



# Education (Scotland) Act 1981

## 1981 CHAPTER 58

### *Assisted places scheme*

#### **5 Assisted places at grant-aided and independent schools**

(1) After section 75 of the principal Act there shall be inserted the following sections—

**“75A Assisted places at grant-aided and independent schools.**

- (1) For the purpose of enabling pupils who might otherwise not be able to do so to attend and receive education at grant-aided and independent schools, the Secretary of State shall establish and operate a scheme whereby—
  - (a) participating schools remit fees that would otherwise be chargeable in respect of pupils admitted to assisted places under the scheme; and
  - (b) the Secretary of State reimburses the schools for the fees that are remitted.
- (2) In this section references to a participating school are references to any grant-aided or independent school providing secondary education which the Secretary of State determines to be a participating school for the purposes of the scheme; and in deciding whether to make such a determination in respect of any school the Secretary of State shall have regard to the desirability of securing an equitable distribution of assisted places throughout Scotland and between boys and girls.
- (3) A determination under subsection (2) above—
  - (a) shall state the maximum annual amount allocated by the Secretary of State to the school under the scheme including the maximum annual amount so allocated for the purposes of section 75B of this Act; and
  - (b) may contain such conditions as the Secretary of State thinks fit in addition to those prescribed under subsection (9) below.
- (4) The Secretary of State may alter the maximum annual amount referred to in subsection (3)(a) above by written notification to the school to which it is allocated.

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*Status: This is the original version (as it was originally enacted).*

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- (5) A participating school shall comply with any conditions contained in a determination under subsection (2) above and with any condition or obligation prescribed under subsection (9) below.
- (6) Schedule 1A to this Act shall have effect with respect to the revocation of determinations.
- (7) The fees in relation to which the scheme is to have effect shall be—
- (a) tuition and other fees the payment of which is a condition of attendance at a participating school but excluding—
    - (i) boarding fees; and
    - (ii) such other charges, if any, as may be prescribed by regulations; and
  - (b) entrance fees for public examinations paid by a participating school in respect of candidates from the school.
- (8) If the Secretary of State is of the opinion that any fee which falls to be remitted in whole or in part under a scheme established and operated under this section is excessive, he may substitute for such fee such other amount as he considers appropriate.
- (9) The Secretary of State shall by regulations prescribe—
- (a) the requirements as to age, residence or other matters which are to be the conditions of eligibility for an assisted place;
  - (b) the information which participating schools, on a written request from the parent of a pupil who is eligible for an assisted place, shall supply to that parent;
  - (c) the conditions subject to which, the extent to which, and the arrangements in accordance with which, fees are to be remitted by participating schools;
  - (d) the time and manner in which participating schools are to claim and receive reimbursements from the Secretary of State ;
  - (e) conditions to be complied with by participating schools with respect to the admission of pupils to assisted places, the fees to be charged, the keeping and auditing of accounts and the furnishing of information to the Secretary of State ; and
  - (f) such other matters as appear to him to be requisite for the purposes of the scheme.
- (10) Regulations under subsection (9) above may authorise the Secretary of State to make provision for any purpose specified in the regulations.
- (11) Before making regulations under subsection (9) above the Secretary of State shall consult such bodies as appear to him to be appropriate and to be representative of participating schools.
- (12) Regulations made under subsection (9)(c) above shall be reviewed by the Secretary of State in consultation with such bodies as appear to him to be appropriate and to be representative of participating schools—
- (a) not later than two years after the date on which the first such regulations are made ; and
  - (b) thereafter at intervals not exceeding two years.

- (13) Except where the context otherwise requires, references in this section and section 75B of this Act to a school include references to the proprietors and managers of the school; and references in this section to an independent school are references to an independent school which is—
- (a) a registered school; and
  - (b) conducted only for charitable purposes within the meaning of section 122(1) of this Act.

### **75B Incidental expenses of and provision for pupils holding assisted places.**

- (1) The Secretary of State may by regulations require or enable or make provision for requiring or enabling any school participating in the scheme referred to in section 75A of this Act to make grants in respect of such expenses, including such travelling expenses, and to remit such charges, as may be specified in the regulations and to make such provision of meals or other refreshment or of facilities for the consumption of meals or other refreshment and such provision of clothing as the school making the provision considers appropriate, being expenses, charges or provision in respect of matters incidental to or arising out of the attendance at the school of pupils holding assisted places under the scheme.
- (2) Regulations made under this section may require or enable or make provision for requiring or enabling any school providing meals or other refreshment under subsection (1) above to make such charges as it thinks fit for any such meal or other refreshment except where it is provided by virtue of subsection (4) below.
- (3) Regulations under this section shall provide that, within the maximum amount stated under section 75A(3) of this Act, any amounts granted or remitted by a school and expenditure incurred by them by or under the regulations shall be reimbursed to the school by the Secretary of State.
- (4) The Secretary of State shall exercise his power to make regulations under this section so as to ensure that, in relation to any pupil whose parents are in receipt of supplementary benefit or family income supplement, such provision is made for that pupil in the middle of the day as appears to the school to be requisite.
- (5) Regulations under this section may in particular prescribe—
- (a) the conditions subject to which, the extent to which, and the arrangements in accordance with which, grants and remissions are to be made and meals, other refreshment, facilities for the consumption thereof and clothing are to be provided ;
  - (b) whether a charge is to be remitted in whole or in such part as may be prescribed in the regulations;
  - (c) the time and manner in which schools are to claim and receive reimbursement from the Secretary of State.
- (6) Regulations under this section may authorise the Secretary of State to make provision for any purpose specified in the regulations.”
- (2) In section 135(1) of the principal Act in the definition of " grant-aided school"—

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- (a) after the word " than " there shall be inserted " (a) "; and
  - (b) after the word "Regulations," there shall be inserted the words " and (b) sums paid under a scheme under section 75A of this Act, or by virtue of section 75B of this Act, ".
- (3) After Schedule 1 to the principal Act there shall be inserted the Schedule set out in Schedule 4 to this Act which shall form Schedule 1A to that Act.