
SCOTTISH STATUTORY INSTRUMENTS

2001 No. 222

The Education (Assisted Places) (Scotland) Regulations 2001

PART IV

MAKING OF GRANTS AND REMISSION OF CHARGES

General

14.—(1) The provisions of this Part shall apply in relation to the making of grants and remission of charges in respect of an assisted pupil.

(2) Subject to the provisions of this Part, a participating school shall make grants in respect of school travel expenditure (hereinafter in this Part referred to as “school travel grants”) and clothing expenditure (hereinafter in this Part referred to as “clothing grants”) and shall remit charges in respect of meals provided and participation in field study courses all in accordance with the provisions of this Part.

(3) Subject to the provisions of regulations 15(4), 16(7) and 17(1), no grant shall be made in pursuance of these Regulations to a parent of an assisted pupil in respect of school travel or clothing expenditure incurred or relating to any period before the date on which they took up an assisted place or after the date on which they ceased to hold an assisted place; and no such charges as are mentioned in paragraph (2) in respect of any such period shall be remitted in pursuance of these Regulations.

(4) Where a pupil attended a school before they took up an assisted place thereat then, in pursuance of these Regulations—

- (a) no grants shall be paid to their parents in respect of expenditure incurred before the date they took up their assisted place;
- (b) no charges shall be remitted in respect of a period before that date.

(5) The parents of an assisted pupil shall not be entitled to any grants from a participating school in respect of such expenditure incurred relating to a period after the pupil has left the participating school or, if the pupil remains at the school, after the end of the school year in which the pupil attains the age of 20 years nor shall they be entitled to any remission of charges for which they are liable (in lieu of notice or otherwise) in respect of such a period.

(6) In this regulation, “school travel expenditure” includes school travel expenditure as defined in regulations 15(2) and 16(2) and “clothing expenditure” has the meaning assigned thereto by regulation 17(1).

School travel grants for day pupils and amounts thereof

15.—(1) This regulation shall apply in relation to school travel grants in the case of an assisted pupil who is a day pupil in attendance at a participating school.

(2) In this regulation “school travel expenditure” means such amount as may be determined, in accordance with the provisions of this regulation, to be the aggregate amount of travelling expenses incurred by the parents of an assisted pupil who is a day pupil in attendance at a participating school in respect of their travel to and from the school by any of the following means:—

- (a) by public transport, that is to say, by train, bus, boat, hovercraft or air services available to the public;
- (b) by transport provided in pursuance of arrangements made by that school and for the time being approved by the Scottish Ministers;
- (c) by any combination thereof,

where the walking distance between his home and that school exceeds 3.2 kilometres each way in the case of pupils whose age does not exceed 8 years and 4.8 kilometres each way in the case of pupils of any other age, in each case measured by the nearest available route.

(3) A school travel grant shall also be payable in respect of school travel expenditure reasonably incurred in relation to journeys actually made by the pupil in the school year within the British Islands for the purpose of attending a university, college or other establishment of further education at the invitation of the establishment with a view to being admitted to that establishment for the purpose of further education; and said grant shall be payable in respect of not more than three such journeys from the school or from the pupil's home to such an establishment and three journeys from the establishment to the school or to the pupil's home in any school year.

(4) A participating school, in accordance with this regulation—

- (a) shall, in respect of any school year, make a school travel grant in respect of any assisted pupil in whose case this regulation applies in attendance at the school to the parents of that pupil in respect of school travel expenditure incurred by them in respect of that pupil for that year; and
- (b) may, in the course of, or immediately before the commencement of any school year, make payments in advance on account of any school travel grant in respect of school travel expenditure, being grant which it appears to it will fall to be made in respect of that year to the parents of such an assisted pupil,

and, where payments are made in accordance with sub-paragraph (b), any overpayment or underpayment of grant for the year in question shall, within three months of the final determination of the amount (if any) of the school travel grant, be adjusted by payments between the parents and the school.

(5) For the purposes of determining the aggregate amounts of travelling expenses mentioned in paragraph (2), the following provisions shall apply:—

- (a) where an assisted pupil's travelling expenses are incurred in respect of journeys in excess of 40.2 kilometres each way between home and school by any of the means of transport mentioned in paragraph (2), account shall be taken of only so much of the expenses as bears the same proportion to the full amount thereof as 40.2 kilometres bears to the length in kilometres of the journey in question measured with reference to the actual distance by the nearest available route between the pupil's home and the school;
- (b) where such expenses are in respect of journeys by public transport and they are in excess of the expenses which 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.

(6) The amount (if any) of school travel grant to be made in relation to an assisted pupil in respect of any school year in accordance with this regulation shall be determined in accordance with this paragraph by reference to the school travel expenditure incurred in respect of that pupil for that school year and to the relevant income of their parents in the preceding financial year as follows:—

- (a) in any case where the relevant income does not exceed £11,129 per annum, the school travel grant shall be such sum as is equal to the amount of the school travel expenditure so incurred;

- (b) in any other case, the school travel grant shall be such sum as is equal to the amount (if any) by which the school travel expenditure so incurred exceeds one twelfth rounded down to the nearest multiple of £3 of the sum by which that relevant income exceeds £10,950.

School travel grants for boarding pupils and amounts thereof

16.—(1) This regulation shall apply in relation to school travel grants in the case of an assisted pupil who is a boarder in attendance at a participating school.

(2) In this regulation “school travel expenditure” means such amount as may be determined, in accordance with the provisions of this regulation, to be the aggregate amount of travelling expenses reasonably incurred by the parents of an assisted pupil in respect of whom this regulation applies in respect of travel to and from the school by the assisted pupil by any of the following means:—

- (a) by public transport services including any train, bus, boat, hovercraft or air services within such services;
- (b) by transport provided in pursuance of arrangements made by that school and for the time being approved by the Scottish Ministers;
- (c) by any combination thereof.

(3) A participating school, in accordance with this regulation, shall make, in respect of any school year, a school travel grant to the parents of the assisted pupil in respect of their school travel expenditure:

Provided that—

- (a) in the case of a pupil who is a boarder (other than a weekly boarder) grant shall not be payable in respect of more than 12 single journeys, either to or from school in any school year;
- (b) in the case of a pupil who is a weekly boarder no grant shall be payable unless the pupil’s walking distance between home and school exceeds 4.8 kilometres, but in respect of journey’s in excess of 80.5 kilometres in each direction by any such transport as is mentioned in paragraph (2) account shall be taken of only so much of those expenses as bears to the full amount thereof the same proportion as 80.5 kilometres bears to the length in kilometres of the journey in each direction measured with reference to the actual distance by the nearest available route between the pupil’s home and the school;
- (c) in the case of any pupil—
 - (i) where the pupil’s expenses are in respect of journeys by public transport and they are in excess of what they would have been if advantage had been taken of available arrangements for reduced or concessionary fares, the excess shall be disregarded;
 - (ii) where the journey is to or from a place outside the British Islands, so much of the expenses as are in respect of a journey between a port, hoverport or airport within the British Islands and that place shall be disregarded;
 - (iii) where the pupil’s expenses are in respect of journeys by air and they are in excess of what they would have been if advantage had been taken of available train, boat or hovercraft services and arrangements for reduced or concessionary fares, the excess shall be disregarded.

(4) A school travel grant shall also be payable in respect of school travel expenditure reasonably incurred in relation to journeys actually made by the pupil in the school year within the British Islands for the purpose of attending a university, college or other establishment of further education at the invitation of the establishment with a view to being admitted to that establishment for the purpose of further education; and said grant shall be payable in respect of not more than three such

journeys from the school or from the pupil's home to such an establishment and three journeys from the establishment to the school or to the pupil's home in any school year.

(5) The amount of any grant awarded in relation to an assisted pupil in respect of any school year under paragraph (4) shall be determined in accordance with this paragraph by reference to the actual cost of such journeys subject to the provisions of paragraph (3)(c) and to the relevant income of his parents in the preceding financial year so that—

- (a) in any case where the relevant income does not exceed £11,129 per annum, the school travel grant shall be such sum as is equal to the amount of the school travel expenditure so incurred;
- (b) in any other case, the school travel grant shall be such sum as is equal to the amount (if any) by which the school travel expenditure so incurred exceeds one twelfth rounded down to the nearest multiple of £3 of the sum by which that relevant income exceeds £10,950.

(6) For the purposes of paragraphs (4) and (5), sub-paragraphs (a) and (b) of paragraph (3) shall have no effect.

(7) A participating school may, in the course of or immediately before a school year, make payments, on account of any school travel grant in respect of school travel expenditure, being grant which it appears to it will fall to be made in respect of that year to the parents of that pupil; and where any such payments on account are made, any overpayment or underpayment of grant for the year in question shall, within 3 months of the final determination of the amount (if any) of the school grant, be adjusted by payments between the parents and the school.

Clothing grants

17.—(1) In this regulation “clothing expenditure” means expenditure on items of uniform and other clothing (including sports clothing) required to be worn at school by an assisted pupil which the school is satisfied—

- (a) has been incurred by the parents of that pupil; or
- (b) is about to be incurred by them but which they cannot, without financial hardship, incur in advance of the making of grant under this regulation.

(2) A clothing grant shall be made in the case of an assisted pupil as respects whom the relevant income does not exceed £11,952 and 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) £73, where the relevant income is £11,116 or less;
- (b) £38, where that income exceeds £11,116 but does not exceed £11,952.

Remission of charges for meals

18. Where the parents of an assisted pupil satisfy the school that at any time during a school year, or the month preceding the beginning of a school year, they are in receipt of income support under Part VII of the Social Security Contributions and Benefits Act 1992⁽¹⁾ or income based jobseeker's allowance under the Jobseekers Act 1995⁽²⁾, the school shall make such provision for meals in the middle of the day for that pupil as appears to the school to be requisite and shall remit the whole of any charges in respect of such provision—

- (a) during the whole of that school year, where it is satisfied as aforesaid at or before the beginning of that year; or

(1) 1992 c. 4.
(2) 1995 c. 18.

(b) for the remainder of the school year, where it is so satisfied in the course thereof.
notwithstanding that the parents may cease to be in receipt of income support between the participating school being so satisfied and the end of the school year in question.

Questions arising under regulations 14 to 18

19.—(1) The questions whether or not the parents of an assisted pupil are entitled in or for any school year to—

- (a) school travel grant under regulations 15 and 16;
- (b) school clothing grant under regulation 17;
- (c) remission of charges for meals under regulation 18,

and the amount or extent thereof shall be determined as provided in regulation 11 in like manner as questions relating to fee remission in that year are determined under that last mentioned regulation:

Provided that, in any case where the circumstances are such as are mentioned in either regulation 11(2)(a) or (b) and the amount or extent of a school clothing grant requires to be determined, the foregoing provision shall not apply.

(2) Regulations 8, 9, 10(2), (3) and (4), 11(1) and 12 and Schedule 1 shall apply for the purposes of regulations 14 to 18 as if any references therein—

- (a) to the remission of fees were a reference to the grants and remission of charges for meals mentioned in paragraph (1);
- (b) to remission questions were a reference to the questions so mentioned.

Remission of charges for field study courses

20.—(1) In this regulation a “field study course” means a course of field study (provided by a participating school or otherwise) which forms part of a course of school education at the school for any examination conducted by the Scottish Qualifications Authority or other examinations comparable thereto, being examinations in—

- (a) biology;
- (b) botany;
- (c) geography;
- (d) geology;
- (e) zoology; or
- (f) any other subject approved for the purposes hereof by the Scottish Ministers

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

(2) Charges which a participating school would otherwise make in respect of the participation in a field study course of an assisted pupil while holding an assisted place at that school shall be remitted in accordance with this regulation.

(3) The remission of charges mentioned in paragraph (2) shall be made if, and only if, the pupil in respect of whom remission is to be made—

- (a) is a candidate or prospective candidate for a relevant public examination; and
- (b) their parents are entitled in accordance with Part III of these Regulations to remission of fees in whole or in part for the school year in which the course is held.

Reimbursement of amounts of grants made or charges remitted by a participating school

21.—(1) Subject to paragraph (2), the Scottish Ministers shall in accordance with these Regulations reimburse to a participating school the aggregate amounts granted or remitted by it in respect of travel grants, clothing grants, charges for meals and charges for field study courses as respects assisted pupils holding assisted places in the school.

(2) The amounts so reimbursed to any participating school shall not exceed in relation to any school year the maximum annual amount in respect of that year allocated for the purposes of section 75B of the Act and stated in accordance with section 75A(3) of the Act in the determination of that school.