

SCHEDULE 1

AIDED PUPIL SCHEME

PART II

general provisions relating to aid

Aid questions

6.—(1) Subject to sub-paragraph (2), in the case of each aided pupil questions whether aid should be granted as hereinafter provided by way of—

- (a) remission of fees or charges, or
- (b) grants,

shall be determined by the school for the school year in which he takes up an aided place and for each subsequent school year by reference to the relevant income as respects the pupil, whether or not the parents have been entitled to any aid as respects a previous school year; and such questions and aid are hereinafter referred to, respectively, as “aid questions” and “aid”.

(2) Where either—

- (a) the pupil holds an aided place at the school for part only of the school year or leaves the school part way through the school year, or
- (b) the number of children of the parents who hold aided places (whether at the same or different schools) differs for different parts of the school year,

aid questions shall be determined by the school for that part, or separately for those parts, and the extent to which designated fees (within the meaning of paragraph 12) in respect of part of a school year are to be remitted shall be that proportion of the amount by which the fees for the whole school year would fall to be remitted which is the proportion which the fees for the part bear to the fees for the whole school year.

References to financial years

7.—(1) For the purposes hereof “financial year” means, subject to sub-paragraph (2), a year ending with 5th April and, in relation to a particular school year, “preceding financial year” means the financial year preceding that school year and “current financial year” means the financial year which includes the first day of that school year.

(2) Where the parents of a pupil satisfy the school that their income is wholly or mainly derived from the profits of a business, profession or vocation carried on by either or both of them, then if the parents and the school so agree, any reference herein to a financial year shall be construed as a reference to a year ending with such date as appears to the school expedient having regard to the accounts kept in respect of that business or profession and the periods covered thereby:

Provided that, when the year ends with a date after 5th April but before the beginning of a school year, then, in relation to that year “preceding financial year” shall mean the year last so ending before 6th April in the calendar year in which the school year begins and “current financial year” shall mean the year so ending on or after that 6th April and before the beginning of the school year.

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References to income

8.—(1) For the purposes hereof the income of any person for a financial year shall, subject however to the provisions of the Appendix hereto, be taken to be his total income for that year; and, in this sub-paragraph and the said Appendix, “total income” has the same meaning as in section 1(2)(b) of the Income and Corporation Taxes Act 1988(1).

(2) For the purposes hereof “relevant income” as respects an aided pupil means, in relation to any financial year, his parents' income for that year aggregated with the unearned income for that year, if any, of the pupil himself and of any other of the parents' children who are wholly or mainly dependent on them at the time the relevant income is calculated less, where sub-paragraph (3) or (4) applies, the sum mentioned.

In this sub-paragraph the reference to unearned income is a reference to income other than such as arises from gainful employment.

(3) Subject to sub-paragraph (4), the relevant income, calculated as aforesaid, shall be reduced by £1,000 in respect of each person other than the aided pupil who—

- (a) at the time the relevant income is calculated, is wholly or mainly dependent on the parents or on payments made to him or for his benefit by one or both of them, and
- (b) is a child or other relative of one or both of the parents:

Provided that, for the purposes of sub-paragraph (a), there shall be disregarded payments, other than sums paid as mentioned in paragraph 3(f) of the Appendix hereto, which fall to be deducted in ascertaining total income for income tax purposes and, accordingly, are taken into account in calculating relevant income in pursuance of sub-paragraph (1).

(4) Where a child (other than the aided pupil) who is wholly or mainly dependent on the parents or on payments made to him or for his benefit by one or both of them is the holder of an award of a kind described in sub-paragraph (5) and there has been deducted, in calculating the amount of that award, a sum exceeding £1,000 in respect of the parental contribution which is assumed to be available as part of the resources of that child, that sum shall be deducted from the relevant income in lieu of the £1,000 prescribed in respect of that child by sub-paragraph (3).

(5) The awards referred to in sub-paragraph (4) are—

- (a) a mandatory award paid by a local education authority in England or Wales pursuant to regulations from time to time in force under section 1 of the Education Act 1962(2) providing for the payment of awards to students attending specified courses of further or higher education(3);
- (b) an allowance granted by the Secretary of State for Scotland pursuant to regulations from time to time in force or having effect under sections 73 and 74 of the Education (Scotland) Act 1980(4) providing for the payment of allowances to students(5);
- (c) an award made by—
 - (i) an education and library board in Northern Ireland pursuant to article 50 of the Education and Libraries (Northern Ireland) Order 1986(6) and regulations from

(1) 1988 c.1.

(2) 1962 c. 12; section 1 was substituted by Schedule 5 to the Education Act 1980 (c. 20) and amended by section 4 of the Education (Grants and Awards) Act 1984 (c. 11).

(3) The Regulations in force at the date on which these Regulations were made were the Education (Mandatory Awards) Regulations 1988 (S.I.1988/1360), amended by S.I. 1989/352.

(4) 1980 c. 44.

(5) The Regulations in force at the date on which these Regulations were made were the Students' Allowances (Scotland) Regulations 1987 (S.I. 1987/864), as amended by S.I. 1988/1424. The administrative arrangements for assessing assumed parental contributions were set out in the “Guide to Students' Allowances 1989–90” (Form AB2) published in April 1989 by the Scottish Education Department, copies of which are obtainable from the Scottish Education Department, Awards Branch, Gyleview House, 3 Redheughs Rigg, South Gyle, Edinburgh EH12 9HH.

(6) S.I. 1986/594 (N.I.3).

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time to time in force thereunder(7) being an award for the purpose of enabling or encouraging the holder to take advantage of educational facilities specified in or designated under such regulations; or

- (ii) the Department of Education for Northern Ireland pursuant to article 51 of the said Order and regulations from time to time in force thereunder(7), being an award in respect of attendance at a course for the training of teachers.

(6) In this paragraph any reference to the parents of an aided pupil is a reference to the persons who are his parents at the time the relevant income is calculated.

Application for aid etc.

9. Applications for aid shall be made, and declarations of relevant income or estimated income and other information requisite for determining aid questions shall be furnished, by such time and in such manner and form, if any, as may be specified for the purposes hereof by the Secretary of State.

Restrictions on aid

10.—(1) The parents of an aided pupil shall not be entitled to any aid in respect of a period before the pupil took up his aided place or after he has left the school or, if he so remains at the school, after the end of the school year in which he attains the age of twenty years without prejudice, however, to the provisions of the proviso to paragraph 17(3) and of paragraph 23(2) and, without prejudice to the generality of the foregoing provision, the parents shall not be entitled to remission of fees or charges payable in lieu of notice of the withdrawal of an aided pupil from the school.

(2) The parents of an aided pupil shall not be entitled to any remission of fees or charges which are required to be paid in pursuance of an order of a court.

(3) The parents of an aided pupil shall be under no obligation to apply for aid as respects a particular school year if they consider themselves not entitled thereto but if, as respects such a year, they do not—

- (a) duly apply to the school for aid for that year, or
- (b) subject to paragraph 11(4), duly furnish the school with the information and supporting documentary and other evidence requisite for determining aid questions,

they shall not be entitled to any aid for that year.

(4) If the Secretary of State is satisfied that, in the case of a particular pupil holding an aided place at any of the schools, his parents have furnished information required for determining aid questions which they know to be false in a material particular, or have recklessly furnished such information which is false in a material particular, he may direct that those parents shall not be entitled to any aid in the case of that pupil and, if he so directs, in the case of any other of their children who hold aided places at any of the schools, as respects a specified school year and, if he so directs, any subsequent school year:

Provided that—

- (a) the Secretary of State shall not give a direction for the purposes hereof without affording the parents concerned an opportunity to make representations or without considering such representations;
- (b) the giving of a direction for the purposes hereof shall be without prejudice to its variation or revocation by a subsequent direction.

(7) The Regulations in force at the date on which these Regulations were made were the Students Awards Regulations (Northern Ireland) 1988 (S.R. (N.I.) 1988 No. 445).

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(5) This paragraph shall have effect notwithstanding anything in paragraph 6 or any other provision hereof.

Calculation of aid

11.—(1) Subject to sub-paragraphs (2), (3) and (4), aid questions shall be determined by reference to relevant income in the preceding financial year.

(2) Where one of the pupil's parents has died after aid questions have been determined but before the end of the current financial year and the school are satisfied that the income of the surviving parent in that year, when aggregated with that of the deceased parent, is likely to be less than their aggregated income in the preceding financial year, the aid questions shall be redetermined by reference to the current financial year; and in such case, sub-paragraph (1) shall have effect as if the reference therein to the preceding financial year were a reference to the current financial year and the reference to the pupil's parents in sub-paragraph (2) of paragraph 8 included a reference to the deceased parent (notwithstanding the provision of sub-paragraph (6) of that paragraph).

(3) This sub-paragraph shall apply in a case not falling within sub-paragraph (2) if—

- (a) the school are satisfied that the relevant income in the current financial year is, as a result of some event beyond the control of their pupil's parents, likely to be not more than 85% of the relevant income in the preceding financial year, or
- (b) the school, though not satisfied as aforesaid, are satisfied that the relevant income in the current financial year is likely to be so much less than the relevant income in the preceding financial year that financial hardship would result from aid questions being determined by reference to that year and the Secretary of State approves the application of this sub-paragraph:

and, in a case in which this sub-paragraph applies, aid questions shall be determined in relation to the school year in question and, unless and until the Secretary of State otherwise directs, any subsequent school year by reference to the current financial year and, in such case, sub-paragraph (1) shall have effect as if the reference therein to the preceding financial year were a reference to the current financial year.

(4) Where it is not reasonably practicable for the parents to furnish before the beginning of a school year the requisite information as to relevant income for the appropriate financial year then, in relation to that school year, aid questions may be determined provisionally, having regard to relevant income for earlier financial years, as the school think fit, but—

- (a) in relation to the first year in which aid is granted in the case of a pupil, no such provisional determination shall be made unless his parents have furnished information as to relevant income for the financial year before the appropriate financial year;
- (b) no such provisional determination shall be more favourable to the parents than one arrived at by reference to an estimate furnished by the parents of relevant income for the appropriate financial year;
- (c) a provisional determination shall cease to have effect when the parents have furnished the requisite information or if the school are satisfied that it has become reasonably practicable for them to do so but they have failed to furnish it, and
- (d) within three months of the final determination of the aid questions any over-remission or under-remission of fees or charges shall be adjusted by payments between the parents and the school.