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SCOTTISH STATUTORY INSTRUMENTS

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**2001 No. 222**

**The Education (Assisted Places) (Scotland) Regulations 2001**

**PART VI**

**TRANSFER OF ASSISTED PLACES**

**Transfer of assisted places – general**

**24.**—(1) This regulation applies where a participating school—

- (a) merges with another grant aided or independent school (including a school which is not also a participating school);
- (b) closes (whether wholly or in part); or
- (c) notifies the Scottish Ministers that it no longer wishes to provide assisted places.

(2) Where this regulation applies, the Scottish Ministers may authorise the new school or, as the case may be, any other participating school to provide any assisted places which the old school was authorised to provide.

(3) Where the Scottish Ministers decide to authorise a replacement school pursuant to paragraph (2), they shall give written notice of their decision to that school; and that notice shall specify in respect of every transferred assisted pupil—

- (a) their name, address and date of birth; and
- (b) the period for which they may be provided with an assisted place by the replacement school (which, subject to paragraph (4), shall correspond to the remainder of the period for which their assisted place at the participating school first mentioned would have been available).

(4) The period for which the transferred assisted pupil may be provided with an assisted place by the replacement school shall be adjusted, as necessary, to take account of any period during which they are treated as holding an assisted place at the new school by virtue of regulation 25(1)(b) or (2).

(5) Subject to any subsequent decision by the Scottish Ministers under section 75A(1B)(b) of the Act, a transferred assisted pupil shall cease to hold an assisted place at the replacement school at the end of the period specified in the notice given under paragraph (3).

(6) In this regulation and in regulation 25—

- “new school” means a school formed by the merger of the old school and another school;
- “old school” means the participating school first mentioned in paragraph (1);
- “replacement school” means a school authorised under paragraph (2) to provide assisted places;
- “transferred assisted pupil” means a pupil admitted to an assisted place at the old school and for whom the replacement school is authorised under paragraph (2) to provide an assisted place.

**Transfer of assisted places on school merger – transitional provisions**

**25.**—(1) In a case falling within regulation 24(1)(a)—

- (a) authorisation pursuant to regulation 24(2) may be given no later than 3 months after the date on which the old school ceased to provide assisted places; and
- (b) pending a decision on authorisation or the expiry of those 3 months without a decision being given, an assisted pupil at the old school shall be treated as holding an assisted place at the new school if they are in attendance at that school.

(2) In such a case, if the Scottish Ministers consider when giving authorisation that it is appropriate for an assisted pupil to transfer to a replacement school, other than the new school, at a future date no later than the beginning of the first term in the immediately following school year and to remain in attendance at the new school meantime, the pupil shall, if they remain in attendance at the new school, be treated until that date as holding an assisted place there and as not holding an assisted place at the replacement school.

#### **Transfer of assisted place for individual pupil**

**26.**—(1) This regulation applies to a pupil who holds (or has, at any time since the beginning of the first term of the 1997 98 school year, held) an assisted place at a school which is, or is treated as, a participating school.

(2) The Scottish Ministers may, in a case where they are satisfied that it is reasonable to do so in view of any particular circumstances relating to a pupil to whom this regulation applies, authorise another school which is, or is treated as, a participating school to provide for the pupil the assisted place which the school mentioned in paragraph (1) was authorised to provide.