
STATUTORY INSTRUMENTS

1995 No. 2018

EDUCATION, ENGLAND AND WALES

**The Education (Grants) (Music, Ballet
and Choir Schools) Regulations 1995**

<i>Made</i>	- - - -	<i>31st July 1995</i>
<i>Laid before Parliament</i>		<i>2nd August 1995</i>
<i>Coming into force</i>	- -	<i>25th August 1995</i>

In exercise of the powers conferred by section 100(1)(b) and (3) of the Education Act 1944⁽¹⁾ and vested in the Secretary of State⁽²⁾, the Secretary of State for Education and Employment, as respects England, and the Secretary of State for Wales, as respects Wales, hereby make the following Regulations:—

PART I
GENERAL

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Grants) (Music, Ballet and Choir Schools) Regulations 1995 and shall come into force on 25th August 1995.

(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—

“aid” means the remission of fees or charges, or the payment of grant, pursuant to the Scheme;

“aid questions” has the meaning assigned by paragraph 6 of Schedule 1 and “aided” means aided pursuant to the Scheme;

“aided place” means a place at a school for which an aided pupil has been or may be selected pursuant to the Scheme;

(1) 1944 c. 31; section 100(1)(b) was amended by section 213(3) of the Education Reform Act 1988 (c. 40).

(2) For the transfer of functions to the Secretary of State, see S.I.s 1964/490, 1970/1536 and 1978/274.

- “aided pupil” means a child selected or put forward for an aided place;
- “child” includes a step-child, a child adopted in pursuance of adoption proceedings and a person who is over compulsory school age;
- “designated fees” has the meaning assigned by paragraph 12 of Schedule 1;
- “employment” includes the holding of any office and any occupation for gain (including self-employment in any trade, profession or vocation) and “employed” shall be construed accordingly;
- “EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992⁽³⁾ as adjusted by the Protocol signed at Brussels on 17th March 1993⁽⁴⁾;
- “European Economic Area” means the area comprised by the States which are Contracting Parties to the EEA Agreement;
- “EEA national” means a person who is a national of a State which is a Contracting Party to the EEA Agreement (including the United Kingdom);
- “financial year” and “preceding financial year” have the meanings assigned by paragraph 7 of Schedule 1;
- “income”, “relevant income” and “total income” have the meanings assigned by paragraph 8 of Schedule 1;
- “public transport” has the same meaning as in paragraph 18(a) of Schedule 1;
- “refugee” means a person who:
- (a) is recognised by Her Majesty’s Government as a refugee within the meaning of the United Nations Convention relating to the Status of Refugees done at Geneva on 28th July 1951⁽⁵⁾ as extended by the protocol thereto which entered into force on 4th October 1967⁽⁶⁾, or
 - (b) has been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that, although he is considered not to qualify for recognition as a refugee, it is thought right to allow him to enter or remain in the United Kingdom, and has been granted leave to enter or remain accordingly;
- “relevant date” means 1st January in the calendar year in which an aided pupil would take up an aided place at a school;
- “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 16;
- “school” has the meaning assigned by regulation 3.
- (2) Except where the context otherwise requires, any reference in these Regulations to—
- (a) a numbered Part, regulation or Schedule is a reference to the Part, regulation or Schedule in these Regulations so numbered; and
 - (b) a numbered paragraph is a reference to the paragraph so numbered in the regulation or Schedule in which the reference appears.

Reference to schools

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

(3) Cm. 2073.
(4) Cm. 2183.
(5) Cmnd. 9171.
(6) Cmnd. 3906 (Out of print: photocopies of the English text are available, free of charge, from Higher Education Branch, Room 1A3, Department for Education and Employment, Sanctuary Buildings, Great Smith Street, London SW1P 3BT).

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 proprietors or governing body thereof and persons acting with the authority of the proprietors or governing body.

References to parents

4.—(1) Subject to regulation 16(2) and to paragraphs (3) and (4) and except where the context otherwise requires, any reference in these Regulations to the parents of a child or aided pupil is a reference to:

- (a) the child's father and mother where—
 - (i) they live together as husband and wife (whether or not they are married to each other), and
 - (ii) the child normally resides with both of them in the same household; or
- (b) where sub-paragraph (a) above does not apply, the parent, being either the father or mother of the child, with whom the child normally resides and the spouse (if any) of that parent where the spouse normally resides with that parent and the child in the same household; or
- (c) where neither sub-paragraph (a) nor (b) above applies, the child's guardian appointed in accordance with section 5 of the Children Act 1989⁽⁷⁾ (or any earlier enactment) and the spouse (if any) of that guardian where the spouse normally resides with that guardian and the child in the same household; or
- (d) where none of sub-paragraphs (a), (b) and (c) above applies, the person with whom the child resides in accordance with either:
 - (i) a subsisting residence order made under section 8 of the Children Act 1989; or
 - (ii) any subsisting court order (other than a residence order) which specifies who is to have actual custody or care and control of the child,and the spouse (if any) of that person where the spouse normally resides with that person and the child in the same household; or
- (e) where none of sub-paragraphs (a) to (d) above applies and where the child is not looked after by a local authority for the purposes of section 22(1) of the Children Act 1989, the person with whom the child normally resides in accordance with any informal care or fostering arrangement, and that person's spouse (if any) where the spouse normally resides with that person and the child in the same household.

(3) Where a child or aided pupil—

- (a) either has no parents as defined in paragraph (2) or the school is satisfied that no such parents can be found, and
- (b) is either looked after by a local authority or provided with accommodation within the meaning of section 105(1) of the Children Act 1989,

(7) 1989 c. 41.

he shall be treated as a child whose parents have no income for the purposes of these Regulations, and any reference to his parents shall be construed as a reference to the authority or organisation which looks after him or provides him with accommodation.

(4) References in this regulation to a person who normally resides with a child mean, in relation to a child who is a boarder at a school, a person with whom the child normally resides when he is not at school.

(5) Where a child has been adopted pursuant to an order of a court of competent jurisdiction, references in paragraph (2)(a) and (b) to “father” and “mother” shall be construed as references to the adoptive parents of the child and not his natural parents.

PART II

GRANT

Grant in respect of aided pupil scheme

5.—(1) 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.

(2) The amount of the grant paid to each school 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 to the parents of aided pupils for that year,

in accordance with the Scheme.

Conditions of grant

6. The payment of such grant by the Secretary of State shall be subject in the case of each school—

- (a) to grant being claimed in accordance with regulation 7, and
- (b) the fulfilment of all relevant conditions mentioned in Schedule 2.

Grant claims

7.—(1) A school shall submit grant claims to the Secretary of State at such times, for such periods, in such manner and form and furnish such declarations and other information, as the Secretary of State may require; but, subject as aforesaid, they may submit to the Secretary of State a claim for grant in respect of such periods, not being less than a term, as appear to the school to be appropriate.

(2) A school may submit grant claims 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 provisional claim.

Payment of grant

8.—(1) Subject to regulation 6, as soon as is reasonably practicable after she is satisfied that a grant claim is in order, the Secretary of State shall pay the grant in respect of the claim, although she may, where she considers it appropriate to do so, make earlier payments on account in respect of that claim or in respect of a provisional claim relating to 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.

PART III

GRANT TO THE ROYAL BALLET SCHOOL FOR THE PROVISION OF BALLET DANCING IN THE UPPER DIVISION

Grant to the Royal Ballet School

9. Subject to the provisions of this Part, the Secretary of State may, in respect of each school year, pay grant to the Royal Ballet School (“the RBS”) in respect of their expenditure, incurred or to be incurred, in providing education in ballet dancing for pupils in the Upper Division of the RBS.

Conditions of residence applicable to grant

10.—(1) The Secretary of State may pay such grant to the RBS only in respect of pupils who meet the conditions of residence set out in paragraph 2 of Schedule 1 to these Regulations, as modified by paragraph (2) below (“qualifying pupils”).

(2) For the purposes of this regulation, references to “the relevant date” in paragraph 2 of Schedule 1 shall be read as referring to 1st January in the calendar year in which the school year, in respect of which grant is to be paid under this Part, begins.

Amount of grant

11.—(1) The amount of grant payable by the Secretary of State under this Part in respect of any school year shall, subject to paragraph (2), be such an amount as she may determine after consultation with the RBS.

(2) In determining the amount of grant payable to the RBS under this Part, the Secretary of State shall have regard in particular to—

- (a) the amount of fees or charges received or to be received by the RBS in respect of the provision of education in ballet dancing for qualifying pupils for the school year in respect of which grant is to be paid under this Part; and
- (3) the amount of grant received or to be received by the RBS for that school year under the Scheme referred to in Part II above to take account of fees and charges remitted by the RBS pursuant to the Scheme.

PART IV

GRANT TO THE CHOIR SCHOOLS' ASSOCIATION BURSARY TRUST

Grant in respect of choristers

12.—(1) Subject to the provisions of this Part, the Secretary of State may, in respect of each school year, pay grant to the Choir Schools' Association Bursary Trust (“the trust”) in respect of their expenditure, incurred or to be incurred, in connection with the provision of education to pupils to whom paragraph (2) applies.

(2) This paragraph applies to pupils who are—

- (a) admitted as choristers to a choir school on or after 1st September 1991;
 - (b) aged between 8 and 13;
 - (c) considered by the choir school to which they are admitted and by the trust to be likely to benefit from the education provided there.
- (3) Any reference in this Part to a choir school is a reference to any of the schools listed in Schedule 3.

Conditions of residence applicable to grant

13.—(1) The Secretary of State may pay such grant to the trust only in respect of pupils who meet the conditions of residence set out in paragraph 2 of Schedule 1 to these Regulations, as modified by paragraph (2) below.

(2) For the purposes of this regulation, the references to “the relevant date” in paragraph 2 of Schedule 1 shall be read as referring to 1st January in the calendar year in which the school year, in respect of which grant is to be paid under this Part, begins.

Amount of grant

14. The amount of grant payable by the Secretary of State under this Part in respect of any school year shall be such amount as she may determine after consultation with the trust.

Accounts

15. The choir schools and the trust shall keep such records and accounts and furnish to the Secretary of State such information, documents, returns and accounts as the Secretary of State may from time to time require.

PART V

REVOCATION AND TRANSITIONAL PROVISIONS

Revocation and transitional provisions

16.—(1) Subject to paragraphs (2) and (3), the Regulations specified in Schedule 4 (“the old Regulations”) are hereby revoked.

(2) In the case of a child who held an aided place at a school in the most recent school year beginning before 25th August 1995, any reference in these Regulations to the parents of that child shall be construed, for the purposes of the application of these Regulations in relation to a school year immediately following one in which the child held an aided place (whether under these Regulations or the old Regulations), as a reference to the persons who are his parents within the meaning of regulation 4 of the Education (Grants) (Music and Ballet Schools) Regulations 1989⁽⁸⁾, as amended by the Education (Grants) (Music and Ballet Schools) (Amendment) Regulations 1991⁽⁹⁾.

(3) The old Regulations shall continue to apply for the purposes of the payment of grant by the Secretary of State in respect of expenditure—

- (a) incurred by a school in operating the aided pupil scheme described in the old Regulations, and

⁽⁸⁾ S.I.1989/1236.

⁽⁹⁾ S.I. 1991/1831.

- (b) incurred by the RBS and the trust prior to 25th August 1995 in connection with the provision of education in respect of which the Secretary of State was empowered to pay grant pursuant to the old Regulations.

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

SCHEDULE 1

AIDED PUPIL SCHEME

PART I

ELIGIBILITY FOR AIDED PLACES

General

1.—(1) A school may select a child for an aided place if, and only if, the school are satisfied that all the conditions mentioned in this Part are, so far as relevant, fulfilled in his case.

(2) Nothing in this paragraph shall prevent a child from being provisionally selected for an aided place subject to the condition that the child will not be finally selected for that place until it is ascertained that all such conditions are fulfilled.

(3) If a school shall ascertain that any relevant condition specified in this Part is not satisfied in respect of a child provisionally selected for an aided place, the school shall withdraw that aided place forthwith, and the parents of that child shall be liable to repay any remission of fees and grants provisionally made by the school.

Conditions as to residence

2.—(1) Subject to sub-paragraphs (3) and (4), it shall be a condition that the child shall—

- (a) have been ordinarily resident in the British Islands throughout the period of two years preceding the relevant date, or
- (b) be an EEA national—
 - (i) who has been ordinarily resident in the European Economic Area throughout the period of two years preceding the relevant date, and
 - (ii) to whom sub-paragraph (2) applies, or
- (c) be a refugee or the child of a refugee who has not been ordinarily resident outside the British Islands since he or, as the case may be, his parent, was recognised as a refugee or granted leave to enter or remain in the British Islands as a refugee.

(2) The child referred to in sub-paragraph (1)(b) is one who is, or whose parents are, entitled to equality of treatment as regards selection for an aided place by virtue of Article 7(2) or (3) or Article 12 of Council Regulation (EEC) No. 1612/68 on Freedom of Movement for Workers within the European Community⁽¹⁰⁾, as extended by the EEA Agreement.

(3) A child shall be treated for the purposes of sub-paragraph (1)(a) and (b) as having been ordinarily resident in the British Islands or in the European Economic Area if the school is satisfied that he would have been so resident but for the fact that his parent is or was temporarily employed outside the British Islands or the European Economic Area during any part of the period mentioned in those sub-paragraphs.

(4) For the purposes of sub-paragraph (1)(b), a child who is resident in a State which became a Contracting Party to the EEA Agreement on a date later than the beginning of the two year period mentioned in that sub-paragraph, shall be treated as having been ordinarily resident in the European Economic Area for that period if he has been so resident in the said state or elsewhere in the European Economic Area throughout the period of two years preceding the relevant date.

⁽¹⁰⁾ OJ No. L257, 19.10.68, p. 2 (OJ/SE 1968 (II) p. 475).

Conditions as to age

3. It shall be a condition that the child, if selected for an aided place, shall have attained the age of eight years before 1st September next following the beginning of the first school year in which he takes up an aided place.

Conditions as to furnishing of information

4. It shall be a condition that the parents of the child, when applying to the school for an aided place, shall have furnished the school with such information as is required for determining whether or not he is eligible for selection for such a place including—

- (a) a declaration of relevant income for the preceding financial year or, if they have not the necessary information:
 - (i) a declaration of estimated relevant income for that year; and
 - (ii) a declaration of relevant income for the financial year before that year; and
- (b) such other information as may be specified for the purposes hereof by the Secretary of State.

Conditions as to liability for payment of fees

5. A school shall not select for an aided place a child the whole of whose fees for the school year in which he would take up his aided place if selected therefor—

- (a) would not fall to be remitted in whole or in part pursuant to Part III; or
- (b) are required to be paid pursuant to an order of a court or a separation agreement.

PART II

GENERAL PROVISIONS RELATING TO AID

Aid questions

6.—(1) For the purposes of these Regulations “aid questions” means questions as to whether or not aid should be granted pursuant to these Regulations in respect of an aided pupil.

(2) Subject to sub-paragraph (3), in the case of each aided pupil, the school shall determine aid questions 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.

(3) Where—

- (a) a 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 parents have two or more children who hold aided places (whether at the same or different schools) but the number of those children differs for different parts of the school year,

the school shall determine aid questions for that part, or separately for those parts, and the extent to which designated fees in respect of the part (or parts) of the 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 (or parts) bear to the fees for the whole school year.

References to financial years

7.—(1) Subject to sub-paragraph (2), in these Regulations “financial year” means a year ending on 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 trade, profession or vocation carried on by either or both of them, then if the parents and the school so agree, any reference in this Part to a financial year shall be construed as a reference to a year ending on such date as appears to the school expedient having regard to the accounts kept in respect of that trade, profession or vocation and the periods covered thereby (“the Parents' Accounting Year”):

Provided that, where the Parents' Accounting Year ends with a date after 5th April but before the beginning of a school year, then in relation to that school year, “preceding financial year” shall mean the latest Parents' Accounting Year ending before 6th April in the calendar year in which the school year begins and “current financial year” shall mean the Parents' Accounting Year which includes the first day of the school year.

References to income

8.—(1) For the purposes of these Regulations, the income of any person for a financial year shall be taken to be his total income for that year; and, subject to the provisions of the Appendix to this Schedule (“the Appendix”), in this sub-paragraph and the Appendix, “total income” has the same meaning as in section 1(2)(b) of the Income and Corporation Taxes Act 1988(11).

(2) For the purposes of these Regulations “relevant income” as regards an aided pupil means, in relation to any financial year, the income of the aided pupil’s parents aggregated with the unearned income of—

- (i) the aided pupil himself, and
- (ii) any children (apart from the aided pupil) of the parents who are wholly or mainly dependent on one or both of them at the time the relevant income is calculated

less, where sub-paragraph (3) or (5) applies, the sum there 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 (5), the relevant income, calculated as aforesaid, shall be reduced by £1,165 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 one or both of the parents or on payments made to him or for his benefit as mentioned in sub-paragraph (4), and
- (b) is a child or other relative of one or both of the parents, and
- (c) normally resides in the same household as the parents and the aided pupil.

(4) The payments referred to in sub-paragraph (3)(a) are payments made by one or both of the parents, including sums paid as mentioned in paragraph 3(2)(f) of the Appendix, but excluding any other payments which fall to be deducted in ascertaining total income for the purpose of these Regulations.

(5) Where a child (other than the aided pupil) who is wholly or mainly dependent on one or both of 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 (6) and there has been deducted, in calculating

(11) 1988 c. 1. Section 1(2)(b) was amended by section 24(2)(a) of the Finance Act 1988 (c. 39).

the amount of that award, a sum exceeding £1,165 in respect of the parental contribution which is assumed to be available as part of the resources of that child, that higher sum shall be deducted from the relevant income in lieu of the £1,165 prescribed in respect of that child by sub-paragraph (3).

- (6) An award referred to in paragraph (5) is—
- (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⁽¹²⁾ providing for the payment of awards to students attending specified courses of further or higher education⁽¹³⁾; or
 - (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⁽¹⁴⁾ providing for the payment of allowances to students⁽¹⁵⁾; or
 - (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⁽¹⁶⁾ and regulations from time to time in force thereunder ⁽¹⁷⁾, 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) an education and library board in Northern Ireland pursuant to article 51 of the said Order and regulations from time to time in force thereunder⁽¹⁸⁾ being an award in respect of attendance at a course for the training of teachers.

(7) In this paragraph any reference to the parents of an aided pupil is a reference to the persons who are his parents (as defined in regulation 4) at the time that the relevant income is calculated.

Application for aid etc.

9. The Secretary of State may specify for the purposes of these Regulations—
- (a) the time by which, and the manner and form in which applications for aid, declarations of relevant income or estimated income and other information requisite for determining aid questions are to be made or furnished by the parents of an aided pupil, or by parents applying for an aided place, and the documentary or other evidence to be provided in support thereof; and
 - (b) the time by which, and the manner and form in which, a school are to notify the parents of an aided pupil as to whether they are entitled to any remission of fees or charges, or the payment of grant, for a particular school year and, if so, the extent of remission.

⁽¹²⁾ 1962 c. 12; section 1 was substituted by section 19 and Schedule 5 to the Education Act 1980 (c. 20) and amended by section 4 of the Education (Grants and Awards) Act 1984 (c. 11).

⁽¹³⁾ The Regulations in force at the date on which these Regulations are made are the Education (Mandatory Awards) (No. 2) Regulations 1993 (S.I. 1993/2914) and the Education (Mandatory Awards) (Amendment) Regulations 1994 (S.I. 1994/1606). Both of the said regulations are to be revoked on 1st September 1995 and replaced by the Education (Mandatory Awards) Regulations 1994 (S.I. 1994/3044).

⁽¹⁴⁾ 1980 c. 44.

⁽¹⁵⁾ The regulations in force at the date on which these Regulations are made are the Students' Allowances (Scotland) Regulations 1991 (S.I. 1991/1552), as amended by S.I. 1993/3184 and S.I. 1994/3148. The administrative arrangements for assessing assumed parental contributions were set out in the "Guide to Undergraduate Allowances 1994—95" (Form AB2) published in April 1994 by the Students Awards Agency for Scotland, copies of which are obtainable from Gyleview House, 3 Redheughs Rigg, South Gyle, Edinburgh EH12 9HH.

⁽¹⁶⁾ S.I. 1986/594 (N.I.3).

⁽¹⁷⁾ The Regulations in force at the date on which these Regulations are made are the Students Awards Regulations (Northern Ireland) 1995 (S.R. (N.I.) 1995 No. 1).

⁽¹⁸⁾ The Regulations in force at the date on which these Regulations are made are the Students Awards Regulations (Northern Ireland) 1995 (S.R. (N.I.) 1995 No. 1).

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Restriction on aid

10.—(1) Subject to paragraphs 17(4) and 19(3), the parents of an aided pupil shall not be entitled to:

- (a) 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 remains at the school, after the end of the school year in which he attains the age of twenty years; or
- (b) any 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 pursuant to an order of a court or a separation agreement.

(3) If the parents of an aided pupil do not—

- (a) duly apply to the school for aid for a particular school year, or
- (b) subject to paragraph 11(4), duly furnish the school with the information and supporting evidence requisite for determining remission 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 a school, his parents have knowingly or recklessly furnished information required for determining aid questions which is false in a material particular, she may direct that those parents shall not be entitled to any aid in the case of that pupil and, if she so directs, in the case of any other of their children who hold aided places at any school, as respects a specified school year and, if she so directs, any subsequent school year.

(5) The Secretary of State shall not give a direction pursuant to sub-paragraph (4) without—

- (a) affording the parents concerned an opportunity to make representations; and
- (b) without considering any such representations.

(6) The Secretary of State may vary or revoke a direction made pursuant to sub-paragraph (4).

(7) This paragraph shall have effect notwithstanding anything in paragraph 6 or any other provisions of these Regulations.

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 and the school are satisfied that the income of the surviving parent in the current financial year, when aggregated with that of the deceased parent, is likely to be less than their aggregated income in the preceding financial year, 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 paragraph 8(2) included a reference to the deceased parent (notwithstanding paragraph 8(7)).

(3) If, in a case not falling within sub-paragraph (2),—

- (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 the pupils' parents, likely to be not more than 85% of the relevant income in the preceding financial year, or
- (b) (i) 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 remission questions being determined by reference to that year; and

(ii) the Secretary of State agrees that this paragraph should operate in respect of the assisted pupil concerned,

aid questions shall be determined as regards 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 a 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) no such provisional determination shall be more favourable to the parents than a determination computed by reference to an estimate furnished by the parents of relevant income for the appropriate financial year;
- (b) 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 not done so; and
- (c) 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.

(5) For the purposes of sub-paragraph (4) the expression “appropriate financial year” means the preceding financial year except where sub-paragraph (2) or (3) applies in which case it means the current financial year.

PART III

REMISSION OF FEES AND CHARGES

Fees and charges qualifying for remission

12. Paragraph 13 or, as the case may be, paragraph 14, shall apply to the remission of fees and other charges payable by the parents of an aided pupil being fees and charges (other than such as are mentioned in paragraph 16) which are designated for the purposes of paragraph 4(3) of Schedule 2; and all such fees and charges are referred to in these Regulations as designated fees.

Remission of fees—boarding pupils

13.—(1) This paragraph shall apply in the case of an aided pupil who is a boarder at a school.

(2) Where the relevant income for the appropriate financial year does not exceed £8,239 the designated fees shall be wholly remitted.

(3) In any other case the designated fees for a school in respect of each aided pupil shall be remitted to the extent (if any) necessary to secure that the parents' residual liability for that pupil's designated fees corresponds to an amount (rounded down to the nearest multiple of £3) equal to the aggregate of the specified percentages of those parts of the relevant income referred to in column (1) of the following table, being the percentages—

- (a) specified opposite the parts of the relevant income in column (2), where only one child of the parents holds an aided place at any of the schools;
- (b) so specified in column (3) where two children of the parents hold such aided places; or

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- (c) specified for the purposes of this paragraph by the Secretary of State, where more than two children of the parents hold such aided places.

Table

(1) Part of the relevant income to which specified percentage applies	(2) Only aided pupil	(3) Each of two aided pupils
That part which exceeds £8,090 but does not exceed £10,211	10%	7.5%
That part (if any) which exceeds £10,211 but does not exceed £14,349	20%	15%
That part (if any) which exceeds £14,349	12.5%	7.5%

Remission of fees—day pupils

14.—(1) This paragraph shall apply in the case of an aided pupil who is a day pupil at a school.

(2) Where the relevant income for the appropriate financial year does not exceed £10,360 the designated fees shall be wholly remitted.

(3) In any other case the designated fees in respect of each aided pupil shall be remitted to the extent (if any) necessary to secure that the parents' residual liability for that pupil's designated fees corresponds to an amount (rounded down to the nearest multiple of £3) equal to the percentage mentioned below of that part of the relevant income which exceeds £10,211 namely—

- (a) 10% of that part, where only one child of the parents holds an aided place at any school;
- (b) 7.5% of that part, where two children of the parents hold such aided places;
- (c) such percentage of that part as is specified for the purposes of this paragraph by the Secretary of State, where more than two children of the parents hold such places.

Allowances to be made for assisted pupils

15. Where the parents of an aided pupil also have a child who is the holder of an assisted place at an independent school by virtue of a scheme operated by the Secretary of State pursuant to Regulations⁽¹⁹⁾ made under section 17 of the Education Act 1980⁽²⁰⁾, the parents' residual liability for designated fees shall be calculated pursuant to paragraph 13 or 14 above (as the case may be) as if their child who is an assisted pupil under that scheme held an aided place for the purposes of that paragraph.

Remission of charges for meals—day pupils

16. Where the parents of an aided pupil who is a day pupil satisfy the school at any time during a school year, or the month preceding the beginning of a school year, that they are in receipt of income support under Part VII of the Social Security Contributions and Benefits Act 1992⁽²¹⁾ the

⁽¹⁹⁾ The Regulations applicable at the date when these Regulations are made are the Education (Assisted Places) Regulations 1995 (S.I. 1995/2016).

⁽²⁰⁾ 1980 c. 20.

⁽²¹⁾ 1992 c. 4.

school shall remit the whole of any charges which they would otherwise make for meals provided for that pupil—

- (a) for the whole of that school year, where they are so satisfied at or before the beginning of that year, or
- (b) for the remainder of the school year, where they are so satisfied in the course of that year, irrespective of whether the parents may subsequently cease to be in receipt of income support.

PART IV UNIFORM GRANT

Uniform grant

17.—(1) In this paragraph “clothing expenditure” means expenditure which the school are satisfied—

- (a) has been incurred by the pupil’s parents, or
- (b) is about to be incurred by them but which they cannot, without financial hardship, incur in advance of the payment of grant,

on items of uniform and other clothing (including sports clothing) to be worn by an aided pupil either at school or for the purposes of school activities.

(2) A school shall, in each school year, in the circumstances mentioned in sub-paragraphs (3) and (5), pay a grant (“uniform grant”) to the parents of a pupil holding an aided place at the school in respect of the parents' clothing expenditure.

(3) Subject to sub-paragraph (6), the school shall pay uniform grant to the parents in the case of an aided pupil—

- (i) who is in his first year at a school as an aided pupil, and
- (ii) as regards whom the relevant income does not exceed £10,713,

of an amount equal to so much of the parents' clothing expenditure as does not exceed—

- (a) £164, where the relevant income does not exceed £9,406;
- (b) £123 where that income exceeds £9,406 but does not exceed £9,844;
- (c) £80, where that income exceeds £9,844, but does not exceed £10,266;
- (d) £41, where that income exceeds £10,266 but does not exceed £10,713.

(4) Any uniform grant which would be payable pursuant to sub-paragraph (3) in respect of an aided pupil’s first year at the school may be paid during the period commencing on 25th August 1995 and ending when that school year begins.

(5) Except where sub-paragraph (3) applies, a school shall, subject to sub-paragraph (6), pay uniform grant in the case of an aided pupil as regards whom the relevant income does not exceed £10,266 and in such case the grant shall be of an amount equal to so much of the clothing expenditure (disregarding expenditure in respect of which a previous grant has been paid) as does not exceed—

- (a) £61, where the relevant incomes does not exceed £9,572;
- (b) £32, where that income exceeds £9,572 but does not exceed £10,266.

(6) Where a pupil has been a pupil at the school before taking up an aided place there, the school shall not pay any uniform grant incurred by the parents in respect of clothing expenditure incurred before the pupil took up the aided place.

PART V

TRAVEL GRANTS

School travel expenditure qualifying for grants

18. In this Part, “school travel expenditure” means, subject to paragraphs 20 to 23, the aggregate expenses incurred by or on behalf of a pupil holding an aided place at a school in respect of his journeys to and from the school—

- (a) by public transport, that is to say, by train, bus, boat, hovercraft or air services available to the public;
- (b) by transport provided pursuant to arrangements which, at the request of the school, are for the time being approved by the Secretary of State; or
- (c) by transport provided by a local education authority.

Amount and payment of travel grant

19.—(1) The amount of grant payable by schools pursuant to any of paragraphs 20 to 23 (“travel grant”) shall be determined in accordance with sub-paragraph (2) and may be paid on account in accordance with sub-paragraph (3).

(2) The amount, if any, of travel grant for a school year payable in the case of an aided pupil shall, subject to paragraphs 20 to 23, be determined as follows by reference to the school travel expenditure for that year in relation to which it is paid and the relevant income as regards the pupil:

- (a) where the relevant income does not exceed £9,585, travel grant shall be of an amount equal to that of the school travel expenditure to which it relates; and
- (b) in any other case the school travel grant shall be of the amount, if any, by which the school travel expenditure to which it relates exceeds an amount (rounded down to the nearest multiple of £3) equal to one-twelfth of that part of the relevant income which exceeds £9,406.

(3) A school may, in the course of or immediately before a school year, make payments on account of travel grant which, it appears to them, will be payable for that year; but where payments on account are made, within three months of the final determination of the amount (if any) of the grant any over-payment or under-payment of grant for the year in question shall be adjusted by payments between the parents and the school.

Travel grant—boarding pupils

20.—(1) This paragraph applies in the case of an aided pupil who is a boarder at a school (other than a weekly boarder).

(2) Subject to sub-paragraph (3), the school shall, in respect of each school year, pay travel grant to the parents of an aided pupil attending the school in relation to school travel expenditure reasonably incurred in relation to journeys made by the pupil in that year to or from his home or to visit a parent or guardian or other relative.

(3) The school shall not pay travel grant in respect of more than 12 single journeys by an aided pupil, either to or from the school, in any school year, and in calculating the school travel expenditure:

- (a) where a pupil’s expenses are in respect of journeys made by public transport and exceed the expenses that would have been incurred if advantage had been taken of available arrangements for reduced or concessionary fares, the excess shall be disregarded;
- (b) where a pupil’s expenses are in respect of journeys by air and exceed the expenses that would have been incurred if advantage had been taken of—

- (i) available train, boat or hovercraft services, and
 - (ii) any available arrangements for reduced or concessionary fares in relation to such services,
- the excess shall be disregarded;
- (c) where the pupil visits a place other than the pupil's home (that is to say the place where the pupil normally resides when not at school), and his expenses which exceed the amount which they would have been if the visit had been to his home, the excess shall be disregarded;
 - (d) where a visit is to a place outside the British Islands, so much of the expenses as are in respect of a journey between a port, hoverport, airport or Channel Tunnel terminal within the British Islands and that place shall be disregarded.
- (4) In sub-paragraph (3)(d) "Channel Tunnel terminal" means any place where an aided pupil boards a train or bus which goes through the Channel Tunnel.

Travel grant—weekly boarding pupils

- 21.**—(1) This paragraph applies in the case of an aided pupil who is a weekly boarder at a school.
- (2) Subject to sub-paragraph (3), where an aided pupil's walking distance between home and school exceeds 4.8 kilometres, the school shall, in respect of each school year, pay travel grant to the parents of the pupil in relation to school travel expenditure reasonably incurred in respect of journeys made by the pupil between home and school in that year.
- (3) In calculating the school travel expenditure,
- (a) where a pupil's expenses are in respect of journeys in excess of 80 kilometres each way by such transport as is mentioned in paragraph 18, the school shall take into account only the following proportion of the expenses, that is the proportion that 80 kilometres bears to the length in kilometres of the journey in question; and
 - (b) where a pupil's expenses are in respect of journeys by public transport and exceed the expenses that would have been incurred if advantage had been taken of available arrangements for season tickets or reduced or concessionary fares, the excess shall be disregarded.

Travel grant—day pupils

- 22.**—(1) This paragraph applies in the case of an aided pupil who is a day pupil at a school.
- (2) Subject to sub-paragraph (3), where an aided pupil's walking distance between home and school exceeds 4.8 kilometres the school shall, in respect of each school year, pay travel grant to the parents of the pupil in relation to school travel expenditure reasonably incurred in respect of journeys made by the pupil between home and school in that year.
- (3) In calculating the school travel expenditure,
- (a) where a pupil's expenses are in respect of journeys in excess of 40 kilometres each way by such transport as is mentioned in paragraph 18, the school shall take into account only a proportion of the expenses, that is the proportion that 40 kilometres bears to the length in kilometres of the journey in question;
 - (b) where a pupil's expenses are in respect of journeys by public transport and exceed the expenses that would have been incurred if advantage had been taken of available arrangements for season tickets or reduced or concessionary fares, the excess shall be disregarded.

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Travel grant—visits to universities etc.

23.—(1) Subject to sub-paragraph (2), the school shall pay a travel grant to the parents of an aided pupil in respect of school travel expenditure reasonably incurred in relation to journeys made by the pupil in the school year within the British Islands for the purpose of visiting an institution of further or higher education at the invitation of the institution with a view to being admitted there for the purpose of further or higher education.

(2) A school shall not pay grant in respect of more than three such journeys from the school or from the pupil's home to such an institution and three journeys from an institution to the school or to the pupil's home in any school year.

PART VI

FIELD STUDY COURSES

Remission of charges for field study courses

24.—(1) In this paragraph a field study course means a course of field study (provided by the school or otherwise) which forms part of a normal course of study at a school for the examinations for the General Certificate of Secondary Education, the advanced level examinations for the General Certificate of Education or other examinations comparable to any of them, being examinations in—

- (a) biology,
- (b) botany,
- (c) geography,
- (d) geology,
- (e) zoology, or
- (f) any other subject approved for the purposes of this paragraph by the Secretary of State,

and a reference to a relevant examination shall be construed accordingly.

(2) A school shall remit the whole of any charges they would otherwise make in respect of the participation in a field study course of an aided pupil if—

- (a) he is a candidate or a prospective candidate for a relevant examination, and
- (b) his parents are entitled, under paragraph 13 or 14, to remission of fees, in whole or in part, for the school year in which the course is held.

APPENDIX TO AIDED PUPIL SCHEME

COMPUTATION OF INCOME

Paragraph 8

1.—(1) This Appendix shall have effect for the purpose of determining a person's income for the purposes of the Scheme by reference to his total income.

(2) In this Schedule any reference to the Act of 1988 is a reference to the Income and Corporation Taxes Act 1988**(22)**.

2. Where any income of a person is not part of his total income by reason only that—

- (a) he is not resident, ordinarily resident or domiciled in the United Kingdom, or
- (b) the income does not arise in the United Kingdom, or
- (c) the income arises from an office or employment, income from which is exempt from tax in pursuance of any enactment,

his income for the purposes of these Regulations shall be computed as though the income first mentioned in this paragraph were part of his total income.

3.—(1) For the purposes of these Regulations, a person's total income shall be computed as though there did not fall to be made any of the deductions or reliefs mentioned in sub-paragraph (2).

(2) The deductions or reliefs referred to in sub-paragraph (1) are any which fall to be made—

- (a) by way of personal reliefs provided for in Chapter 1 of Part VII of the Act of 1988, other than in section 265 thereof (relief for blind persons);
- (b) pursuant to Chapters I, II and III of Part XIV of the Act of 1988 so far as applicable in respect of superannuation or other payments made by a person, or in respect of deductions made from his salary, for the purpose of securing the payment to or in respect of him of pensions, annuities or other future benefits;
- (c) pursuant to section 639(1) of the Act of 1988 (relief for contributions to personal pension schemes);
- (d) in respect of payments by way of relevant loan interest within the meaning of section 370 of the Act of 1988;
- (e) pursuant to section 353(1) and (1A) to (1H) of the Act of 1988**(23)** in respect of interest payments eligible for relief or deduction by virtue of section 354 of that Act (loan for purchase or improvement of land) or by virtue of section 365 of that Act**(24)** (loan to buy life annuity);
- (f) in respect of any sums paid under a deed of covenant otherwise than to a child of the person concerned who is wholly or mainly dependent upon him;
- (g) pursuant to section 193(1) of the Act of 1988 in respect of earnings from work done abroad;
- (h) pursuant to section 617(5) of the Act of 1988**(25)** (relief for Class 4 contributions);

(22) 1988 c. 1.

(23) Section 353(1) was amended by section 81(1) of the Finance Act 1994 (c. 9). Subsections (1A) to (1H) were inserted by section 81(2) of the Finance Act 1994. Section 353(1B) was amended by section 42(2)(a) of the Finance Act 1995 (c. 4). Further, minor amendments were made to section 353 by Schedule 29 to the Finance Act 1995.

(24) Section 365 was amended by section 57(3) of the Finance Act 1993 (c. 34).

(25) Section 617(5) was amended by the Social Security (Consequential Provisions) Act 1992 (c. 6) and by section 4 of the Social Security (Consequential Provisions) (Northern Ireland) Act 1992 (c. 9).

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- (i) pursuant to sections 574, 575 and 576 of the Act of 1988**(26)** (relief for losses on unquoted shares in trading companies);
- (j) pursuant to Chapter III of Part VII of the Act of 1988 (relief for investment in corporate trades) but, in relation to shares issued before 1st January 1994, disregarding the amendments made thereto by section 137 of and Schedule 15 to the Finance Act 1994**(27)**;
- (k) pursuant to section 202(1) to (7) and (11) of the Act of 1988**(28)** (relief for donations under payroll deduction scheme);
- (l) pursuant to regulations made under section 333 of the Act of 1988**(29)** (relief for investments under personal equity plans);
- (m) pursuant to section 54 of the Finance Act 1989**(30)** (relief for medical insurance);
- (n) pursuant to section 25 of the Finance Act 1990**(31)** (relief for donations to charity by individuals);
- (o) pursuant to sections 32 and 33 of the Finance Act 1991**(32)** (relief for vocational training);
or
- (p) pursuant to section 59 of and Schedule 10 to the Finance (No. 2) Act 1992**(33)** (relief for letting furnished accommodation in owner occupied homes).

4. There shall be left out of account, in computing a person's total income for the purpose of these Regulations, any allowance paid to him by an adoption agency pursuant to Regulations made under section 57A of the Adoption Act 1976**(34)** and any contributions paid to him by a local authority under paragraph 15 of Schedule 1 to the Children Act 1989**(35)**, any assistance given by a local authority in cash under paragraph 5 of Schedule 2 to that Act and any payment made by a local authority under paragraph 16 of that Schedule.

5.—(1) Where any income of a person includes a maintenance payment, his income for the purposes of these Regulations shall be computed as though such payment were part of his total income, whether or not such payment or any part of it would be included in his total income for tax purposes.

(2) Where a person makes a maintenance payment, his income for the purposes of these Regulations shall be computed as though such payment were not part of his total income, whether or not such payment or any part of it would be deductible for tax purposes.

(3) For the purposes of sub-paragraphs (1) and (2), “maintenance payment” means a periodical payment (not including an instalment of a lump sum) which—

(26) Section 574 was amended by section 148 of the Finance Act 1988 (c. 39) and by section 290(1) of the Taxation of Chargeable Gains Act 1992 (c. 12). Section 575 was amended by section 290(1) of the Taxation of Chargeable Gains Act 1992. Section 576 was amended by section 107 of the Finance Act 1989 (c. 26) and by section 290(1) of the Taxation of Chargeable Gains Act 1992.

(27) 1994 c. 9.

(28) Section 202(7) was amended by section 68 of the Finance Act 1993 (c. 34).

(29) Section 333 was amended by section 70 of the Finance Act 1991 (c. 31).

(30) 1989 c. 26., as amended by paragraphs 1 and 2 of Schedule 10 to the Finance Act 1994.

(31) 1990 c. 29. Section 25 of the Finance Act 1990 was amended by section 71(5) of, and Part V of Schedule 19 to, the Finance Act 1991 (c. 31), and by section 67(2) of the Finance Act 1993 (c. 34).

(32) 1991 c. 31. Section 32 of the Finance Act 1991 was amended by section 84 of, and Part V(4) of Schedule 26 to the Finance Act 1994 (c. 9). Section 33 of the 1991 Act was amended by Part VII(1) of Schedule 18 to the Finance (No. 2) Act 1992 (c. 48).

(33) 1992 c. 48.

(34) 1976 c. 36; section 57A was inserted by section 88(1) of and Schedule 10, Part I, paragraph 25 to the Children Act 1989 (c. 41); the Regulations in force at the date on which these Regulations are made are the Adoption Allowance Regulations 1991 (S.I. 1991/2030) as amended by S.I. 1991/2130 and S.I. 1991/2742.

(35) 1989 c. 41.

- (a) is made pursuant to an order made by a court (whether in the United Kingdom or elsewhere) or under any arrangement made by the Child Support Agency pursuant to the Child Support Act 1991(36) or under a separation agreement, and
- (b) is made by:
 - (i) one of the parties to a marriage (including a marriage which has been dissolved or annulled) to or for the benefit and for the maintenance of the other party; or
 - (ii) one or both of the parents of an aided pupil to or for the benefit, and for the maintenance or education, of any child of one or both of the parents; or
 - (iii) by another person to or for the benefit, and for the maintenance or education, of a child (including the aided pupil) of one or both of the parents of an aided pupil; and
- (c) is due at a time when—
 - (i) as regards a maintenance payment of the nature described in sub-paragraph (b)(i), the said parties are not living together as husband and wife; or
 - (ii) as regards a maintenance payment of the nature described in sub-paragraph (b)(ii) or (iii), the person making the payment does not reside in the same household as the child to whom or for whose benefit the payment is made.

SCHEDULE 2

Regulation 6

CONDITIONS OF PAYMENT OF GRANT

Total number of aided places

1.—(1) The Secretary of State may specify the total number of pupils who may hold aided places at a particular school.

(2) The Secretary of State may specify in the case of a school different total numbers for boarding pupils and for day pupils.

(3) In this paragraph “the specified number” means a number for the time being specified by her pursuant to sub-paragraph (1) or (2).

(4) If and so long as the total number of pupils holding aided places at a school or, as the case may be, the total number of boarding pupils or of day pupils holding such places, is not less than the specified number then no further aided places or, as the case may require, no further boarding or day aided places, shall be granted at the school.

Number of aided places granted each year

2. If the Secretary of State specifies the number of aided places which may be granted at a particular school to be taken up in a particular school year, then the school shall not grant a greater number of aided places in that year.

Selection of aided pupils

3. Aided places shall only be granted in the case of children who will be provided—

- (a) at a school other than the Royal Ballet School, with education in music (otherwise than wholly or mainly in connection with singing in a choir); or

(36) 1991 c. 48.

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- (b) at the Royal Ballet School, with education in ballet dancing.

Fees

4.—(1) Subject to sub-paragraph (2) a school may charge only such tuition or other fees and charges in respect of an aided pupil attending that school as are approved from time to time by the Secretary of State.

(2) The Secretary of State may waive the requirement in sub-paragraph (1) in the case of a school either generally or in relation to particular fees or charges but she may—

- (a) revoke any such waiver, and
- (b) require the school to fulfil such other conditions relating to fees and charges as she may specify from time to time including, in particular, conditions requiring that the school give notice to her of proposals to increase fees or charges.

(3) Only such fees or other charges as are designated by the Secretary of State shall be eligible for remission in accordance with paragraph 13 or 14 of Schedule 1.

Publication of information

5.—(1) Each school shall publish—

- (a) particulars of the Scheme;
- (b) for each school year, annual particulars of the number of aided places likely to be offered in that year, information concerning the procedures for making of applications for aided places and details of the arrangements for selection, admission and the remission of fees and charges; and
- (c) such other information as may be specified for the purposes of this paragraph by the Secretary of State.

(2) Subject to any direction given by the Secretary of State for the purposes of this paragraph, either in the case of a named school or all the schools, anything required to be published under sub-paragraph (1) shall be published in such manner, and at such time or times, as appears to the school appropriate for the purpose of bringing the matter to the attention of parents likely to be interested therein.

Returns etc. required by the Secretary of State

6. A school shall furnish the Secretary of State with such periodic returns and information as she may require relating to the school or aided pupils attending there including, in particular, information relevant to an intended increase in fees or charges for aided pupils.

School accounts

7.—(1) The accounts of a school shall—

- (a) if the Secretary of State so requires, be kept in a form specified by her; and
- (b) be audited by an independent person who is eligible under section 25 of the Companies Act 1989(37) for appointment as a company auditor.

(2) At the request of the Secretary of State, a school shall furnish her with copies of their accounts for such periods as she may specify together with copies of the auditor's certificate relating thereto.

(37) 1989 c. 28.

Teachers

8. No person who is barred from employment as a teacher at a school maintained by a local education authority by directions, given and not withdrawn, of the Secretary of State under regulations⁽³⁸⁾ for the time being in force under section 216(6) of the Education Reform Act 1988⁽³⁹⁾ shall be employed as a teacher at a school.

School governing body

9.—(1) If, after consultation with a particular school, the Secretary of State so directs, as from a date specified by her whichever of the following conditions as is specified in her direction shall apply in the case of that school, namely—

- (a) the governing body shall include one or two members, as she may specify, appointed by her, or
- (b) one or two persons representing her, as she may specify, shall be entitled to attend, and take part in any discussions at, meetings of the governing body notwithstanding that they are not members thereof and have no say in any decision taken.

(2) This paragraph shall apply in relation to a committee or sub-committee of the governing body of a school and the meetings thereof as it applies in relation to the governing body and that body's meetings.

Proposals relating to premises

10.—(1) Any proposals by a school—

- (a) to acquire new premises, or
- (b) to make alterations to existing premises,

shall be notified to the Secretary of State.

(2) If in the case of any such proposals the Secretary of State so requires, the proposals shall not be implemented without her approval which may be given either unconditionally or subject to conditions specified by her being fulfilled.

Proposals relating to boarding arrangements

11.—(1) Any proposals by a school—

- (a) to make arrangements for pupils to board at the school, or
- (b) to discontinue or vary existing arrangements under which pupils board at the school,

shall, if the Secretary of State so requires, be notified to her.

(2) If in the case of any such proposals the Secretary of State so requires, the proposals shall not be implemented without her approval which may be given either unconditionally or subject to conditions specified by her being fulfilled.

⁽³⁸⁾ The regulations in force at the date when these Regulations were made were the Education (Teachers) Regulations 1993 (S.I. 1993/543), amended by S.I. 1994/222.

⁽³⁹⁾ 1988 c. 40; section 218(6) was amended by section 290(3) of the Education Act 1993 (c. 35).

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Corporal punishment

12. No person shall be debarred from receiving education under the Scheme (whether by refusing to select him, suspending his attendance or otherwise) by reason of the fact that section 47 of the Education (No. 2) Act 1986(40) applies in relation to him or, if he were selected, might so apply.

SCHEDULE 3

Regulation 12(3)

CHOIR SCHOOLS

Abbey School, Tewkesbury
Bristol Cathedral School
Christ Church Cathedral School, Oxford
Durham Chorister School
Exeter Cathedral School
Hereford Cathedral School
King's College School, Cambridge
King's School, Ely
King's School, Gloucester
King's School, Rochester
King's School, Worcester
Lanesborough School, Guildford
Lichfield Cathedral School
Lincoln Cathedral School
Llandaff Cathedral Choir School, Cardiff
Magdalen College School, Oxford
New College School, Oxford
Norwich School
Pilgrim's School, Winchester College
Prebendal School, Chichester
Queen Elizabeth's Grammar School, Wakefield
Ripon Cathedral Choir School
Salisbury Cathedral School
St Edmund's Junior School, Canterbury
St Edward's College, Liverpool
St George's School, Windsor
St James' School, Grimsby
St John's College School, Cambridge
St Mary's Choir School, Reigate
St Paul's Cathedral Choir School, London

(40) 1986 c. 61; section 47 was amended by the Education Reform Act 1988 (c. 40), Schedule 12, Part I, paragraph 35 and Schedule 13, Part II, and by the Education Act 1993 (c. 35), section 293 and Schedule 19, paragraph 101.

Wells Cathedral School
Westminster Abbey School
Westminster Cathedral School
York Minister School

SCHEDULE 4

Regulation 16(1)

REVOCATION

Regulations revoked	References
The Education (Grants) (Music and Ballet Schools) Regulations 1989	S.I. 1989/1236
The Education (Grants) (Music and Ballet Schools) (Amendment) Regulations 1990	S.I. 1990/1548
The Education (Grants) (Music and Ballet Schools) (Amendment) Regulations 1991	S.I. 1991/1831
The Education (Grants) (Music and Ballet Schools) (Amendment) Regulations 1992	S.I. 1992/1662
The Education (Grants) (Music and Ballet Schools) (Amendment) Regulations 1993	S.I. 1993/1938
The Education (Grants) (Music and Ballet Schools) (Amendment) Regulations 1994	S.I. 1994/2036

27th July 1995

Cheryl Gillan
Parliamentary Under Secretary of State,
Department for Education and Employment

31st July 1995

William Hague
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations consolidate, with amendments, the Education (Grants) (Music and Ballet Schools) Regulations 1989 which, with Regulations amending them, are revoked by regulation 16(1). They come into force on 25th August 1995 and apply in relation to a school year beginning on or after that date (regulation 1).

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The Regulations provide for the payment of grant to the schools of music and ballet specified in regulation 3(1) to reimburse them for their expenditure in operating the aided pupil scheme described in Schedule 1. That scheme allows schools to remit tuition and other fees, and to pay uniform and travel grant in respect of aided pupils.

The Secretary of State is also empowered to pay grant to—

- (a) the Royal Ballet School in respect of their expenditure in providing education in ballet dancing for pupils in the Upper Division of the School (regulations 9 to 11), and
- (b) the Choir Schools' Association Bursary Trust in respect of education provided to choristers aged between 8 and 13 attending one of the choir schools listed in Schedule 3 (regulations 12 to 15).

The amount of grant payable to the Royal Ballet School and the Trust is to be determined after consultation with them. Payment of grant may only be made in respect of pupils who satisfy the residence requirements specified in Schedule 1, paragraph 2.

Apart from minor drafting amendments, the main changes from the previous Regulations are set out below.

1. In Part I, the definition of “parents” in regulation 4 has been revised to take account of the provisions of the Children Act 1989 and to limit the definition to the person(s) with whom the child resides in the same household. In relation to a child selected for an aided place under the 1989 Regulations (as amended) in the school year 1994/5, the previous definition of “parents” will continue to apply for the school year 1995/6 and other school years immediately following ones in which the child holds an aided place (regulation 16(2)).

2. As regards Schedule 1 (which establishes the aided pupil scheme, sets out conditions of eligibility for aided places, and provides for remission of fees, payment of grant and administrative provisions):

- (a) the condition relating to residence (paragraph 2), which also applies in relation to grants to choir schools and the Royal Ballet School, has been revised to:
 - (i) remove the requirement that a child who is a national of a member state of the European Community be resident in the British Islands on the relevant date; and
 - (ii) take account of the European Economic Area agreement.
- (b) In paragraph 5(3):
 - (i) certain maintenance payments made to or for the benefit of an aided pupil by an absent parent, are to be taken into account in assessing “total income” for the purposes of the Regulations; and
 - (ii) such payments made by a parent with whom the pupil resides, to or for the benefit of another child not in the same household, are to be left out of account in making that assessment.

Under the previous Regulations, such payments were only taken into or left out of account where they were made by a party to a marriage or former marriage.

- (c) In paragraph 8, the reduction to be made in relevant income in respect of dependent relatives pursuant to sub-paragraphs (3) and (5) has been increased to £1,165 (from £1,140 in the previous Regulations).
- (d) In paragraphs 13 and 14, the means tests for the remission of fees is relaxed: the level of income at or below which fees are to be wholly remitted is set at £8,239 instead of £8,049 (in respect of boarding pupils), and £10,360 instead of £10,121 (in respect of day pupils), with corresponding increases in the extent of remission where relevant income exceeds those sums.

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

- (e) In paragraphs 17 and 18, the means tests for uniform and travel grants are relaxed and the amount of grant payable increased.
 - (f) In paragraph 21, a new upper distance limit is introduced in respect of payment of travel grant for aided pupils who are weekly boarders: the cost of the part of any journey exceeding 80 kilometres will no longer be eligible for grant.
- 3.** In Schedule 2, the requirement in paragraph 7 for the accounts of schools to be audited is amended to require the auditor to be a person who is eligible to audit company accounts.
- 4.** In Schedule 3, the choir school at Llandaff Cathedral, Cardiff is added to the list of choir schools in respect of which the Secretary of State is empowered to pay grant pursuant to Part IV.