
SCOTTISH STATUTORY INSTRUMENTS

2001 No. 222

The Education (Assisted Places) (Scotland) Regulations 2001

PART III

REMISSION OF FEES

Calculation of remission

12.—(1) Subject to paragraphs (2), (3) and (4), remission 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 remission 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 remission questions shall be redetermined by reference to the current financial year, and in such a case 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 paragraph (2) of regulation 9 included a reference to the deceased parent (notwithstanding the provision of paragraph (7) of that regulation).

(3) This paragraph shall apply in a case not falling within paragraph (2) if—

- (a) the participating school concerned 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 remission questions being determined by reference to that year, and the Scottish Ministers approve the application of this sub-paragraph,

and, in a case to which this paragraph applies, remission questions shall be determined in relation to the school year in question and, unless and until the Scottish Ministers otherwise direct, any subsequent school year by reference to the current financial year and, in such case, 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 the school year, the requisite information as to relevant income for the appropriate financial year then, in relation to that school year, remission questions may be determined provisionally, by reference to relevant income for earlier financial years as the school thinks fit but—

- (a) 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;
- (b) a provisional determination shall cease to have effect when the parents have furnished the requisite information or if the school is satisfied that it has become reasonably practicable for them to do so but they have failed to furnish it; and

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- (c) within three months of the determination of the remission question any over remission or under remission of fees shall be adjusted by payments between the parents and the school.