

## 1985 No. 1076 (S.88)

## EDUCATION, SCOTLAND

**The Education (Assisted Places) (Scotland)  
Amendment Regulations 1985**

<i>Made</i> - - - - -	10th July 1985
<i>Laid before Parliament</i>	25th July 1985
<i>Coming into Operation</i>	15th August 1985

In exercise of the powers conferred on me by sections 75A(9) and (10) and 75B of the Education (Scotland) Act 1980(a) and of all other powers enabling me in that behalf and after having consulted such bodies as appear to me to be appropriate and to be representative of participating schools in accordance with section 75A(11) of that Act, I hereby make the following regulations:—

*Citation and commencement*

1. These regulations may be cited as the Education (Assisted Places) (Scotland) Amendment Regulations 1985 and shall come into operation on 15th August 1985.

*Interpretation*

2. In these regulations a reference to the principal regulations is a reference to the Education (Assisted Places) (Scotland) Regulations 1982(b).

*Amendment of principal regulations*

3. The principal regulations shall be amended as follows:—

(a) in regulation 5 (conditions as to residence) for paragraph (3) there shall be substituted the following paragraph:—

“(3) The child who is a refugee referred to in paragraph (1)(c) is—

(a) a child 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(c) as extended by the Protocol thereto which entered into force on 4th October 1967(d); or

(b) a child who enjoys asylum in the United Kingdom in pursuance of a decision of Her Majesty’s Government though not so recognised;  
or

(a) 1980 c. 44; sections 75A and 75B were inserted by section 5 of the Education (Scotland) Act 1981 (c. 58).

(b) S.I. 1982/949, amended by S.I. 1983/1030 and 1984/840.

(c) Cmnd. 9171.

(d) Cmnd. 3906 (Out of print: photocopies of the English text are available, free of charge, from the Scottish Education Department, Room 4/10, New St Andrew’s House, Edinburgh EH1 3SY.)

(c) a child who has been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that, although he is considered not to qualify for asylum or for recognition as a refugee, it is thought right to allow him to enter or remain in the United Kingdom, and has been granted leave to enter or remain accordingly; or

(d) a child who is the child of a person who is so recognised, or has been granted such asylum or leave to enter or remain in such circumstances.”;

(b) in regulation 10 (references to income)—

(i) in paragraph (2) for the word “applies” there shall be substituted the words “or paragraph (4) applies”;

(ii) in paragraph (3) for the sum of “£850” there shall be substituted the sum of “£900”, and for the words “paragraph 3(d)” there shall be substituted the words “paragraph 3(e)”;

(iii) paragraph (4) shall be renumbered paragraph (6) and there shall be inserted two paragraphs as follows:—

“(4) Where a child (other than the assisted pupil) who is wholly or mainly dependent on the parents or on payments made to him or for his benefit by one or both of them is the holder of an award of a kind described in paragraph (5) and there has been deducted, in calculating the amount of that award, a sum exceeding £900 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 £900 prescribed in respect of that child by paragraph (3).

(5) The awards referred to in paragraph (4) are—

(a)(i) an allowance granted by the Secretary of State for Scotland pursuant to regulations from time to time in force and having effect under sections 73 and 74 of the Education (Scotland) Act 1980(a) providing for the payment of allowances to students(b);

(ii) a bursary granted by an education authority pursuant to regulations from time to time in force and having effect under section 49 of the Education (Scotland) Act 1980 providing for the payment of bursaries to persons undertaking courses of full-time education which are not courses of school education(c);

(a) 1980 c. 44.

(b) The regulations in force at the date on which these regulations were made were the Students' Allowances (Scotland) Regulations 1971 (S.I. 1971/124), to which there are no relevant amendments. The administrative arrangements for assessing assumed parental contributions were set out in the “Guide to Students' Allowances 1985-86” (Form AB2) published in April 1985 by the Scottish Education Department and the supplement thereto, copies of which are obtainable from the Scottish Education Department, Awards Branch, Haymarket House, Clifton Terrace, Edinburgh EH12 5DT.

(c) The regulations in force at the date on which these regulations were made were the Education Authority Bursaries (Scotland) Regulations 1978 (S.I. 1978/998), as amended by S.I. 1979/840, 1980/988, 1981/966, 1982/936, 1983/1051, 1535 and 1984/990.

(b) a mandatory award paid by a local education authority in England or Wales pursuant to regulations from time to time in force under section 1 of the Education Act 1962(a) providing for the payment of awards to students attending specified courses of further or higher education(b);

(c) an award made by—

(i) an education and library board in Northern Ireland pursuant to article 39 of the Education and Libraries (Northern Ireland) Order 1972(c) and regulations from time to time in force thereunder(d), being an award for the purpose of enabling or encouraging the holder to take advantage of educational facilities specified in or designated under such regulations; or

(ii) the Department of Education for Northern Ireland pursuant to article 40 of the said Order and regulations from time to time in force thereunder being an award in respect of attendance at a course for the training of teachers.”;

(c) in regulation 14 (scale of remission)—

(i) in paragraph (1)

at sub-paragraph (a) after the word “place” there shall be inserted the following words: “and for the purpose of paragraphs (4), (5) and (6) of this regulation an assisted pupil includes a pupil who is aided by virtue of the St Mary’s Music School (Aided Places) Regulations 1983(e), or the Education (Grants) (Music and Ballet Schools) Regulations 1985(f);”; for the words “sums of relevant income” there shall be substituted the words “bands of relevant income”; and for the words “sums of parental contribution” there shall be substituted the words “percentages of relevant income to be used in calculating parental contributions”;

(ii) in paragraph (2) for the sum of “£6,046” there shall be substituted the sum of “£6,376”;

(iii) for paragraph (3) there shall be substituted the following paragraph:—

“(3) (a) Where—

(i) parents receive assistance in respect of only one child; and

(ii) the relevant income of such parents in a preceding financial year falls within a band, or bands, of income specified in column 1 of Schedule 2,

(a) 1962 c. 12; section 1 was substituted by Schedule 5 to the Education Act 1980 (c. 20) and amended by section 4 of the Education (Grants and Awards) Act 1984 (c. 11).

(b) The regulations in force at the date on which these regulations were made were the Education (Mandatory Awards) Regulations 1984 (S.I. 1984/1116), amended by S.I. 1984/1240.

(c) S.I. 1972/1263 (N.I. 12); articles 39 and 40 were substituted by article 6 of the Education (Northern Ireland) Order 1978 (S.I. 1978/1040 (N.I. 10)) and amended by article 7 of the Education (Northern Ireland) Order 1980 (S.I. 1980/1958 (N.I. 16)).

(d) The regulations in force at the date on which these regulations were made were the Students’ Awards Regulations (Northern Ireland) 1984 (S.R. (N.I.) 1984 No. 335).

(e) S.I. 1983/1150, amended by S.I. 1984/841.

(f) S.I. 1985/684.

the parents shall contribute from that income an amount (rounded down to the nearest multiple of £3) equal to the aggregate of the percentages (specified in column 2 of that Schedule) of those parts of the relevant income referred to in column (1) of that Schedule;

(b)(i) subject to paragraph (4), fees for the school year in relation to which that preceding financial year relates as respects any relevant assisted place, shall be remitted by the participating school or schools concerned to the extent of the amount by which the aggregate fees of such school or schools exceeds the sum of parental contribution computed in accordance with sub-paragraph (ii) above; and

(ii) that sum of parental contribution shall be recoverable by such school or schools from those parents in accordance with paragraphs (5) and (6) below.”;

(d) in regulation 16 (school travel grants for day pupils and amount thereof)—

(i) in paragraph (2) for the words “between his home and that participating school” there shall be substituted the words “to and from the school”;

(ii) after paragraph (2) there shall be inserted the following paragraph:—

“(2A) 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.”; and

(iii) in paragraph 5(a) for the sum of “£6,059” there shall be substituted the sum of “£6,389”, and in paragraph 5(b) for the sum of “£5,880” there shall be substituted the sum of “£6,210”;

(e) in regulation 17 (school travel grants for boarding pupils and amount thereof)—

(i) in paragraph (2) for the words “between his home and the participating school” there shall be substituted the words “to and from the school”;

(ii) in paragraph (3)(a) for the words “12 journeys in either direction” there shall be substituted the words “12 single journeys, either to or from school”;

(iii) after paragraph (3) there shall be inserted the following paragraph:—  
“(3A)(i) 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.”; and

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

(a) in any case where that relevant income does not exceed £6,389 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 of 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 £6,210;

(iii) For the purposes of this paragraph, sub-paragraphs (a) and (b) of paragraph (3) shall have no effect.”;

(f) in regulation 18 (clothing grants)—

(i) in paragraph (3) for the sum of “£6,700” there shall be substituted the sum of “£7,075”; and for sub-paragraphs (a) to (d), there shall be substituted the following sub-paragraphs:—

“(a) £108, where the relevant income does not exceed £6,210;

(b) £81, where that income exceeds £6,210 but does not exceed £6,500;

(c) £54, where that income exceeds £6,500 but does not exceed £6,780;

(d) £27, where that income exceeds £6,780 but does not exceed £7,075.”;

(ii) in paragraph (4) for the sum of “£6,420” there shall be substituted the sum of “£6,780”; and for sub-paragraphs (a) and (b), there shall be substituted the following sub-paragraphs:—

“(a) £40, where the relevant income does not exceed £6,376;

(b) £20, where that income exceeds £6,376 but does not exceed £6,780.”;

(g) in regulation 19 (remission of charges for meals) in paragraph (2) for the sum of “£5,100” there shall be substituted the sum of “£5,400”;

(h) for Schedule 2 (scale of remission) there shall be substituted the Schedule to these regulations which shall stand as Schedule 2 to the principal regulations.

New St Andrew's House,  
Edinburgh.  
10th July 1985.

*George Younger,*  
One of Her Majesty's  
Principal Secretaries of State.

## SCHEDULE

Regulation 3(i)

(to stand as Schedule 2 to the principal regulations)

<i>(1)</i> <i>Part of relevant income to which the specified percentage applies.</i>	<i>(2)</i> <i>Parental contribution percentage.</i>
That part (if any) which exceeds £6,210 but does not exceed £6,750.	9%
That part (if any) which exceeds £6,750 but does not exceed £7,300.	12%
That part (if any) which exceeds £7,300 but does not exceed £8,400.	15%
That part (if any) which exceeds £8,400 but does not exceed £10,080.	21%
That part (if any) which exceeds £10,080 but does not exceed £12,280.	24%
That part (if any) which exceeds £12,280.	33%

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These regulations further amend the Education (Assisted Places) (Scotland) Regulations 1982, as amended (the principal regulations) to uprate the qualifying income levels for the remission of fees and charges and the making of grants under the assisted places scheme and in certain other minor respects.

Regulation 5(3) of the principal regulations is amended with the effect that the existing provision for refugee children is extended to include certain children who have been granted leave to enter or remain in the United Kingdom, and the children of refugees and persons granted asylum or leave to enter or remain in the United Kingdom (regulation 3(a)).

Regulation 10 of the principal regulations has been amended to increase from £850 to £900 the deduction for dependent children and relatives which is to be made from "relevant income" as defined in that Regulation. However, where another child of the parent is the holder of a specified award paid by the Secretary of State for Scotland, an education authority in Scotland, a local education authority in England or Wales, the Department of Education for Northern Ireland or an education and library board in Northern Ireland to enable that child to attend a course of further or higher education and the award has been reduced by a sum exceeding £900 on account of the assumed parental contribution to that child's resources that sum is to be deducted instead (regulation 3(b)).

Where another child of the parents is an aided pupil by virtue of a grant paid to a school of music or ballet, this is now to be taken into account in calculating the parents' residual liability for fees. The extent of remission of fees is determined by reference to relevant income, and the scales of remission set out in Schedule 2 to the principal regulations. The basis of the scale has been amended so that it is open-ended, with no upper limit as in the previous scale. The level of income at or below which fees are to be wholly remitted is increased from £6,046 to £6,376, with corresponding increases in the extent of remission where the relevant income exceeds that sum (regulations 3(c) and 3(h) and the Schedule to these regulations).

The qualifying income levels for the remission of school meals charges and for school travel grants and clothing grants are relaxed. Travel grant is now also payable for a maximum of 3 journeys (each way) to visit an establishment of further education with a view to admission (regulations 3(d)-(g)).

SI 1985/1076  
ISBN 0-11-057076-6



780110 570761