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STATUTORY INSTRUMENTS

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**1991 No. 1767**

**EDUCATION, ENGLAND AND WALES**

**The Education (Assisted Places)  
(Amendment) Regulations 1991**

*Made* - - - - - *26th July 1991*

*Coming into force* - - - - - *30th August 1991*

In exercise of the powers conferred on the Secretary of State by sections 17(6) and 35(4) of the Education Act 1980(1) and after consulting, in accordance with section 17(8) of that Act, such bodies as appear to them to be appropriate and to be representative of schools participating in the assisted places scheme, the Secretary of State for Education and Science, as respects England, and the Secretary of State for Wales, as respects Wales, hereby make the following Regulations, a draft of which has been laid before Parliament and has been approved by resolution of each House of Parliament:

**1.**—(1) These Regulations may be cited as the Education (Assisted Places) (Amendment) Regulations 1991 and shall come into force on 30th August 1991.

(2) These Regulations shall apply in relation to a school year beginning on or after the date mentioned in paragraph (1).

(3) In these Regulations a reference to the principal Regulations is a reference to the Education (Assisted Places) Regulations 1989(2).

**2.**—(1) For paragraph (3) of regulation 2 of the principal Regulations there shall be substituted the following paragraph—

“(3) Where a custodianship order made under section 33 of the Children Act 1975(3) or a residence order within the meaning of section 8(1) of the Children Act 1989(4) is in force in respect of a child or pupil, his custodian, or the person with whom he is to live in accordance with the residence order (as the case may be), and the spouse (if any) of the custodian or that person shall be treated as the parents of the child or pupil for the purpose of these Regulations.”

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(1) 1980 c. 20.

(2) S.I.1989/1235, amended by S.I. 1990/1546.

(3) 1975 c. 72; section 33 was amended by the Family Law Act 1986 (c. 55), Schedule 1, paragraph 19, and Schedule 2; and by the Family Law Reform Act 1987 (c. 42), Schedule 2, paragraph 60.

(4) 1989 c. 41.

(2) In paragraph (4) of regulation 2 of the principal Regulations after the words “section 88 of the Children Act 1975” there shall be inserted the words “(or, following the repeal of that section, of section 105(1) of the Children Act 1989)”.

3. In paragraphs (3) and (4) of regulation 11 of the principal Regulations for each reference to the sum “£1,000” there shall be substituted a reference to the sum “£1,065”.

4. In paragraph (2) of regulation 19 of the principal Regulations for the words “who, at the time of his selection for an assisted place (or consideration for selection), was attending such a school” there shall be substituted the words “who, at the time of his selection (or consideration for selection) for a place (whether assisted or not) at the participating school, was attending such a school as is mentioned in sub-paragraphs (a)–(d) above”.

5. In paragraph 3 of Schedule 1 to the principal Regulations (computation of income)–

(a) at the end of sub-paragraph (1) the word “or” shall be deleted;

(b) at the end of sub-paragraph (m) the word “or” shall be inserted;

(c) after sub-paragraph (m) there shall be inserted the following sub-paragraph–

“(n) in pursuance of section 25 of the Finance Act 1990(5) (relief for donations to charity by individuals),”.

6.—(1) In paragraph 1 of Schedule 2 to the principal Regulations (scales of remission) for the sum “£8,200” there shall be substituted the sum “£8,714”.

(2) Paragraph 2 of that Schedule shall be renumbered paragraph 2(1) and, after the words “In any other case” there shall be inserted the words “but subject to sub-paragraph (2) below,” and sub-paragraph (c) shall be omitted.

(3) For the Table in paragraph 2 of that Schedule there shall be substituted the following Table–

TABLE

(1) Part of relevant income to which specified percentage applies	(2) Only assisted pupils	(3) Each of two assisted pupils	(4) Each of three assisted pupils
That part which exceeds £8,548 but does not exceed £9,294	9%	6.75%	5.25%
That part (if any) which exceeds £9,294 but does not exceed £10,054	12%	9%	7%
That part (if any) which exceeds £10,054 but does not exceed £11,560	15%	11.25%	8.75%
That part (if any) which exceeds £11,560	21%	15.75%	12.25%

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(5) 1990 c. 29.

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(1) Part of relevant income to which specified percentage applies	(2) Only assisted pupils	(3) Each of two assisted pupils	(4) Each of three assisted pupils
but does not exceed £13,878			
That part (if any) which exceed £13,878 but does not exceed £16,902	24%	18%	14%
That part (if any) which exceeds £16,902	33%	24.75%	19.25%

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(4) After paragraph 2(1) of that Schedule there shall be inserted a new paragraph as follows—

“(2) Where more than 3 children of the parents are assisted pupils, the fees for a school year in respect of the fourth and each subsequent child to be selected for an assisted place shall be wholly remitted and those in respect of each of the remaining children shall be remitted in accordance with sub-paragraph (1) above.”.

26th July 1991

*Kenneth Clarke*  
Secretary of State for Education and Science

26th July 1991

*David Hunt*  
Secretary of State for Wales

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Education (Assisted Places) Regulations 1989 in respect of a school year beginning on or after 30th August 1991.

Paragraphs (3) and (4) of regulation 2 of the 1989 Regulations are amended to take account of the introduction of residence orders under the Children Act 1989 and the repeal of the Children Act 1975 by the 1989 Act (regulation 2).

The reductions to be made in relevant income in respect of dependent relatives pursuant to regulation 11(3) and (4) of the 1989 Regulations are increased so that the minimum reduction is now set at £1,065 in place of £1,000 (regulation 3).

Regulation 19 of the 1989 Regulations requires schools, in selecting pupils to take up assisted places in any school year, to select at least 60% of those pupils from publicly maintained schools. Paragraph (2) of the regulation – which provides for the interpretation of references in the regulation to pupils from publicly maintained schools – is amended so as to refer to pupils who, at the time of their selection (or consideration for selection) for a place (whether assisted or not) at the participating school, were attending 3 and had attended for a continuous period including at least the whole of the previous school year any of the kinds of school listed in the paragraph (regulation 4).

References to the relevant income tax legislation in Schedule 1 to the 1989 Regulations are updated so as to discount deductions from total income allowed on donations to charity by individuals under the Gift Aid Scheme (regulation 5).

The means test for the remission of fees is relaxed; the level of income at or below which fees are to be wholly remitted is set at £8,714 in place of the present £8,200 with corresponding increases in the extent of remission where relevant income exceeds that sum. The provision made by paragraph 2 of Schedule 2 to the 1989 Regulations for cases in which more than three children of the parents are assisted pupils is amended so as to provide for remission of the whole of the fees for the fourth and subsequent children and remission of the fees for the remaining children in accordance with the Table in that paragraph (regulation 6).