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 STATUTORY INSTRUMENTS
 

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1986 No. 991

## EDUCATION, ENGLAND AND WALES

**The Education (Assisted Places) (Amendment)  
Regulations 1986**
*Laid before Parliament in draft*

<i>Made</i>	- - - - -	9th June 1986
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*Coming into Operation—*

<i>Part I</i>		8th July 1986
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*Part II for the purposes  
specified in Regulation  
1(2)(a) and (b)*

		8th July 1986
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*Part II for all other  
purposes*

		1st September 1986
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In exercise of the powers conferred on the Secretary of State by sections 17(6) and 35(4) of the Education Act 1980(a) and after consulting, in accordance with section 17(8) of that Act, such bodies as appeared to them to be appropriate and to be representative of schools participating in the assisted places scheme, the Secretary of State for Education and Science, as respects England, and the Secretary of State for Wales, as respects Wales, hereby make the following Regulations, a draft of which has been laid before and approved by a resolution of each House of Parliament:—

## PART I

## GENERAL

1.—(1) These Regulations may be cited as the Education (Assisted Places) (Amendment) Regulations 1986.

(2) Part I of these Regulations shall come into operation on 8th July 1986. Part II shall come into operation on that date for the purposes of—

- (a) determining a child's eligibility, or his selection, for an assisted place to be taken up on or after 1st September 1986, and
  - (b) determining remission questions (within the meaning of Regulation 9 of the principal Regulations) for a school year, or part of a school year, beginning on or after that date
- and on 1st September 1986 for all other purposes.

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(a) 1980 c. 20.

2. In these Regulations a reference to the principal Regulations is a reference to the Education (Assisted Places) Regulations 1985(a).

3. In Regulation 21 of the principal Regulations (increase in fees) between the words "notice" and "their" there shall be inserted the word "of" and there shall be substituted for the words "seven days" the words "fourteen days".

## PART II

### PROVISIONS HAVING FULL EFFECT ONLY AS FROM 1ST SEPTEMBER 1986

4.—(1) For paragraph (2) of Regulation 2 of the principal Regulations (interpretation) there shall be substituted the following paragraph—

"(2) Subject to paragraph (2A), and except where the context otherwise requires, any reference in these Regulations to the parents of a child or assisted pupil is a reference—

- (a) in the ordinary case, to his father and mother or, where one is dead, to the survivor and, should he remarry, his spouse;
- (b) where his father or mother, having actual custody of him, has married a person who is not his parent, to that parent and his spouse;
- (c) where his parents, defined as in sub-paragraph (a), are divorced or, in any of the circumstances mentioned in paragraph (4), separated, to that one of them who has, or in pursuance of an order of a court is entitled to, actual custody of the child or pupil and, should that person being divorced remarry, his spouse;
- (d) where he has no parents defined as in sub-paragraphs (a), (b) and (c), to his guardian or guardians, if any;
- (e) where he has no parents so defined and no guardian, to the person or persons who have actual custody of the child or pupil."

(2) After paragraph (2) of the said Regulation 2 there shall be inserted the following paragraph—

"(2A) Where a custodianship order made under section 33 of the Children Act 1975(b) is in force in respect of a child or pupil, his custodian and the spouse of the custodian (if any) shall be treated as the parents of the child or pupil for the purpose of these Regulations."

(3) In paragraph (3) of the said Regulation 2 for the words "paragraph (2)(a), (b) or (c)" there shall be substituted the words "paragraph (2)(a), (b), (c) or (d)".

(4) In paragraph (4) of the said Regulation 2 for the words "paragraph (2)(b)" there shall be substituted the words "paragraph (2)(c)".

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(a) S.I. 1985/685.

(b) 1975 c. 72.

5.—(1) In paragraph 3 of Schedule 1 to the principal Regulations (computation of income)

(a) in sub-paragraph (b) there shall be substituted for the words “Part 9” the words “Part IX”;

(b) for sub-paragraph (g) there shall be substituted the following sub-paragraph—

“(g) in pursuance of section 42 of the Finance Act 1985(a) (relief for Class 4 contributions);”.

(2) At the end of paragraph 4 of the said Schedule 1 there shall be added the words “and any contributions paid to him by a local authority pursuant to section 34(6) of the Children Act 1975.”

6. In paragraph 1 of Schedule 2 to the principal Regulations (scales of remission) for the sum “£6,376” there shall be substituted the sum “£6,806”, and for the Table in paragraph 2 of that Schedule there shall be substituted the following Table—

TABLE

(1) Part of relevant income to which specified percentage applies	(2) Only assisted pupil	(3) Each of two assisted pupils	(4) Each of three assisted pupils
That part which exceeds £6,640 but does not exceed £7,220.	9%	6.75%	5.25%
That part (if any) which exceeds £7,220 but does not exceed £7,810.	12%	9%	7%
That part (if any) which exceeds £7,810 but does not exceed £8,980.	15%	11.25%	8.75%
That part (if any) which exceeds £8,980 but does not exceed £10,780.	21%	15.75%	12.25%
That part (if any) which exceeds £10,780 but does not exceed £13,130.	24%	18%	14%
That part (if any) which exceeds £13,130.	33%	24.75%	19.25%

*Kenneth Baker,*  
Secretary of State for Education and Science.

9th June 1986.

*Nicholas Edwards,*  
Secretary of State for Wales.

9th June 1986.

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations amend the Education (Assisted Places) Regulations 1985. Part I of the Regulations comes into operation on 8th July 1986. The amendments in Part II (i.e. in Regulations 4, 5 and 6) come into operation on that date for specified preliminary purposes and on 1st September 1986 for all other purposes (*Regulation 1(2)*).

In Regulation 21 of the 1985 Regulations the period of time during which the Secretary of State may issue directions postponing or restricting an increase in fees for assisted pupils, following the giving of a notice of increase by the school, is increased from seven to fourteen days (*Regulation 3*).

The definition of parents in Regulation 2 of the 1985 Regulations is amended to cover the cases where an unmarried parent having actual custody of a child marries a person other than the child's natural parent and where a child is the subject of a custodianship order under the Children Act 1975 (the relevant provisions of which came into force on 1st December 1985) (*Regulation 4*).

References to the relevant income tax legislation in Schedule 1 to the 1985 Regulations are updated and maintenance contributions paid by a local authority to the custodian of a child under the Children Act 1975 are to be left out of account in computing a person's total income (*Regulation 5*).

The means test for the remission of fees is relaxed and the level of income at or below which fees are to be wholly remitted is set at £6,806 instead of, as at present, £6,376 with corresponding increases in the extent of remission where relevant income exceeds that sum (*Regulation 6*).

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