

SCHEDULES

SCHEDULE 4

DISTRIBUTION OF FUNCTIONS WHERE ORDER MADE UNDER SECTION 27

PART III

FUNCTIONS WHERE RESPONSIBILITY FOR PROVIDING SUFFICIENT SCHOOL PLACES IS TRANSFERRED

Charges for board and lodging or independent education

- 9 (1) Sub-paragraph (3) below applies where—
- (a) any pupil of compulsory school age ordinarily resident in the area is being provided with board and lodging (at a boarding school or otherwise than at school) or with education at a school which is not a maintained or grant-maintained school;
 - (b) the funding authority are of the opinion that it is not practicable for the pupil to obtain admission to any maintained or grant-maintained school which is a reasonable distance from his home and provides efficient full-time education suitable to his age, ability and aptitude and to any special educational needs he may have; and
 - (c) the authority are of the opinion that it is appropriate for the pupil to be provided with the particular board and lodging or, as the case may be, education.
- (2) Sub-paragraph (3) below also applies where—
- (a) any pupil ordinarily resident in the area is being provided with board and lodging (at a boarding school or otherwise than at school) or with education at a school which is not a maintained or grant-maintained school; and
 - (b) the funding authority are of the opinion that—
 - (i) the conditions in sub-paragraph (1) above have been, but are no longer, met by reason only of the pupil having ceased to be of compulsory school age or sub-paragraph (1)(b) above having ceased to apply, and
 - (ii) it would not be desirable for the pupil to cease to be provided with the particular board and lodging or, as the case may be, education.
- (3) Where this sub-paragraph applies—
- (a) if board and lodging is provided by the funding authority, no charge shall be payable to the authority under this Schedule in respect of the board and lodging;
 - (b) if board and lodging is provided at a maintained or grant-maintained school or by a local education authority, the funding authority shall pay the whole of the charges payable to any local education authority or governing body under

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- this Schedule or the existing charging provisions in respect of the board and lodging; and
- (c) in any other case the funding authority shall pay the whole of the fees payable in respect of the board and lodging or, as the case may be, the education.
- (4) This paragraph does not apply in the case of a pupil for whom a statement is maintained under section 324.
- 10 (1) This paragraph applies where any pupil ordinarily resident in the area is being provided—
- (a) with board and lodging (at a boarding school or otherwise than at school), or
- (b) with education at a school which is not a maintained or grant-maintained school,
- but does not apply in any case where paragraph 9(3) applies.
- (2) If board and lodging is provided at a school maintained by the responsible education authority and the authority are of the opinion that it is desirable for the pupil to be provided with board and lodging, or board and lodging otherwise than at school is provided by the authority, then—
- (a) the authority may remit the whole or any part of the charges payable to them under this Schedule in respect of the board and lodging; and
- (b) if they are of the opinion that, in order to avoid financial hardship to the pupil's parent, the parent should not pay the whole or any part of those charges, the authority shall remit the whole or, as the case may be, that part of those charges.
- (3) If board and lodging otherwise than at school is provided by the funding authority, or board and lodging is provided at a grant-maintained school or a school maintained by another local education authority, then—
- (a) the responsible education authority may pay the charges payable to the funding authority, or any local education authority or governing body, under this Schedule or the existing charging provisions in respect of the board and lodging; and
- (b) if they are of the opinion that it is desirable for the pupil to be provided with board and lodging, they shall pay so much (if any) of those charges as in their opinion is required to be paid by them in order to avoid financial hardship to the parent.
- (4) In any other case to which this paragraph applies—
- (a) the local education authority may pay the whole of the fees payable in respect of the board and lodging or, as the case may be, the education; and
- (b) if they are of the opinion that it is—
- (i) desirable for the pupil to be provided with board and lodging, and
- (ii) appropriate for him to be provided with the particular board and lodging,
- they shall pay so much (if any) of the fees payable in respect of board and lodging as in their opinion is required to be paid by them in order to avoid financial hardship to the parent; and
- (c) if they are of the opinion that it is—
- (i) desirable for the pupil to be provided with education otherwise than in a maintained or grant-maintained school, and
- (ii) appropriate for him to be provided with the particular education,

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they shall pay so much (if any) of the fees payable in respect of the education as in their opinion is required to be paid by them in order to avoid financial hardship to the parent.

- (5) In this paragraph “the responsible education authority”, in relation to a pupil ordinarily resident in any area, means the local education authority for the area.
- (6) This paragraph does not apply in the case of a pupil for whom a statement is maintained under section 324.
- 11 (1) Where a pupil in the area for whom a statement is maintained under section 324 is attending a maintained or grant-maintained school, this paragraph applies if he is provided with board and lodging at the school or otherwise than at school and either—
- (a) the school is named in the statement and—
 - (i) the responsible education authority are satisfied that the necessary special educational provision cannot be provided for him at the school unless the particular board and lodging are also provided, or
 - (ii) the responsible education authority are satisfied that the necessary special educational provision cannot be provided for him at the school unless board and lodging are also provided and that it is appropriate for him to be provided with the particular board and lodging; or
 - (b) the school is not named in the statement but the responsible education authority are satisfied that the necessary special educational provision cannot be provided for him unless board and lodging are also provided and that it is appropriate for him to be provided with the particular board and lodging.
- (2) Where the board and lodging is provided by the responsible education authority, no charge shall be payable to the authority under this Schedule in respect of the board and lodging.
- (3) Where the board and lodging is provided—
- (a) by the funding authority or another local education authority, or
 - (b) at a grant-maintained school or a school maintained by another local education authority,
- the responsible education authority shall pay the charges payable to the funding authority or any local education authority or governing body under this Schedule or the existing charging provisions in respect of the board and lodging.
- (4) In any other case to which this paragraph applies, the responsible education authority shall pay to the person providing the board and lodging the whole of the fees in respect of the board and lodging.
- (5) In this paragraph “the responsible education authority”, in relation to a pupil, means the local education authority responsible for the pupil for the purposes of Part IV (special educational needs).
- 12 (1) Where a pupil in the area for whom a statement is maintained under section 324 is attending a maintained or grant-maintained school and is provided with board and lodging at the school or otherwise than at school, then—
- (a) where the board and lodging is provided by the responsible education authority, the authority may remit the whole or any part of the charges payable to them under this Schedule in respect of the board and lodging;

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- (b) where the board and lodging is provided—
 - (i) by the funding authority or another local education authority, or
 - (ii) at a grant-maintained school or a school maintained by another local education authority,

the responsible education authority may pay the whole or any part of the charges payable to the funding authority or any local education authority or governing body under this Schedule or the existing charging provisions in respect of the board and lodging; and

- (c) in any other case, the responsible education authority may pay to the person providing the board and lodging the whole or any part of the fees in respect of the board and lodging.

- (2) In this paragraph “the responsible education authority”, in relation to a pupil, means the local education authority responsible for the pupil for the purposes of Part IV.