

SCHEDULE 1

Regulation 2

SCHEME FOR AIDED PLACES AT ST MARY'S MUSIC SCHOOL

PART I
INTRODUCTORY

Interpretation

1.—(1) In this Scheme—

“British Islands” means the United Kingdom, the Channel Islands and the Isle of Man;

“child” includes a step-child and a child adopted in pursuance of adoption proceedings (and “father” and “mother” shall be construed accordingly) and, notwithstanding the definition in section 135(1) of the Act, “child” includes a person who is over school age but has not attained the age of 20 years at the commencement of any school year of the school;

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

“EEA State” means a state which is a Contracting Party to the EEA Agreement;

“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 Economic Area” means the area of the EEA States and includes those States at any time before the EEA Agreement came into force in relation to them;

“financial year” has the meaning assigned thereto by paragraph 9(1);

“first aided year” has the meaning assigned thereto by paragraph 2(3);

“income”, “relevant income” and “total income” have the meanings respectively assigned thereto by paragraph 10(1) and 10(2);

“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(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 they are considered not to qualify for recognition as a refugee, it is thought right to allow them 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’s first aided year begins; and

“school day” means any day during which the school is open for the attendance of pupils.

(2) Any reference in this Scheme to the parents of a child or aided pupil is a reference—

(1) Cmnd. 2073.
(2) Cmnd. 2183.
(3) Cmnd. 9171.
(4) Cmnd. 3906.

- (a) in the ordinary case, to the father and mother (whether or not they are married to each other) of the child or aided pupil or, where one is dead, to the survivor and, should they remarry, the spouse of the survivor;
 - (b) where the father or mother of the child or aided pupil, with whom the child or aided pupil normally lives, has married a person who is not the parent of the child or assisted pupil, to that parent and their spouse;
 - (c) where the parents of the child or aided pupil, as defined in sub paragraph (a), are divorced or, in any of the circumstances mentioned in paragraph (4), separated, to that one of them with whom the child or assisted pupil normally lives or who, in pursuance of a court order, is entitled to have the child or aided pupil normally live with them and, should that person remarry, their spouse;
 - (d) where the child or aided pupil has no parents as defined in sub paragraphs (a) to (c), to their guardian or guardians (if any) or to any person or persons with whom the child or aided pupil normally lives in accordance with either—
 - (i) an order relating to parental responsibilities or parental rights made under section 11(1) of the Children (Scotland) Act 1995⁽⁵⁾; or
 - (ii) any subsisting court order (other than an order made under section 11(1) of the Children (Scotland) Act 1995) which specifies who is to have actual custody or care and control of the child or assisted pupil;
 - (e) where the child or aided pupil has no parents so defined and no guardian, or where there is no order as mentioned in sub paragraph (d), to the person or persons who have care of the child or aided pupil.
- (3) Where a child or aided pupil—
- (a) either has no parents as defined in paragraph (2)(a), (b), (c) or (d) or has such parents whose whereabouts are unknown; and
 - (b) is looked after by a local authority under the Children (Scotland) Act 1995,

then, for the purposes of these Regulations, they shall be treated as a child or aided pupil whose parents have no income and, subject thereto, any reference in these Regulations to their parents shall be construed as a reference to the local authority who are looking after them.

- (4) The circumstances referred to in paragraph (2)(c) are that the parents are separated under an order of a court of competent jurisdiction or by a deed of separation, where they are not so separated (and whether or not they are married to each other), that—
- (a) it is not reasonably practicable to find one of the parents; or
 - (b) in pursuance of a court order or in accordance with a maintenance assessment under the Child Support Act 1991⁽⁶⁾ one parent is liable to make periodic payments to or for the benefit of the other or one or more of their children; or
 - (c) in pursuance of a court order—
 - (i) one parent has been given care of, or access to, one or more of their children; or
 - (ii) one parent is prohibited from entering the matrimonial home.

⁽⁵⁾ 1995 c. 36.

⁽⁶⁾ 1991 c. 48.

PART II

ELIGIBILITY FOR REMISSION OF FEES

Conditions as to eligibility

2.—(1) A child shall be eligible for remission of fees payable to the school only if all the conditions mentioned in this Part are, so far as relevant, satisfied in their case.

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

(3) In this Part “first aided year” means the school year in which a child would first take up an aided place if admitted thereto.

Conditions as to residence

3.—(1) It shall be a condition that a 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 they 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(7) 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.

Conditions as to age

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

- (a) shall have attained the age of 8 years before taking up an aided place at the school; or
- (b) will attain that age on or before 31st July next following his taking up an aided place.

(2) In the case of a child who is, or if admitted to an aided place will be, a chorister, it shall be a condition that they have not attained the age of 13 years at the commencement of a school year in which they hold an aided place.

(7) 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 education

5. It shall be a condition that a child shall follow a course at the school of education in music (otherwise than wholly or mainly in connection with singing in a choir), or shall be a chorister.

Conditions as to income

6.—(1) 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—

- (a) a declaration of relevant income for the financial year immediately preceding the school year in relation to which the application for fee remission is made; or
- (b) 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
- (c) such other information as may be specified for the purposes hereof by the Scottish Ministers.

(2) The school shall not admit to an aided place a child whose fees for his first aided year would not fall to be remitted in whole or in part in pursuance of Part III of this Scheme.

Conditions as to furnishing of information

7. 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 requisite for determining whether the child is eligible for selection for such a place.

PART III

REMISSION OF FEES

References to remission questions

8.—(1) For the purposes of this Part “remission questions” mean the questions whether or not the parents of a pupil are entitled to any remission of fees payable in respect of the pupil and the extent of such remission.

(2) Questions whether aid should be granted as hereinafter provided by way of remission of fees shall be determined by the school for the school year in which a pupil 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; and such questions and aid are hereinafter referred to, respectively, as “aid questions” and “aid”.

(3) Where either—

- (a) the 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 number of children of the parents who hold aided places differs for different parts of the school year,

aid questions shall be determined by the school for that part, or separately for those parts, and the extent to which fees in respect of part of a school year are to be remitted shall be that proportion of the amount by which the fees for the whole second year would fall to be remitted which is the proportion which the fees for the part bear to the fees for the whole school year; and for the purposes of this paragraph the duration of the school year and such part shall be calculated with reference to the total number of school days occurring therein respectively.

References to financial years

9.—(1) For the purposes of this Part, “financial year” means, subject to sub-paragraph (2), a year ending with 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 business, 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 with such date as appears to the school expedient, having regard to any accounts kept in respect of that business, profession or vocation and the periods covered thereby:

Provided that, where that year ends with a date after 5th April but before the beginning of a school year, then, in relation to that school year, “proceeding financial year” shall mean the year last so ending before 6th April in the calendar year in which the school year begins and “current financial year” shall mean the year so ending on or after that 6th April and before the beginning of the school year.

References to income

10.—(1) For the purposes of this Part the income of any person for a financial year shall, subject to the provisions of the Appendix to this Scheme, be taken to be the parent’s total income for that year; and, in this paragraph and that Appendix, “total income” has same meaning as in section 835 of the Income and Corporation Taxes Act 1988⁽⁸⁾.

(2) For the purposes of this Part “relevant income” as respects parents for an aided pupil means, in relation to any financial year, their income for that year aggregated with the unearned income for that year, if any, of the pupil and of any other of the parents’ children who are wholly or mainly dependent on them at the time the relevant income is calculated less, where sub-paragraph (3) or (5) applies, the sum there mentioned; and 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 £1,430 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 the parents or on payments made to that person or for their benefit as mentioned in paragraph (4),
- (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 paragraph (3)(a) are ones made by one or both of the parents, including sums paid as mentioned in paragraph 3(2)(f) of the Appendix to this Scheme, but excluding any other payments which fall to be deducted in ascertaining total income for the purposes of these Regulations.

(5) Where a child (other than the aided pupil) who is wholly or mainly dependent on the parents or on payments made to the child or for the child’s 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 the amount of that award, a sum exceeding £1,430 in respect of the parental contribution which is assumed to be available as part of the resources of that child, that sum shall be deducted from the relevant income in lieu of the £1,430 prescribed in respect of that child by sub-paragraph (3).

(6) The awards referred to in sub-paragraph (5) are—

⁽⁸⁾ 1988 c. 1. Section 835 was amended by the Finance Act 1988 (c. 39) Schedule 3, paragraph 22 and Schedule 14, Part IV; the Capital Allowances Act 1990 (c. 1) Schedule 1, paragraph 8(38); the Finance Act 1996 (c. 8) Schedule 6, paragraph 24; the Finance Act 1998 (c. 36) Schedule 3, paragraph 40 and Schedule 6, paragraph 16; and the Capital Allowances Act 2001 (c. 2) Schedule 2, paragraph 62.

- (a) an allowance granted by the Scottish Ministers pursuant to regulations from time to time in force or having effect under sections 73 and 74 of the Act(9) providing for the payment of allowances to students(10);
 - (b) a bursary granted by an education authority pursuant to regulations from time to time in force and having effect under section 49 of the Act(11) providing for the payment of bursaries to persons undertaking courses of full-time education which are not courses of school education(12);
 - (c) a mandatory award paid by a local education authority in England and Wales pursuant to regulations from time to time in force under section 1 of the Education Act 1962(13) providing for the payment of awards to students attending specified courses of further or higher education(14);
 - (d) an award made by—
 - (i) the Northern Ireland Executive’s Higher and Further Education, Training and Employment Department pursuant to article 50 of the Education and Libraries (Northern Ireland) Order 1986(15) and regulations from time to time in force thereunder(16), being an award in respect of attendance at a course which commenced before 1st September 1999, a first degree course or a postgraduate course for the training of teachers; or
 - (ii) the Northern Ireland Executive’s Higher and Further Education, Training and Employment Department pursuant to article 51 of the said Order(17), being an award in respect of attendance at an approved postgraduate course at university, colleges or other institutions, or other approved course, or for the purposes of enabling or encouraging the holder to take advantage of educational facilities available to them.
- (7) In this paragraph, any reference to the parents of an aided pupil is a reference to the persons who are his parents at the time the relevant income is calculated.

General provisions relating to remission

11.—(1) The parents of an aided pupil shall not be entitled to any remission of fees for which they are liable in respect of a period before the pupil took up his aided place or (in lieu of notice or otherwise) after the pupil has left the school or, if the pupil remains at the school, after the end of the school year in which they attain the age of 20 years.

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- (9) Sections 73 and 74 were amended by the Self-Governing Schools etc. (Scotland) Act 1989 (c. 39), section 73 and Schedule 10, paragraph 8(17) respectively; section 73 was amended by the Teaching and Higher Education Act 1998 (c. 30), section 29.
 - (10) The Regulations in force at the date on which these Regulations were made are the Students' Allowances (Scotland) Regulations 1999 (S.I.1999/1131). The administrative arrangements for assessing assumed parental contributions are set out in the booklet “Student Support in Scotland” published in April 2001 by the Student Awards Agency, copies of which are obtainable from the Student Awards Agency for Scotland, Gyleview House, 3 Redheughs Rigg, Edinburgh EH12 9HH.
 - (11) Section 49 was amended by the Self-Governing Schools etc. (Scotland) Act 1989 (c. 39), Schedule 10, paragraph 8(9).
 - (12) The Regulations in force at the date on which these Regulations were made are the Education Authority Bursaries (Scotland) Regulations 1995 (S.I. 1995/1739), as amended by S.I. 1997/1049.
 - (13) 1962 c. 12; section 1 was substituted by section 19 of 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); the entire Act was repealed by the Teaching and Higher Education Act 1998 (c. 30), Schedule 4, subject to the saving and transitional provisions set out in the Teaching and Higher Education Act 1998 (Commencement No. 4 and Transitional Provisions) Order 1998 (S.I. 1998/3237 (c.81)), article 4.
 - (14) The Regulations in force at the date on which these Regulations were made were the Education (Mandatory Awards) Regulations 1999 (S.I. 1999/1494), as amended by S.I. 2000/1425.
 - (15) S.I. 1986/594 (N.I. 3). Article 50(1) and (2) was repealed by Article 9 of, and the Schedule to, the Education (Student Support) (Northern Ireland) Order 1998 (S.I. 1998/1760) (N.I. 14), subject to the transitional and saving provisions in Part II of the Education (Student Support) (Northern Ireland) Order 1998 (Commencement No. 2 and Transitional Provisions) Order 1998, S.R. 1998 No. 460 (c.22).
 - (16) The Regulations in force at the date on which these Regulations were made are the Students Awards Regulations (Northern Ireland) 2000 (S.R. 2000 No. 311).
 - (17) Article 51 was substituted by Article 43 and Schedule 5 to S.I. 1996/274 (N.I. 1).

(2) The parents of an aided pupil shall be under no obligation to apply for remission of fees as respects a particular school year if they consider themselves not entitled thereto but if, as respects such a year, they do not—

- (a) duly apply to the school for remission of fees payable for that year; or
- (b) subject to paragraph 12(4), duly furnish the school with the information and supporting evidence requisite for determining remission questions,

they shall not be entitled to any remission of fees for that year.

(3) If the Scottish Ministers are satisfied that the parents of an aided pupil have furnished information required for determining remission questions which they know to be false in a material particular, or have recklessly furnished such information which is false in a material particular, they may direct that those parents shall not be entitled to any remission of fees in the case of that pupil and, if they so direct, in the case of any other of their children who are aided pupils, as respects a specified school year and, if they so direct, any subsequent school year:

Provided that—

- (a) the Scottish Ministers shall not give a direction hereunder without affording the parents concerned an opportunity to make representations or without considering such representations;
- (b) the giving of such a direction hereunder shall be without prejudice to its variation or revocation by a subsequent direction.

(4) This paragraph shall have effect notwithstanding anything in paragraph 8 or any other provision of this Scheme.

12.—(1) Subject to sub-paragraphs (2), (3) and (4), remission 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 remission questions have been determined but before the end of the current financial year and the school are satisfied that the income of the surviving parent in that year, when aggregated with that of the deceased parent, is likely to be less than their aggregated income in the preceding financial year, the remission 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 to the preceding financial year were a reference to the current financial year and the reference to the pupil's parents in paragraph 10(2) included a reference to the deceased parent (notwithstanding the provisions of paragraph 10(7)).

(3) This sub-paragraph shall apply in a case not falling within sub-paragraph (2) if—

- (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 pupil's parents, likely to be not more than 85% of the relevant income in the preceding financial year; or
- (b) 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 the Scottish Ministers approve the application of this paragraph;

and, in a case to which this sub-paragraph applies, remission questions shall be determined in relation to the school year in question and, unless and until the Scottish Ministers otherwise direct, any subsequent school year 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.

(4) Where it is not reasonably practicable for the parents to furnish, before the beginning of the school year, the requisite information as to relevant income for the appropriate financial year, then,

in relation to that school year, remission questions may be determined provisionally, by reference to relevant income for earlier financial years as the school thinks fit but—

- (a) no such provisional determination shall be more favourable to the parents than one arrived at 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 is satisfied that it has become reasonably practicable for them to do so but they have failed to furnish it; and
- (c) within three months of the determination of the remission questions any over remission or under remission of fees shall be adjusted by payments between the parents and the school.

Remission of fees boarding pupils

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

(2) Where the relevant income for the appropriate financial year does not exceed £9,750, the fees shall be wholly remitted.

(3) In any other case the fees for the 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 fees is of 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 those parts in column (2), where only one child of the parent holds an aided place at the school;
- (b) so specified in column (3) where two children of the parents hold such aided places;
- (c) specified for the purposes hereof by the Scottish Ministers, where more than two children of the parents hold such aided places:—

| <i>(1)</i> <i>Part of relevant income to which specified percentage applies</i> | <i>(2)</i> <i>Only aided pupil</i> | <i>(3)</i> <i>Each of two aided pupils</i> |
|--|---------------------------------------|---|
| That part which exceeds £9,407 but does not exceed £11,888 | 10% | 7.5% |
| That part (if any) which exceeds £11,888 but does not exceed £16,664 | 20% | 15% |
| That part (if any) in excess of £16,664 | 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 the school.

(2) Where the relevant income for the appropriate financial year does not exceed £12,040 the fees shall be wholly remitted.

(3) In any other case the 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 fees is of 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 £11,888, namely—

- (a) 10% of that part, where only one child of the parents holds an aided place at the 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 hereof by the Scottish Ministers, where more than two children of the parents hold such places.

15. Where the parents of an aided pupil also have a child who is the holder of an assisted place in Scotland as defined in regulation 2(1) of the Education (Assisted Places) (Scotland) Regulations 2001⁽¹⁸⁾, or is the holder of an assisted place at an independent school in England and Wales by virtue of a scheme operated by the Secretary of State for Education pursuant to section 2 of the Education (Schools) Act 1997⁽¹⁹⁾, the parents' residual liability for fees shall be calculated in accordance with paragraph 13 or 14, as the case may be, as if their child who is an assisted pupil held an aided place for the purposes of that paragraph.

PART IV

MAKING OF GRANTS AND REMISSION OF CHARGES

Charges qualifying for remission

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

(2) Subject to the provisions of this Part, the 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 paragraphs 18(3) and 24, no grant shall be made in pursuance of this Scheme to a parent of an aided pupil in respect of school travel or clothing expenditure incurred or relating to any period before the date on which he took up an aided place or after the date on which he ceased to hold an aided place; and no such charges as are mentioned in sub-paragraph (2) in respect of any such period shall be remitted in pursuance of this Scheme.

(4) Where a pupil attended the school before he took up an aided place thereat, then in pursuance of this Scheme—

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

(5) The parents of an aided pupil shall not be entitled to any grants from the school in respect of such expenditure incurred relating to a period after the pupil has left the school or, if the pupil remains at the school, after the end of the school year in which the pupil attain 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 paragraph, “school travel expenditure” includes school travel expenditure as defined in paragraphs 19 to 24 and “clothing expenditure” has the meaning assigned thereto by paragraph 18(1).

(18) S.S.I. 2001/222.

(19) 1997 c. 59.

Remission of charges for meals day pupils

17. 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⁽²⁰⁾ or income-based jobseeker's allowance under the Jobseekers Act 1995⁽²¹⁾, then the school shall remit the whole of any charges for meals—

- (a) for the whole of that school year, where it is satisfied as aforesaid at or before the beginning thereof; or
- (b) for the remainder of the school year where it is satisfied in the course thereof,

notwithstanding that the parents may cease to be in receipt of income support between the school being so satisfied and the end of the school year in question.

Clothing grants

18.—(1) In this paragraph “clothing expenditure” means expenditure on items of clothing (including sports clothing) to be worn by an aided pupil either at school or for the purposes of school activities which the school is 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.

(2) Subject to and in accordance with this paragraph, the school shall, in the cases mentioned in sub-paragraphs (3) and (4), pay a clothing grant to the parents of a pupil holding an aided place thereat in respect of their clothing expenditure.

(3) Unless an aided pupil has been a pupil at the school before taking up an aided place, in a pupil's first year at the school clothing grant shall be payable in the case of an aided pupil as respects whom the relevant income does not exceed £12,473 and in such case the grant shall be of an amount equal to so much of the clothing expenditure as does not exceed—

- (a) £191, where the relevant income does not exceed £10,950;
- (b) £143, where that income exceeds £10,950 but does not exceed £11,460;
- (c) £93, where that income exceeds £11,460 but does not exceed £11,952;
- (d) £48, where that income exceeds £11,952 but does not exceed £12,473:

Provided that any clothing grant which would fall to be paid in pursuance of this sub-paragraph in a pupil's first aided year at the school may be paid during the two months immediately preceding that year.

(4) Except where sub-paragraph (3) applies, clothing grant shall be payable in the case of an aided pupil as respects whom the relevant income does not exceed £11,952 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 such a previous grant has been paid) as does not exceed—

- (a) £73, where the relevant income does not exceed £11,116;
- (b) £38, where that income exceeds £11,116 but does not exceed £11,952.

School travel expenditure qualifying for grants

19. Paragraph 20, 21, 22 or, as the case may be, 23 shall apply to the making of grants in respect of school travel expenditure, that is to say, subject to the paragraph in question, the aggregate expenses

(20) 1992 c. 59.

(21) 1995 c. 18.

incurred in the case of a pupil holding an aided place at the 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 in pursuance of arrangements which, at the request of the school, are for the time being approved by the Scottish Ministers;
- (c) by transport provided by an education authority; or
- (d) by any combination thereof.

School travel grants boarding pupils

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

(2) The school shall, in respect of each school year, pay a school travel grant to the parents of an aided pupil thereat in relation to school travel expenditure reasonably incurred in respect of twelve single journeys either to or from the school actually made by the pupil in that year to visit a parent or guardian or other relative:

Provided that for the purposes hereof—

- (a) where a 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;
- (b) where a 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;
- (c) where a visit is to a place other than the pupil's home and his expenses are in excess of what 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, hovercraft or airport within the British Islands and that place shall be disregarded.

School travel grants weekly boarding pupils

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

(2) 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 a school travel grant to the parents of an aided pupil at the school in relation to school travel expenditure reasonably incurred in respect of journeys between home and school in that year:

Provided that for the purposes hereof—

- (a) where a 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;
- (b) where a 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;

- (c) where a journey is to a place other than the pupil's home and their expenses are in excess of what they would have been if the journey had been to the pupil's home, the excess shall be disregarded;
- (d) where a journey is to 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.

School travel grants day pupils

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

(2) 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 a school travel grant to the parents of the pupil in relation to school travel expenditure incurred in respect of journeys between home and school in that year:

Provided that for the purposes hereof—

- (a) where a pupil's expenses are in respect of journeys in excess of 40.2 kilometres each way by such transport as is mentioned in paragraph 19, 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 shortest available route between the pupil's home and the school;
- (b) where a 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 season tickets or reduced or concessionary fares, the excess shall be disregarded.

School travel grants travel to universities, etc.

23. 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.

Amount of school travel grants

24.—(1) The amount, if any, of the school travel grant for a school year payable in the case of an aided pupil shall 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 respects the pupil—

- (a) where the relevant income does not exceed £11,129, the school travel grant shall be of an amount equal to that of the school travel expenditure to which it relates;
- (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 £10,950.

(2) The school may, in the course of, or immediately before, a school year, make payments on account of the grant which it appears to it 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 overpayment or underpayment of grant for the year in question shall be adjusted by payments between the parents and the school.

Remissions and grants

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

- (a) remission of charges for meals under paragraph 17,
- (b) school clothing grant under paragraph 18,
- (c) school travel grant under paragraphs 19 to 24,

and the amount or extent thereof shall be determined as provided in paragraph 8 in like manner as questions relating to fees remission in that year are determined under that last mentioned paragraph; provided that in any case where the circumstances are such as are mentioned in either paragraph 8(3)(a) or (b) and the amount or extent of a school clothing grant requires to be determined, the foregoing provision shall not apply.

(2) Paragraphs 8(2), 9, 10, 11(2), (3) and (4) and 12 and the Appendix to this Scheme shall apply for the purposes of paragraphs 16 to 24 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 sub-paragraph (1);
- (b) to remission questions were a reference to the questions so mentioned.

Remission of charges for field study courses

26.—(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 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;
- (f) music; or
- (g) 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 the school would otherwise make in respect of the participation in a field study course of an aided pupil while holding an aided place at the school shall be remitted in accordance with this paragraph.

(3) The remission of charges mentioned in sub-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 this Scheme to remission of fees in whole or in part for the school year in which the course is held.

APPENDIX TO SCHEME FOR AIDED PLACES

COMPUTATION OF INCOME

Paragraph 10

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

(2) In this Appendix 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) they are 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, service or employment, income from which is exempted from tax in pursuance of any enactment,

their income for the purposes of this Scheme shall be computed as though such income were part of their total income.

3.—(1) For the purposes of this Scheme, a person's total income shall be computed as though there did not fall to be made any of the deductions or reliefs (by way of income tax reduction or otherwise) 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 I 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 a person's salary, for the purposes of securing the payment to or in respect of them 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) to (1H) of the Act of 1988 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 (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 them;
- (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 (relief for Class 4 contributions);
- (i) pursuant to sections 574, 575 and 576 of the Act of 1988 (relief for losses on unquoted shares in trading companies);
- (j) pursuant to Chapter III of Part VIII 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⁽²³⁾;

⁽²²⁾ 1988 c. 1 (as amended by various Finance Acts enacted in the period 1989 to 2000).

⁽²³⁾ 1994 c. 9.

- (k) pursuant to section 202(1) to (7) to (11) of the Act of 1988 (relief for donations under payroll deduction scheme);
- (l) pursuant to regulations made under section 333-333B of the Act of 1988 (relief for investments under personal equity plans);
- (m) pursuant to section 54 of the Finance Act 1989(24) (relief for premiums under a contract of private medical insurance);
- (n) pursuant to section 25 of the Finance Act 1990(25) (relief for donations to charity by individuals);
- (o) pursuant to sections 32 and 33 of the Finance Act 1991(26) (relief for vocational training);
or
- (p) pursuant to section 59 of and Schedule 10 to the Finance (No. 2) Act 1992(27) (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 purposes of this Scheme, any allowance paid to them by an adoption agency pursuant to a scheme approved by the Scottish Ministers under section 51(5) of the Adoption (Scotland) Act 1978(28) and any contribution paid to them by a local authority pursuant to section 50 of the Children Act 1975(29).

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

(2) Where any person makes a maintenance payment, their income for the purposes of this Scheme shall be computed as though such payment were not part of their 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—

- (a) is made under an order by a court (whether in the United Kingdom or elsewhere) or under a written agreement or in accordance with a maintenance assessment under the Child Support Acts 1991 and 1995(30) and the Child Support, Pensions and Social Security Act 2000(31); and
- (b) is made by one of the parties to a marriage (including a marriage which has been dissolved or annulled) either—
 - (i) to or for the benefit of the other party and for the maintenance of the other party; or
 - (ii) to the other party for the maintenance by the other party of any child of the said parties; or

(24) 1989 c. 26; section 54 was amended by the Finance Act 1994, Schedule 10, paragraphs 2 and 4; the Finance Act 1996 (c. 8) section 129; and the Finance (No. 2) Act 1997 (c. 58) section 17.

(25) 1990 c. 29; section 25 was amended by the Finance (No. 2) Act 1992 (c. 48), section 26(2); Finance Act 1993 (c. 34), section 67(2); the Finance Act 1995 (c. 4), Schedule 17, paragraph 26; the Finance Act 1998 (c. 36) section 48; and the Finance Act 2000 (c. 17), section 39 and Schedule 40.

(26) 1991 c. 31; section 32 was amended by the Finance Act 1994, section 84 and Schedule 26, Part V; the Finance Act 1996 (c. 8) sections 129 and 144; the Education (Scotland) Act 1996 (c. 43), Schedule 5, paragraph 7; the Education Act 1997 (c. 44) section 57 (subject to transitional provisions contained in article 4 of S.I. 1997/1468); and the Finance Act 1999 (c. 16) section 59 and Schedule 20, Part III; section 33 was amended by the Finance (No. 2) Act 1992, Schedule 18, Part VIII; the Finance Act 1996 (c. 8), sections 129 and 132 and Schedule 18, paragraph 14; and the Finance Act 1999 section 59 and Schedule 20, Part III.

(27) 1992 c. 48; Schedule 10 was amended by the Finance Act 1995 (c. 4) Schedule 6, paragraph 38; and the Finance Act 1996 (c. 8) Schedule 21, paragraph 47.

(28) 1978 c. 28; section 51 was amended by the Children (Scotland) Act 1995 (c. 36) section 98 and Schedule 2, paragraph 24.

(29) 1975 c. 72; section 50 was amended by the Children (Scotland) Act 1995 (c. 36) section 105 and Schedule 4, paragraph 36.

(30) 1991 c. 48 and 1995 c. 34.

(31) 2000 c. 19.

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- (iii) to a child of the said parties for the child's own maintenance, benefit or education;
and
- (c) is due at a time when the said parties are not a married couple living together, and in that connection a married woman shall be treated as living with her husband unless they are separated under an order of a court of competent jurisdiction, or by deed of separation.