
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 248

The St Mary's Music School (Aided Places) (Scotland) Regulations 2015

Citation and commencement

1. These Regulations may be cited as the St Mary's Music School (Aided Places) (Scotland) Regulations 2015 and come into force on 1st August 2015.

Interpretation

2. In these Regulations, unless otherwise specified—

“the Act” means the Education (Scotland) Act 1980;

“aided place” means a place at the school, in respect of which fees are to be remitted in accordance with the Scheme;

“aided pupil” means a child who has been admitted or is about to be admitted to an aided place;

“allowance” means an allowance payable by the Scottish Ministers under these Regulations;

“applicant” means either or both a parent or a partner, who has applied for an aided place for a child;

“British Islands” means the United Kingdom, the Channel Islands and the Isle of Man;

“child” means a person who has not attained the age of 20 at the commencement of any school year of the school and is to be construed in accordance with the definition of “parent”;

“chorister” means a child who attends the school wholly or mainly in connection with singing in St Mary's Cathedral Choir;

“EEA State” means a member State, Norway, Iceland or Lichtenstein;

“employment” means full-time or part-time paid employment including self-employment and the holding of any office and any occupation for gain (and “employed” and related words are to be construed accordingly);

“European Economic Area” means the area of the EEA states and includes those states at any time before they became EEA states;

“fee” means—

(a) a tuition or other fee which must be paid to attend the school, including for board and lodging; and

(b) a fee paid by the school in respect of a public examination for which an aided pupil is a candidate;

“first aided year” means the school year in which a child would first begin an aided place if admitted;

“income”, “relevant income” and “total income” have the meanings given by paragraphs 9(1) and 9(2) of Schedule 1;

“parent” includes a step-parent, a guardian, any other person having parental responsibilities for a child and any person having care of a child;

“partner” means—

- (a) the spouse of a parent;
- (b) the civil partner of a parent; or
- (c) on or after 1st August 2016, a person ordinarily living with a parent as if he or she were the spouse or civil partner of that person;

“refugee” means a person who—

- (a) is 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(1) as extended by the Protocol thereto which entered into force on 4th October 1967(2); or
- (b) has been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that, although the person is considered not to qualify for recognition as a refugee, it is thought right to allow the person to enter or remain in the United Kingdom, and has been granted leave to enter or remain accordingly;

“relevant date” means 1st January in the calendar year in which an aided pupil’s first aided year begins;

“relevant period” means the period to which a claim under regulation 3 relates;

“resident” means resident in accordance with the statutory residence test in Part 1 of Schedule 45 to the Finance Act 2013(3);

“Scheme” means the Scheme for Aided Places at St Mary’s Music School, set out in Schedule 1;

“school” means St Mary’s Music School, Edinburgh and includes reference to the managers of the school and persons acting with their authority;

“school day” means any day during which the school is open for the attendance of pupils; and

“school year” means a period of 12 months commencing on 1st August of any year.

Claims for payment of an allowance

3.—(1) The school may submit a claim to the Scottish Ministers for payment under regulation 4 in respect of such a period as the school considers appropriate.

(2) The relevant period must include at least one school term.

(3) A claim must be either—

- (a) a provisional claim based on an estimate of; or
- (b) a reimbursement claim based on actual,

fees or charges remitted, or grants made under Schedule 1.

(4) After submitting a provisional claim but before the end of the following school year, the school must submit a reimbursement claim in respect of the relevant period.

(5) A reimbursement claim supersedes a provisional claim.

Payment of an allowance

4.—(1) The Scottish Ministers may pay an allowance to the school in respect of an aided pupil who attends the school, if they are satisfied that the school has—

(1) Cm. 9171.
(2) Cm. 3906.
(3) 2013 c.29.

- (a) submitted a claim in accordance with regulation 3; and
 - (b) complied with or, as appropriate, will comply with the conditions specified in regulation 5.
- (2) If the Scottish Ministers are satisfied of the matters in paragraph (1) in respect of a reimbursement claim, they must pay an allowance to the school in pursuance of the claim as soon as is reasonably practicable.
- (3) An allowance paid under paragraph (2) must be of an amount equal to any fees or charges remitted or grants made by the school under the Scheme.
- (4) If the Scottish Ministers are satisfied of the matters in paragraph (1) in respect of a provisional claim, they may pay an allowance to the school in pursuance of the claim where they consider it expedient to do so.

Conditions of payment

5.—(1) Prior to paying an allowance in pursuance of a reimbursement claim, the Scottish Ministers must be satisfied that the school—

- (a) has, during the relevant period—
 - (i) applied the Scheme;
 - (ii) remitted all fees and charges and made all grants detailed in the claim; and
 - (iii) complied with regulations 6 to 14; and
 - (b) has not, in the school year in which the relevant period falls, given aided places to more than the maximum number specified by the Scottish Ministers following consultation with the school of—
 - (i) aided pupils;
 - (ii) aided pupils who board at the school; and
 - (iii) choristers.
- (2) Prior to paying an allowance in pursuance of a provisional claim, the Scottish Ministers must be satisfied that the school will meet the conditions in paragraph (1).
- (3) Following payment of an allowance, the school must comply with regulations 6 to 14.

Publication of information

- 6.—(1) At least annually, the school must publish the information specified in paragraph (2).
- (2) The information is—
- (a) that the school offers aided places in accordance with the Scheme;
 - (b) at least one address and telephone number at which information can be obtained about aided places;
 - (c) that, on written application, information about the school will be supplied to a parent or partner in relation to a child who is eligible for an aided place;
 - (d) that information about the school is available for reference at a time and place that the school must also specify.
- (3) Publication under paragraph (1) must be in a manner suitable for bringing the information to the attention of persons likely to have an interest in the Scheme and must include publication on the internet.

Supply of information to a parent or partner

7.—(1) On written application, the school must supply the information specified in Schedule 2 to a parent or partner in relation to a child who is eligible for an aided place.

(2) On supplying the information, the school must state—

- (a) the school year to which it relates; and
- (b) that, to the school's knowledge, the information is correct for that school year at a date which the school must also specify.

(3) The school must annually review the information it provides under paragraph (1) and revise the information as it considers necessary.

Provision of information to the Scottish Ministers

8. The school must provide the Scottish Ministers with—

- (a) the information to be supplied under regulation 7 before the end of each school year;
- (b) such periodic returns and other information about the school and pupils in attendance at the school as the Scottish Ministers may require, including information about any intended increase in fees; and
- (c) such information as the Scottish Ministers may require about any reimbursement claim or provisional claim that has been submitted.

Fees and charges

9.—(1) Fees and charges payable in respect of aided pupils must—

- (a) be approved by the Scottish Ministers; and
- (b) exclude any sum to be paid into a bursary or similar fund.

(2) The school must not require any payment other than fees in relation to the attendance of an aided pupil.

School accounts

10.—(1) The school must keep accounts which must be audited annually by an independent auditor.

(2) At the request of the Scottish Ministers, the school must—

- (a) keep its accounts in a form specified by the Scottish Ministers;
- (b) provide the Scottish Ministers with copies of its accounts for such periods as the Scottish Ministers may specify together with copies of the auditor's certificate that relates to those accounts.

School governing body

11.—(1) Following consultation with the school, the Scottish Ministers may direct that, from a specified date, the school must permit—

- (a) one or two members of the school governing body to be appointed by the Scottish Ministers; or
- (b) one or two representatives of the Scottish Ministers to attend and participate in any discussions at meetings of the school governing body, despite those representatives having no role in decision taking at those meetings.

(2) This regulation applies to the meetings of a committee or sub-committee of the school governing body as it applies to the meetings of the school governing body.

(3) On prior arrangement with the school, the school must permit Her Majesty's inspectors to attend any audition arranged for the selection of aided pupils.

Proposals relating to premises

12.—(1) The school must notify the Scottish Ministers if it proposes to—

- (a) acquire new premises; or
- (b) alter existing premises.

(2) The school must not implement a proposal notified under paragraph (1) without the approval of the Scottish Ministers.

(3) Approval may be given unconditionally or subject to conditions specified by the Scottish Ministers.

Proposals relating to boarding arrangements

13.—(1) The school must notify the Scottish Ministers if it proposes to—

- (a) make arrangements for boarders; or
- (b) change existing arrangements for boarders.

(2) The school must not implement a proposal notified under paragraph (1) without the approval of the Scottish Ministers.

(3) Approval may be given either unconditionally or subject to conditions specified by the Scottish Ministers.

Overpayments

14.—(1) The school must repay any overpayment of allowance which appears to the Scottish Ministers to have been made.

(2) In particular, the school must repay the difference between a provisional claim and a reimbursement claim where the amount of the reimbursement claim is less than the amount paid to the school in pursuance of the provisional claim.

Revocations

15. The Regulations specified in Schedule 3 are revoked.

St Andrew's House,
Edinburgh
4th June 2015

ALASDAIR ALLAN
Authorised to sign by the Scottish Ministers