
SCOTTISH STATUTORY INSTRUMENTS

2001 No. 222

The Education (Assisted Places) (Scotland) Regulations 2001

PART II

ELIGIBILITY FOR ASSISTED PLACES

Conditions as to eligibility

3.—(1) A child shall be eligible for admission to an assisted place only if all the conditions mentioned in this Part are, so far as relevant, satisfied in their case.

(2) Nothing in this regulation shall prevent a child from being admitted to an assisted place in advance of its being ascertained that such a condition is satisfied if the admission is subject to the condition being satisfied.

Conditions as to residence

4.—(1) It shall be a condition that the child shall—

- (a) have been ordinarily resident in the British Islands throughout the period of two years immediately preceding the relevant date; or
- (b) be a national of an EEA State—
 - (i) who has been ordinarily resident in the European Economic Area throughout the period of two years immediately preceding the relevant date; and
 - (ii) to whom 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 the child or, as the case may be, their parent was recognised as a refugee or granted leave to enter or remain in the British Islands as a refugee.

(2) This paragraph applies to a child whose parents are entitled to a remission of fees by virtue of Article 7(2) or (3) or Article 12 of the Council Regulation (EEC) No. 1612/68(1) on freedom of movement for workers within the Community (which was extended to apply to the whole European Economic Area by the EEA Agreement).

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

(1) O.J. No. L 257, 19.10.68, p.2 (O.J./S.E. 1968 (II), p.475), amended by Council Regulation (EEC) No. 2434/92 (O.J. No. L 245, 26.8.92, p.1).

Conditions as to age and education

5.—(1) It shall be a condition that the child shall have attained the age of 5 years before 1st March of the calendar year immediately succeeding the calendar year in which their first assisted year commences.

(2) A participating school shall not admit to an assisted place a child in relation to whom it is not satisfied that the child will be committed throughout the whole of his first assisted year and any subsequent assisted year to follow a course of school education other than activities in nursery schools and nursery classes.

Conditions as to income

6.—(1) It shall be a condition that the parents of the child, when applying to the participating school for an assisted place, shall have furnished the school with—

- (a) (i) a declaration of relevant income for the financial year immediately preceding the school year in relation to which the application is made; or
- (ii) if such a declaration cannot be furnished, a declaration of relevant income for the financial year preceding that financial year and a declaration of estimated relevant income for that financial year; and
- (b) such other information as may be specified for the purposes hereof by the Scottish Ministers.

(2) A participating school shall not admit to an assisted place a child whose fees for their first assisted year would not fall to be remitted in whole or in part in pursuance of Part III of these Regulations.