STATUTORY INSTRUMENTS

1985 No. 1183 (S.99)

EDUCATION, SCOTLAND

The St Mary's Music School (Aided Places) Amendment Regulations 1985

Made - - -	23*rd July* 1985
Laid before Parliament	8*th August* 1985
Coming into Operation	1*st September* 1985

In exercise of the powers conferred on me by sections 73(*f*) and 74(1) of the Education (Scotland) Act 1980(**a**) and all other powers enabling me in that behalf I hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the St Mary's Music School (Aided Places) Amendment Regulations 1985 and shall come into operation on 1st September 1985.

Interpretation

2. In these regulations, a reference to the "principal regulations" is a reference to the St Mary's Music School (Aided Places) Regulations 1983(**b**).

Amendment of the principal regulations

3. In regulation 4 of the principal regulations (conditions as to residence) there shall be substituted for paragraph (3) the following paragraph:—

"(3) The child who is a refugee referred to in paragraph (1)(*c*) above 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 28 July 1951(**c**) as extended by the Protocol thereto which entered into force on 4 October 1967(**d**); 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,

(**a**) 1980 c.44.
(**b**) S.I. 1983/1150, amended by S.I. 1984/841.
(**c**) Cmd. 9171.
(**d**) Cmd. 3906 (Out of print; photocopies of the English text are available, free of charge, from the Scottish Education Department, Room 4/10, New St Andrew's House, Edinburgh EH1 3SY.).

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.".

4. In regulation 11 of the principal regulations (reference to income) —

(a) in paragraph (2) for the word "applies" there shall be substituted the words "or paragraph (4) applies";

(b) in paragraph (3) for the figure "£850" there shall be substituted the figure "£900";

(c) paragraph (4) shall be renumbered paragraph (6) and there shall be inserted two paragraphs as follows:—

"(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 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 paragraph (3).

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

(a) (i) 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(**a**) providing for the payment of allowances to students (**b**);

(ii) A bursary granted by an education authority pursuant to regulations from time to time in force and having effect under section 49 of the Education (Scotland) Act 1980 providing for the payment of bursaries to persons undertaking courses of full-time education which are not courses of school education (**c**);

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

(**b**) 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 amendments not relevant to these regulations. The administrative arrangements for assessing assumed parental contributions were set out in the "Guide to Students' Allowances 1985-86" (Form AB2) published in April 1985 by the Scottish Education Department and the supplement thereto copies of which are obtainable from the Scottish Education Department, Awards Branch, Haymarket House, Clifton Terrace, Edinburgh EH12 5DT.

(**c**) The regulations in force at the date on which these regulations were made were the Education Authority Bursaries (Scotland) Regulations 1978 (S.I. 1978/998; as amended by S.I. 1979/840, 1980/988, 1981/966, 1982/936, 1983/1051, 1535 and 1984/990).

(b) 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**);

(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(**c**) and regulations from time to time in force thereunder (**d**), 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 being an award in respect of attendance at a course for the training of teachers;".

5. In regulation 14 of the principal regulations (remission of fees — boarding pupils) —

(a) in paragraph (2) for the sum "£5,220" there shall be substituted the sum "£5,500"; and

(b) in paragraph (3) for the Table 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 £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% "

(**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**) 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).

(**d**) 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.

6. In regulation 15 of the principal regulations (remission of fees — day pupils) —

(a) in paragraph (2) for the sum "£6,550" there shall be substituted the sum "£6,900"; and

(b) in paragraph (3) for the sum "£6,400" there shall be substituted the sum "£6,750".

7. After regulation 15 there shall be inserted the following regulation:—

"Allowances to be made for assisted pupils

15A. Where the parents of an aided pupil also have a child who is the holder of an assisted place in Scotland as defined in Regulation 2(1) of The Education (Assisted Places) (Scotland) Regulations 1982(a), or is the holder of an assisted place at an independent school in England or Wales by virtue of a scheme operated by the Secretary of State for Education and Science pursuant to section 17 of the Education Act 1980(b), the parents' residual liability for fees shall be calculated in accordance with regulation 14 and 15 as the case may be above as if their child who is an assisted pupil held an aided place for the purposes of that regulation.".

8. In regulation 17 of the principal regulations (remission of charges for meals — day pupils) in paragraph (2) for the sum "£5,100" there shall be substituted the sum "£5,400".

9. In regulation 18 of the principal regulations (clothing grants) —

(a) in paragraph (4) for the sum "£6,700" there shall be substituted the sum "£7,075"; and for sub-paragraphs (a) to (d), there shall be substituted the following sub-paragraphs:—

"(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.";

(b) in paragraph (5) for the sum "£6,420" there shall be substituted the sum "£6,780", and for sub-paragraphs (a) and (b), there shall be substituted the following sub-paragraphs:—

"(a) £40, where the relevant income does not exceed £6,376;

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

10. In regulation 19 of the principal regulations (school travel expenditure qualifying for grants) for the words "or, as the case may be, regulation 21" there shall be substituted the words "regulation 21, or, as the case may be, regulation 21A".

(a) S.I. 1982/949, to which these are amendments not relevant to these regulations. (b) 1980 c.20.

11. In regulation 20 (school travel grants — boarding pupils) in paragraph (2) for the words "twelve journeys in either direction" there shall be substituted the words "twelve single journeys, either to or from the school".

12. After regulation 21 there shall be inserted the following regulation:—

"21A A school travel grant shall also be payable 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; and said grant shall be payable in respect of not 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.".

13. in regulation 22 (amount of school travel grants) —

(a) in paragraph (1)(a) for the sum "£6,059" there shall be substituted the sum "£6,389"; and

(b) in paragraph (1)(b) for the sum "£5,880" there shall be substituted the sum "£6,210".

George Younger,
One of Her Majesty's Principal
Secretaries of State.

New St Andrew's House,
Edinburgh.

23rd July 1985.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations further amend the St Mary's Music School (Aided Places) Regulations 1983, ("the principal regulations") to uprate the qualifying income levels for the remission of fees and charges and the making of grant and in certain other minor respects.

Regulation 4(3) of the principal regulations is amended with the effect that the existing 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 leave to enter or remain in the United Kingdom (regulation 3).

Regulation 11 of the principal regulations has been amended to increase from £850 to £900 the deduction for dependent children and relatives which is to be made from "relevant income" as defined in that regulation. However, where another child of the parent is the holder of a specified award paid by the Secretary of State for Scotland, an education authority in Scotland, a local education authority in England or Wales, 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 that child's resources that sum is to be deducted instead (regulation 4).

The level of income at or below which fees are to be wholly remitted is raised from £5,220 to £5,500 for boarders and from £6,550 to £6,900 for day pupils, with corresponding increases in the extent or remission where the relevant income exceeds these sums. 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 (regulations 5 to 7).

The qualifying income levels for the remission of school meals charges and for school travel grants and clothing grants are relaxed. School travel grant is now also payable for a maximum of 3 journeys (each way) to visit an establishment of further education with a view to admission (regulations 8 to 13).

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