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STATUTORY INSTRUMENTS

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**1997 No. 1968**

**The Education (Assisted Places) Regulations 1997**

**PART II**

*Fees for assisted pupils*

**Fee levels**

4. Subject to regulations 5, 6 and 19(7), the fees charged by a school for an assisted pupil in any school year shall not exceed such maximum annual amount as, apart from section 1 of the 1997 Act, the school would have been entitled to charge for him in the 1997—98 school year—

- (a) under the participation agreement, or
- (b) by virtue of regulation 21 of the 1995 Regulations<sup>(1)</sup> where, before the commencement of that section, the school gave notice to the Secretary of State under that regulation of their intention to increase fees in that year.

**Increase in fees**

5.—(1) A school may increase the annual amount of the fees for an assisted pupil to an amount which exceeds the maximum amount that is chargeable by virtue of regulation 4 but shall not do so without first giving the Secretary of State at least one month's written notice of their intention so to do.

(2) If within one month of receiving such notice the Secretary of State so directs, a school shall refrain from making the increase or shall postpone or restrict the amount of the increase, as he may then or subsequently require.

**Power of the Secretary of State to vary fee levels**

6.—(1) The Secretary of State may give a direction to—

- (a) schools of any class or description, or
- (b) any individual school,

specifying a maximum level of fees applying to assisted pupils at any such school which is different from that which would otherwise apply by virtue of regulation 4 or 5.

(2) A direction under this regulation may specify different maximum levels of fees in relation to different age groups of assisted pupils.

(3) Before giving a direction under paragraph (1)(a), the Secretary of State shall consult such bodies as appear to him to be appropriate and representative of the schools to which it is intended the direction should apply.

(4) Before giving a direction to an individual school under paragraph (1)(b), the Secretary of State shall consult that school.

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(1) S.I.1995/2016. Regulation 21 of those Regulations was amended by regulation 6 of S.I. 1996/2113.

(5) Where the Secretary of State has given a direction to a school under this regulation, the fees charged by the school for an assisted pupil in any school year shall not, for so long as that direction remain in force, exceed the figure specified in the direction as the maximum level of fees applying to that pupil or, as the case may be, pupils in the age group in which he falls.

**Payment of fees**

7.—(1) The fees for an assisted pupil for any school year (other than in respect of entrance fees for public examinations) shall be payable in respect of each term and, subject to any variation in fees in the course of the school year, the fees payable in respect of each term shall be a third of those payable for the whole of that year.

(2) Subject to paragraphs (3) and (4), a school shall not make it a condition of the attendance of any assisted pupil that any payment be made to the school otherwise than in respect of fees, or into a fund (including a bursary or similar fund) specified by the school.

(3) Where—

- (a) an offer of assistance with boarding fees was made by the school (or in pursuance of arrangements to which the school is a party) in respect of an assisted pupil at the time when he was offered an assisted place at the school for the purposes of the assisted places scheme, and
- (b) that offer was conditional on his taking up a boarding place,

the school may make it a condition of his attendance that boarding fees be paid.

(4) Where paragraph (3) does not apply, the school may at any time offer a boarding place in respect of an assisted pupil, and if the offer is accepted and, for as long as the pupil remains a boarder at the school, make it a condition of his attendance that boarding fees be paid.