
STATUTORY INSTRUMENTS

2001 No. 2743

**Education (Grants) (Music, Ballet and
Choir Schools) (England) Regulations 2001**

Part I

General

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Education (Grants) (Music, Ballet and Choir Schools) (England) Regulations 2001 and shall come into force on 1st September 2001.

(2) These Regulations shall apply in relation to a school year beginning on or after the date that they come into force.

(3) These Regulations apply only in relation to England.

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;

“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 13 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;

“European Union” means the territory comprised in the member States of the European Union as constituted from time to time;

“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992⁽¹⁾ as adjusted by the Protocol signed at Brussels on 17th March 1993⁽²⁾;

“European Economic Area” means the area comprised by the States which are Contracting Parties to the EEA Agreement;

(1) Cm. 2073.

(2) Cm. 2183.

“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;

“refugee” means a person who:

- (a) is recognised by Her Majesty’s Government as a refugee within the meaning of the United National Convention relating to the Status of Refugees done at Geneva on 28th July 1951⁽³⁾ as extended by the protocol thereto which entered into force on 4th October 1967⁽⁴⁾, 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 Regulation revoked by regulation 15;

“school” has the meaning assigned by regulation 3; and

“school year” in relation to a school means the period beginning with the first school term to begin after July and ending with the beginning of the first such term to begin after the following July.

- (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.

References to schools

3.—(1) Any reference in these Regulations to a school is a reference to a school which with the prior consent of the Secretary of State is participating in the aided pupil scheme described in Schedule 1 and which has been finally registered as an independent school in accordance with section 465(3) of the Education Act 1996.

(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 paragraphs (2) and (3), 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—

(3) UKTS39 (1954), Cmnd 9171.

(4) Cmnd 3906.

- (i) they live together as husband and wife (whether or not they are married to each other), and
 - (ii) the child normally resides with 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⁽⁵⁾ 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.
- (2) Where a child or aided pupil—
- (a) either has no parents as defined in paragraph (1) 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,

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.

(3) 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.

(4) Where a child has been adopted pursuant to an order of a court of competent jurisdiction, references in paragraph 1(a) and (b) to “father” and “mother” shall be construed as references to the adoptive parents and not his natural parents.

(5) 1989 c. 41.