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STATUTORY INSTRUMENTS

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**1997 No. 1969**

**EDUCATION, ENGLAND AND WALES**

**The Education (Assisted Places)  
(Incidental Expenses) Regulations 1997**

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|-------------------------------|---------|---------------------------|
| <i>Made</i>                   | - - - - | <i>7th August 1997</i>    |
| <i>Laid before Parliament</i> |         | <i>11th August 1997</i>   |
| <i>Coming into force</i>      | - -     | <i>1st September 1997</i> |

In exercise of the powers conferred on the Secretary of State by section 3(3), (4), (5) and (9) of the Education (Schools) Act 1997<sup>(1)</sup>, the Secretary of State for Education and Employment, as respects England, and the Secretary of State for Wales as respects Wales, hereby make the following Regulations:—

**PART I**

*General*

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Education (Assisted Places) (Incidental Expenses) Regulations 1997 and shall come into force on 1st September 1997.

(2) In these Regulations any reference to the principal Regulations is a reference to the Education (Assisted Places) Regulations 1997<sup>(2)</sup>.

(3) Regulations 2 and 3 of the principal Regulations shall apply for the purposes of the interpretation of these Regulations as they apply for the purposes of the interpretation of the principal Regulations.

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(1) 1997 c. 59.  
(2) S.I.1997/1968.

## PART II

### *Uniform grant*

#### **Grant for clothing expenditure**

2.—(1) In this regulation—

“clothing expenditure” in relation to an assisted pupil means expenditure which the school are satisfied—

- (a) has been incurred by his 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,

on items of uniform and other clothing (including sports clothing) to be worn by him either at school or for the purposes of school activities; and

“uniform grant” in relation to an assisted pupil means a grant payable to his parents in respect of clothing expenditure.

(2) This paragraph applies to an assisted pupil in relation to the 1997—98 school year where—

- (a) he is first provided with an assisted place at the beginning of, or in the course of, that school year; and
- (b) the relevant income does not exceed £11,355.

(3) Where paragraph (2) applies to an assisted pupil, the school shall pay uniform grant to his parents of an amount equal to so much of the clothing expenditure incurred in respect of the 1997—98 school year as does not exceed—

- (a) £174 where the relevant income does not exceed £9,969;
- (b) £130 where that income exceeds £9,969 but does not exceed £10,433;
- (c) £85 where that income exceeds £10,433 but does not exceed £10,881; and
- (d) £44 where that income exceeds £10,881 but does not exceed £11,355.

(4) Any uniform grant payable pursuant to paragraph (3) in respect of the 1997—98 school year may be paid at any time during the period commencing on 1st September 1997 and ending at the end of that school year.

(5) This paragraph applies to an assisted pupil in relation to any school year where the relevant income does not exceed £10,881, unless (in the case of the 1997—98 school year) grant is payable to his parents under paragraph (3) in respect of that year.

(6) Where paragraph (5) applies to an assisted pupil in relation to any school year, the school shall pay uniform grant to his parents of an amount equal to so much of the clothing expenditure (disregarding expenditure in respect of which a previous grant has been paid) incurred in respect of that year as does not exceed—

- (a) £65 where the relevant income does not exceed £10,135; and
- (b) £34 where that income exceeds £10,135 but does not exceed £10,881.

## PART III

### *Travel grant*

#### **Interpretation**

**3.** In this Part—

“school travel expenditure” in relation to an assisted pupil means, subject to regulations 5 to 8, the aggregate expenses incurred by him or on his behalf in respect of his journeys to and from the school—

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

“travel grant” in relation to an assisted pupil means grant determined in accordance with regulation 4 and payable by a school pursuant to any of regulations 5 to 8 in respect of school travel expenditure.

#### **Determination and payment of travel grant**

**4.—**(1) Travel grant shall be determined in accordance with paragraphs (2) to (4) and may be paid on account in accordance with paragraph (5).

(2) The amount, if any, of travel grant for a school year payable in the case of an assisted pupil shall, subject to regulations 5 to 8, be determined by reference to—

- (a) the school travel expenditure incurred in that year, and
- (b) the relevant income as regards that pupil.

(3) Where the relevant income does not exceed £10,148, travel grant shall be of an amount equal to that of the school travel expenditure to which it relates.

(4) Where the relevant income exceeds £10,148, 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 £9,969.

(5) A school may, in the course of or immediately before a school year, make payments on account of travel grant which, it appears to them, will be payable for that year; but where payments on account are made then, 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.

#### **Travel grant—boarding pupils**

**5.—**(1) This regulation applies in the case of an assisted pupil who is a boarder at a school (other than a weekly boarder).

(2) Subject to paragraph (3), the school shall, in respect of each school year, pay travel grant to the parents of an assisted pupil attending the school in relation to school travel expenditure reasonably incurred in respect of journeys made by the pupil in that year to or from his home or to visit a parent or guardian or other relative.

(3) The school shall not pay travel grant in respect of more than 12 single journeys by an assisted pupil, either to or from the school, in any school year, and in calculating the school travel expenditure—

- (a) where a pupil's expenses are in respect of journeys made by public transport and exceed the expenses that would have been incurred 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 exceed the expenses that would have been incurred if advantage had been taken of—
    - (i) available train, boat or hovercraft services, and
    - (ii) any available arrangements for reduced or concessionary fares in relation to such services, the excess shall be disregarded;
  - (c) where the pupil visits a place other than his home, and his expenses exceed the amount which they would have been if the visit had been to his home, the excess shall be disregarded; and
  - (d) where a visit is to a place outside the British Islands, so much of the expenses as are in respect of a journey between a port, hoverport, airport or Channel Tunnel terminal within the British Islands and that place shall be disregarded.
- (4) In paragraph (3)(d) "Channel Tunnel terminal" means any place where an assisted pupil boards a train or bus which goes through the Channel Tunnel.

#### **Travel grant—weekly boarding pupils**

- 6.—(1) This regulation applies in the case of an assisted pupil who is a weekly boarder at a school.
- (2) Where the school is not within walking distance of the pupil's home, the school shall, in each school year and subject to paragraph (3), pay travel grant to the parents of the pupil in relation to school travel expenditure reasonably incurred in respect of journeys made by the pupil between home and school in that year.
- (3) In calculating the school travel expenditure—
- (a) where a pupil's expenses are in respect of journeys in excess of 80 kilometres each way by such transport as is mentioned in regulation 3, the school shall take into account only the following proportion of the expenses, that is the proportion that 80 kilometres bears to the length in kilometres of the journey in question; and
  - (b) where a pupil's expenses are in respect of journeys by public transport and exceed the expenses that would have been incurred if advantage had been taken of available arrangements for season tickets or reduced or concessionary fares, the excess shall be disregarded.
- (4) In this regulation and in regulation 7, "walking distance" means—
- (a) in relation to a pupil who has not attained the age of 8 years, 3.2 kilometres, and
  - (b) in relation to a pupil who has attained that age, 4.8 kilometres,
- in each case measured by the nearest available route.

#### **Travel grant—day pupils**

- 7.—(1) This regulation applies in the case of an assisted pupil who is a day pupil at a school.
- (2) Where the school is not within walking distance of the pupil's home, the school shall, in respect of each school year and subject to paragraph (3), pay travel grant to the parents of the pupil in relation to school travel expenditure reasonably incurred in respect of journeys made by the pupil between home and school in that year.
- (3) In calculating the school travel expenditure,

- (a) where a pupil's expenses are in respect of journeys in excess of 40 kilometres each way by such transport as is mentioned in regulation 3 the school shall take into account only the following proportion of the expenses, that is the proportion that 40 kilometres bears to the length in kilometres of the journey in question; and
- (b) where a pupil's expenses are in respect of journeys by public transport and exceed the expenses that would have been incurred if advantage had been taken of available arrangements for season tickets or reduced or concessionary fares, the excess shall be disregarded.

#### **Travel grant—visits to universities etc.**

8.—(1) Subject to paragraph (2), a school shall pay travel grant to the parents of an assisted pupil in respect of school travel expenditure reasonably incurred in relation to journeys made by the pupil in the school year within the British Islands for the purpose of visiting an institution of higher or further education at the invitation of the institution with a view to being admitted there for the purpose of further or higher education.

(2) A school shall not pay grant in respect of more than three such journeys from the school or from the pupil's home to such an institution and three journeys from an institution to the school or to the pupil's home in any school year.

## PART IV

### *School meals*

#### **Remission of charges for school meals**

9.—(1) This regulation applies to an assisted pupil who is a day pupil where his parents satisfy the school at any time during—

- (a) a school year, or
- (b) the month preceding the beginning of a school year (including, in relation to the 1997—98 school year, any part of that period which falls before the commencement of these Regulations),

that they are in receipt of a relevant benefit.

(2) A school shall remit the whole of any charges which they would otherwise make for meals provided for a pupil to whom this regulation applies—

- (a) for the whole of a school year, where they are satisfied as mentioned in paragraph (1) at or before the beginning of that year, or
- (b) for the remainder of that school year, where they are satisfied as mentioned in paragraph (1) in the course of that year,

irrespective of whether the parents may subsequently cease to be in receipt of a relevant benefit.

(3) In this regulation, "relevant benefit" means—

- (a) income support under Part VII of the Social Security Contributions and Benefits Act 1992(3), or
- (b) an income-based jobseeker's allowance under Part I of the Jobseekers Act 1995(4).

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(3) 1992 c. 4. The provisions of Part VII of the 1992 Act relating to income support were amended by the Jobseekers Act 1995 (c. 18) (section 41(4) and (5) and Schedules 2 and 3).

(4) 1995 c. 18.

## PART V

### *Field study courses*

#### **Remission of charges for field study courses**

**10.**—(1) In this regulation “field study course” means a course of field study (provided by the school or otherwise) which forms part of a normal course of study at a school for the examinations for the General Certificate of Secondary Education, the advanced level examinations for the General Certificate of Education or other examinations comparable to any of them, being examinations in—

- (a) biology,
- (b) botany,
- (c) geography,
- (d) geology,
- (e) modern languages at advanced level,
- (f) theatre studies,
- (g) zoology, or
- (h) any other subject approved for the purposes of this regulation by the Secretary of State,

and a reference to a relevant examination shall be construed accordingly.

(2) A school shall remit the whole of any charges they would otherwise make in respect of the participation in a field study course of an assisted pupil if—

- (a) he is a candidate or a prospective candidate for a relevant examination, and
- (b) his parents are entitled, under regulation 16 of the principal Regulations, to remission of fees, in whole or in part, for the school year in which the course is held.

## PART VI

### *Miscellaneous provisions*

#### **Determination of grant entitlement under Parts II and III**

**11.**—(1) Paragraph (2) shall have effect for the purposes of determining questions as to whether or not the parents of an assisted pupil are entitled in or for any school year to—

- (a) uniform grant under Part II, or
- (b) travel grant under Part III,

and, if they are so entitled, the amount of such grant.

(2) Regulations 9, 10, 12, 13, 14(1) and 15 of the principal Regulations and Schedule 1 thereto shall apply for the purposes of these Regulations as if any reference therein—

- (a) to the remission of fees, were a reference to the payment of a grant mentioned in paragraph (1), and
- (b) to remission questions were a reference to the questions so mentioned.

#### **Restriction on payment of grant and remission of charges**

**12.**—(1) This paragraph applies to an assisted pupil attending a school—

- (a) at which he was a registered pupil in the 1996—97 school year, but

- (b) at which he did not hold an assisted place for the purposes of the assisted places scheme at any time during that year.
- (2) In the case of a pupil to whom paragraph (1) applies—
  - (a) no grant (except grant paid in accordance with regulation 2(4) or 4(5)) shall be paid to his parents under Part II or III in respect of expenditure incurred before the date on which he was first provided with an assisted place under section 2(1) of the 1997 Act, and
  - (b) no charges incurred before that date shall be remitted under Part IV or V.
- (3) The parents of an assisted pupil shall not be entitled to—
  - (a) any grant under Part II or III in respect of expenditure incurred in, or relating to, any period in respect of which they are, by virtue of regulation 11(1) or (2) of the principal Regulations, not entitled to any remission of fees; or
  - (b) remission of charges under Part IV or V for which they are liable in respect of such a period.

### **Reimbursement of schools**

**13.**—(1) The Secretary of State shall reimburse a school the aggregate amount of all grant paid or charges remitted in accordance with these Regulations.

(2) Regulations 17 and 18(3) to (5) of the principal Regulations shall apply for the purposes of this regulation as if any reference therein to fees remitted were a reference to grant paid or charges remitted in accordance with these Regulations.

### **Time limits and forms**

**14.** The Secretary of State may specify for the purposes of these Regulations the time by which, and the manner and form in which, the parents of an assisted pupil are—

- (a) to apply to a school for payment of grant or remission of charges, and
- (b) to furnish a school with the information requisite for determining whether they are entitled to any payment of grant or remission of charges.

4th August 1997

*Stephen Byers*  
Minister of State,  
Department for Education and Employment

7th August 1997

*Peter Hain*  
Parliamentary Under Secretary of State, Welsh  
Office

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations provide for—

- (a) schools to pay grants as regards incidental expenses, and to remit incidental charges, incurred in respect of pupils who are eligible to continue to hold assisted places at independent schools in England and Wales by virtue of section 2 of the Education (Schools) Act 1997, notwithstanding the abolition of the assisted places scheme by section 1 of that Act; and
- (b) the Secretary of State to reimburse schools in respect of grants paid and charges remitted in accordance with the Regulations.

Part II of the Regulations requires schools to pay grant in respect of expenditure incurred by parents on clothing to be worn by an assisted pupil at school or for school activities. Grant is payable only where “the relevant income” (which is defined by reference to regulation 10 of the Education (Assisted Places) Regulations 1997) does not exceed a certain level. The means test to be applied, and the amount of grant payable, are more generous in the 1997—98 school year in the case of a child who was not an assisted pupil in an earlier school year (*regulation 2*).

Part III requires schools to pay grant to parents in respect of travel expenses incurred as regards an assisted pupil. Payment of grant is subject to a means test (*regulation 4*). Grant is payable in respect of travel between home and school, subject to certain conditions, and depending on whether the child is a day pupil, a boarder or a weekly boarder (*regulations 5 to 7*). Grant is also payable in respect of travel costs incurred in a visit by an assisted pupil to an institution of further or higher education (*regulation 8*).

Part IV requires schools to remit charges for meals consumed at school by an assisted pupil whose parents are in receipt of income support or an income-based jobseeker’s allowance (*regulation 9*).

Part V requires schools to remit charges for an assisted pupil, whose parents are entitled to remission of fees under the principal Regulations, in respect of a field study course forming part of a normal course of study for certain public examinations (*regulation 10*).

Part VI provides for—

- (a) the manner of determination of questions relating to the payment of grant or remission of charges (*regulation 11*);
- (b) certain restrictions on payment of grants and remission of charges (*regulation 12*);
- (c) the procedure under which the Secretary of State reimburses schools for grants paid and charges remitted (*regulation 13*); and
- (d) the Secretary of State to specify the time, manner and form in which parents of assisted pupils are to apply for grant and remission of charges (*regulation 14*).