child of the parents is the holder of an assisted place at an independent school, this is now to be taken into account in calculating the parents' residual liability for fees *(paragraph 14)*. Charges for school meals (for a day pupil) are remitted in full where the parents are in receipt of supplementary benefit or family income supplement, and as to one half where relevant income does not exceed £5,400 (formerly £5,100) *(paragraph 15)*.

The levels of uniform and school travel grants, which are also determined by reference to relevant income, are laid down in Part IV.

The limit of relevant income for payment of uniform grant in the pupil's first year is raised from £6,700 to £7,075, with corresponding increases in the maximum amounts of grant payable where relevant income is below that figure, varying from £108 (formerly £100) to £27 (formerly £25); and in

subsequent years from £6,420 to £6,780, with maximum grants of £40 (£36) and £20 (£18) *(paragraph 16).*

School travel grant is payable in full where relevant income does not exceed £6,389 (formerly £6,059) and scaled down where relevant income exceeds that figure. Travel grant is now payable for a maximum of three journeys (each way) to visit an establishment of further education with a view to admission *(paragraph 21).*

The conditions of payment of grant in Schedule 2 are unchanged.