
STATUTORY INSTRUMENTS

1989 No. 1236

The Education (Grants) (Music and Ballet Schools) Regulations 1989

PART I

GENERAL

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Grants) (Music and Ballet Schools) Regulations 1989 and shall come into force on 12th August 1989.

(2) These Regulations shall apply in relation to a school year beginning on or after the date mentioned in paragraph (1).

Interpretation

2.—(1) In these Regulations, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

“aid” and “aid questions” have the meanings assigned thereto by paragraph 6 of Schedule 1 and “aided” means aided in pursuance of the Scheme;

“child” includes a step-child and a child adopted in pursuance of adoption proceedings and “father” and “mother” shall be construed accordingly and, notwithstanding the definition in section 114(1) of the Education Act 1944, includes a child who is over compulsory school age;

“designated fees” has the meaning assigned thereto by paragraph 12 of Schedule 1;

“employment” includes the holding of any office and any occupation for gain and “employed” shall be construed accordingly;

“European Community” means the area comprised by the member states of the European Economic Community (including the United Kingdom) as constituted from time to time;

“financial year” has the meaning assigned thereto by paragraph 7 of Schedule 1;

“income” and “relevant income” have the meanings assigned thereto by paragraph 8 of Schedule 1;

“national of a member state of the European Community” means a person who is a national of any member state of the European Economic Community (including the United Kingdom) as constituted from time to time for the purposes of the Community Treaties;

“public transport” has the meaning assigned thereto by paragraph 18(a) of Schedule 1;

“the Scheme” means the aided pupil scheme described in Schedule 1 as well as, in Regulation 5, the aided pupil scheme described in the Regulations revoked by Regulation 9.

(2) Except where the context otherwise requires, in these Regulations any reference to a Regulation or Schedule is a reference to a Regulation or Schedule contained in these Regulations, any reference in a Regulation or Schedule to a paragraph is a reference to a paragraph of that Regulation

or Schedule and any reference in a paragraph to a sub-paragraph is a reference to a sub-paragraph of that paragraph.

Reference to schools

3.—(1) Any reference in these Regulations to a school is a reference to any one of the following schools, namely—

- The Chetham’s School of Music, Manchester;
- The Purcell School, Harrow;
- The Royal Ballet School, London;
- The Wells Cathedral School, Somerset;
- The Yehudi Menuhin School, Surrey,

being a school which has adopted the aided pupil scheme described in Schedule 1.

(2) Except where the context otherwise requires, references to a school include references to the governing body thereof and persons acting with their authority.

References to parents

4.—(1) Subject to

(1) Subject to paragraphs (2) and (3), and except where the context otherwise requires, any reference in these Regulations to the parents of a child or aided 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) Where a custodianship order made under section 33 of the Children Act 1975⁽¹⁾ 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 purposes of these Regulations.

(3) Where—

- (a) a child or aided pupil either has no parents defined as in paragraph (1)(a), (b), (c) or (d) or he has such parents but the school are satisfied that they cannot be found, and
- (b) he is either in the care of a local authority or in the care of a voluntary organisation within the meaning of section 88 of the Children Act 1975,

then, for the purposes of these Regulations, he shall be treated as a child whose parents have no income but, subject as aforesaid, any reference to his parents shall be construed as a reference to the authority or organisation in whose care he is.

(1) 1975 c. 72; section 33 was amended by the Family Law Act 1986 (c. 55), Schedule 1, paragraph 19, and Schedule 2; and by the Family Law Reform Act 1987 (c. 42), Schedule 2, paragraph 60.

(4) The circumstances referred to in paragraph (1)(c) are that the parents are separated under an order of a court of competent jurisdiction, or by deed of separation or, where they are not separated as aforesaid, that either it is not reasonably practicable to find one of the parents or that, in pursuance of an order of a court—

- (a) one parent is liable to make periodic payments to or for the benefit of the other or one or more of their children, or
- (b) one parent has been given custody of, or access to, one or more of their children, or
- (c) one parent is prohibited from entering the matrimonial home.

PART II

GRANT

Grant in respect of aided pupil scheme

5. Subject to the provisions of this Part, the Secretary of State may, in respect of any school year, pay to each school grant in respect of their expenditure in operating the Scheme and the amount of the grant in respect of any school year shall equal the aggregate of—

- (a) the fees and charges for that year remitted by them, and
- (b) the grants made by them in that year,

in accordance with the Scheme.

Conditions of grant

6. The making of payments by way of such grant shall, in the case of each school, be subject to grant being claimed in accordance with Regulation 7 and the fulfilling of the conditions mentioned in Schedule 2 applicable in the case of the school.

Grant claims

7.—(1) Grant shall be claimed by a school in respect of such periods, not being less than a term, as appear to them appropriate but, subject as aforesaid, grant claims shall be submitted to the Secretary of State at such times, in such manner and form and be supported by such declarations and other information, as the Secretary of State may require.

(2) Grant claims may be submitted on the basis of estimated expenditure (“provisional claims”) but where a provisional claim is submitted the school shall as soon as is reasonably practicable, submit a claim in respect of the period in question which is not based on such an estimate and that claim shall supersede the original claim.

Payment of grant

8.—(1) Subject to Regulation 6, as soon as is reasonably practicable after he is satisfied as respects a grant claim, the Secretary of State shall pay the grant in pursuance of the claim without prejudice, however, where he considers it appropriate, to his making earlier payments on account in pursuance of the claim or in pursuance of a provisional claim in respect of the same period.

(2) Any over-payment or under-payment of grant which appears to the Secretary of State to have occurred shall be adjusted as soon as is reasonably practicable by payments between the Secretary of State and the school concerned.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

PART III

REVOCATION AND TRANSITIONAL PROVISIONS

Revocation and transitional provisions

9.—(1) The Regulations specified in Schedule 3 are hereby revoked.

(2) Any payment of grant in respect of expenditure incurred by a school in operating the aided pupil scheme described in the Regulations revoked by paragraph (1) shall be calculated as if those Regulations had not been revoked.