



Education (Schools) Act 1997

1997 CHAPTER 59

Assisted places in England and Wales

3 Regulations for purposes of transitional arrangements.

- (1) The Secretary of State may by regulations make such provision as appears to him to be expedient in connection with the provisions of section 1 or 2.
- (2) Regulations under this section may in particular—
 - (a) prescribe the conditions subject to which, the extent to which, and the arrangements in accordance with which, fees are to be remitted by schools providing assisted places under section 2(1);
 - (b) prescribe—
 - (i) arrangements enabling the Secretary of State to determine from time to time the maximum levels of fees which may be charged by such schools in respect of pupils holding such places, and
 - (ii) conditions to be complied with by such schools with respect to such fees;
 - (c) prescribe the time and manner in which such schools are to claim and receive reimbursements from the Secretary of State;
 - (d) provide for the Secretary of State to discharge by means of lump sum payments to such schools any future liabilities of his to make such reimbursements;
 - (e) prescribe conditions to be complied with by such schools with respect to the keeping and auditing of accounts and the provision of information to the Secretary of State;
 - (f) provide for the Secretary of State, in a case where a former participating school—
 - (i) merges with another school,
 - (ii) closes (whether wholly or in part), or
 - (iii) notifies the Secretary of State that it no longer wishes to provide assisted places under section 2(1),

Changes to legislation: There are currently no known outstanding effects for the Education (Schools) Act 1997, Section 3. (See end of Document for details)

to authorise the new school or (as the case may be) any other former participating school to provide under section 2(1) any assisted places which the first-mentioned school was authorised to provide.

[^{F1}(g) provide for the Secretary of State, in a case where he is satisfied that it is reasonable to do so in view of any particular circumstances relating to a pupil who holds (or has at any time held) an assisted place provided by a school under section 2(1), to authorise another school which is either—

(i) a former participating school, or

(ii) a new school authorised to provide assisted places by virtue of paragraph (f) above,

to provide for the pupil under section 2(1) the assisted place which the first-mentioned school was authorised to provide.]

(3) Regulations under this section may also require or enable schools providing assisted places under section 2(1)—

(a) to make grants in respect of incidental expenses, and

(b) to remit such incidental charges as may be specified in the regulations;

and for this purpose expenses or charges are “incidental” if they are in respect of matters incidental to or arising out of the attendance at the schools of pupils holding assisted places provided under section 2(1).

(4) Any regulations made under subsection (3) shall require any amounts granted or remitted by a school in accordance with the regulations to be reimbursed to the school by the Secretary of State; and any such regulations may make, in connection with the making of any such grants or remissions, provision such as is authorised to be made in connection with the remission of fees by paragraphs (a), (c) and (d) of subsection (2).

(5) Regulations under this section may authorise the Secretary of State to make provision for any purpose specified in the regulations.

(6) Regulations made under subsection (2)(a) or (b) shall be reviewed by the Secretary of State—

(a) not later than two years after the date on which the first such regulations are made; and

(b) thereafter at intervals of not more than two years.

(7) The Secretary of State shall—

(a) before making regulations under subsection (1) or (2), or

(b) when conducting any review under subsection (6),

consult such bodies as appear to him to be appropriate and representative of schools that will be or are providing assisted places under section 2(1).

(8) Regulations under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(9) Any such regulations may make different provision for different cases, circumstances or areas and may contain such incidental, supplemental, saving or transitional provisions as the Secretary of State thinks fit.

Textual Amendments

F1 S. 3(2)(g) added (24.7.1998) by 1998 c. 31, s. 130(1) (with ss. 138(9), 144(6))

Changes to legislation:

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