

2022 No. 173

EDUCATION

**The St Mary's Music School (Aided Places) (Scotland)
Amendment Regulations 2022**

Made - - - - - *19th May 2022*

Laid before the Scottish Parliament *23rd May 2022*

Coming into force - - - *1st August 2022*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 73(f) and 74(1) of the Education (Scotland) Act 1980(a) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the St Mary's Music School (Aided Places) (Scotland) Amendment Regulations 2022 and come into force on 1 August 2022.

Amendment of the St Mary's Music School (Aided Places) (Scotland) Regulations 2015

2.—(1) Schedule 1 of the St Mary's Music School (Aided Places) (Scotland) Regulations 2015 (scheme for aided places)(b) is amended as follows.

(2) In paragraph 2 (residence)—

(a) for sub-paragraph (1)(b) substitute—

“(b) be a national of an EEA State—

(i) who—

(aa) is resident in the British Islands and has been resident in the British Islands since before IP completion day(c); and

(bb) was resident in the British Islands or the European Economic Area throughout the year immediately preceding IP completion day; and

(ii) whose parent was immediately before IP completion day entitled to a remission of fees by virtue of Article 7(2) or (3) or Article 10 of the Council

(a) 1980 c. 44. Section 73(f) was amended by section 3(2) of the Education (Graduate Endowment and Student Support) (Scotland) Act 2001 (asp 6). Section 74(1) was amended by section 82(1) of, and paragraph 8(17) of Schedule 10 to, the Self-Governing Schools etc. (Scotland) Act 1989 (c. 39). Section 135(1) of the Act contains a definition of “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made. The functions of the Secretary of State were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (c. 46).

(b) S.S.I. 2015/248, relevantly amended by S.S.I. 2019/144.

(c) “IP completion day” means 31 December 2020 at 11.00 p.m (see section 39 of the European Union (Withdrawal Agreement) Act 2020 c. 1).

Regulation (EU) No 492/2011 on freedom of movement for workers within the Union**(a)**;

(ba) be a child who is resident in the British Islands on the relevant date and whose parent is a national of an EEA State who satisfies the requirements in head (b);

(bb) be a person who—

(i) has made a relevant application to the United Kingdom Home Office where that relevant application is still being considered; or

(ii) has been granted leave to enter or remain following a relevant application; and is resident in the United Kingdom;”,

(b) in sub-paragraph (2), for “and (1)(b)” substitute “, (1)(b) and (1)(ba)”,

(c) after sub-paragraph (2) insert—

“(3) In sub-paragraph (1)(bb), a “relevant application” is an application to—

(a) the Ukraine Family Scheme**(b)**;

(b) the Ukraine Sponsorship Scheme**(c)**;

(c) the Ukraine Extension Scheme**(d)**; or

(d) the United Kingdom Home Office for leave outside the immigration rules, as defined in section 33(1) of the Immigration Act 1971**(e)**, where the person—

(i) was residing in Ukraine immediately before 1 January 2022, and

(ii) left Ukraine in connection with the Russian invasion which took place on 24 February 2022;

by a person who is eligible to apply for that scheme.”.

(3) In paragraph 9(3) and (4)(b) (income), for “£2,050” substitute “£2,219”.

(4) In paragraph 12 (remission of fees – boarders)—

(a) in sub-paragraph (2), for “£13,665” substitute “£14,789”,

(b) in sub-paragraph (3)—

(i) for “table for the school year in relation to which an application for fee remission is made” substitute “following table”,

(ii) omit the table for the school year beginning in 2019 and the heading corresponding to that table,

(iii) omit the heading “The table for the school year beginning in 2020 and subsequent years”,

(iv) in column 1 of the table—

(aa) for “£13,456” substitute “£14,563”,

(a) OJ L 141, 27.5.2011, p.1.

(b) A scheme operated by the Home Office enabling a Ukrainian national, or the immediate family member of a Ukrainian national resident in Ukraine prior to 1 January 2022, to join family members or to extend their stay in the United Kingdom. The current Home Office guidance in relation to the Ukraine Family Scheme is available here: <https://www.gov.uk/guidance/apply-for-a-visa-under-the-ukraine-sponsorship-scheme?msclkid=d2811a9ac7a511ec885bf3a88e71ccca>.

(c) A scheme operated by the Home Office enabling the sponsorship of Ukrainian nationals, or the immediate family member of a Ukrainian national resident in Ukraine prior to 1 January 2022 to come to the United Kingdom. The current Home Office guidance in relation to the Ukraine Sponsorship Scheme (Homes for Ukraine Scheme) is available here: <https://www.gov.uk/guidance/apply-for-a-visa-under-the-ukraine-sponsorship-scheme?msclkid=ecaf79fac7a511ecbf7adee0a78bac5b>.

(d) A scheme opening on 3 May 2022 and operated by the Home Office enabling a Ukrainian national who is in the United Kingdom and had permission to stay in the United Kingdom on or before 18 March 2022. The scheme enables the partner or children of the Ukrainian national to apply to stay in the United Kingdom provided they are already in the United Kingdom as the Ukrainian national’s ‘dependants’. The current Home Office guidance in relation to the Ukraine Extension Scheme is available here: <https://www.gov.uk/guidance/support-for-family-members-of-british-nationals-in-ukraine-and-ukrainian-nationals-in-ukraine-and-the-uk?msclkid=08bb96fec7a611ecb081f266e6480fd0>.

(e) 1971 c. 77.

(bb) for “£17,010”, in both places where it appears, substitute “£18,409”,

(cc) for “£22,843”, in both places where it appears, substitute “£24,722”.

(5) In paragraph 13 (remission of fees – day pupils)—

(a) in sub-paragraph (2), for “£17,219” substitute “£18,635”,

(b) in sub-paragraph (3)—

(i) for “table for the school year in relation to which an application for fee remission is made” substitute “following table”,

(ii) omit the table for the school year beginning in 2019 and the heading corresponding to that table,

(iii) omit the heading “The table for the school year beginning in 2020 and subsequent years”,

(iv) in column 1 of the table, for “£17,010” substitute “£18,409”.

(6) In paragraph 16 (clothing grants)—

(a) in sub-paragraph (3), for “£17,844” substitute “£19,312”, and for the table substitute—

“(1) Relevant income	(2) Maximum amount of clothing grant
Does not exceed £16,956	£295
Exceeds £16,956 but does not exceed £17,747	£220
Exceeds £17,747 but does not exceed £18,506	£145
Exceeds £18,506 but does not exceed £19,312	£75”

(b) in sub-paragraph (5), for “£17,100” substitute “£18,506”, and for the table substitute—

“(1) Relevant income	(2) Maximum amount of clothing grant
Does not exceed £17,204	£115
Exceeds £17,204 but does not exceed £18,506	£60”

(7) In paragraph 21 (amount of travel grants)—

(a) in sub-paragraph (1), for “£15,922” substitute “£17,231”,

(b) in sub-paragraph (2), for “£15,667” substitute “£16,956”.

SHIRLEY-ANNE SOMERVILLE
A member of the Scottish Government

St Andrew’s House,
Edinburgh
19th May 2022

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the St Mary's Music School (Aided Places) (Scotland) Regulations 2015 ("the 2015 Regulations"). These Regulations come into force on 1 August 2022.

The 2015 Regulations provide for the payment of allowances to St Mary's Music School, Edinburgh, to reimburse it for its expenditure in respect of fees and charges remitted and grants made in operating the aided places scheme described in schedule 1 of those Regulations.

Regulation 2(2) amends the residence criteria for eligibility for the aided places scheme in paragraph 2 of Part 1 of schedule 1 of the 2015 Regulations.

Regulation 2(2)(a) amends paragraph 2 to substitute a new criterion for EEA nationals to ensure that EEA nationals who have been resident in the British Islands since before IP completion day (as defined in section 39 of the European Union (Withdrawal Agreement) Act 2020) remain eligible under that paragraph. It inserts a criterion for the children of such EEA nationals who are resident in the British Islands on the relevant date.

Regulation 2(2)(a) also inserts a new criterion for applicants who have applied to one of several schemes operated by the United Kingdom Home Office which are related to the conflict in Ukraine and who are either waiting for their application to be considered or who have been granted leave to enter or remain following such an application.

Regulation 2(3) to (7) amend remission levels in respect of boarders and day pupils who benefit from the aided places scheme which are set out in Parts 2 and 3 of schedule 1 of the 2015 Regulations.

Regulation 2(3) amends the amount to be deducted from an applicant's relevant income in respect of each dependent child or other relative for the purposes of calculation of the applicant's relevant income.

Regulation 2(4) amends the income threshold below which no parental contribution is payable in respect of fees for boarders and amends the table that sets out parental contribution levels for boarders by income band. Regulation 2(5) does the same in respect of fees for day pupils.

Regulation 2(6)(a) amends the parental income threshold below which an aided pupil is entitled to a clothing grant in the pupil's first year at the school, and substitutes a new table setting out the maximum amount of clothing grant payable by income band. Regulation 2(6)(b) does the same for any subsequent year of an aided pupil at the school.

Regulation 2(7) amends the parental income threshold below which an aided pupil is entitled to school travel grants.

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