
STATUTORY INSTRUMENTS

1992 No. 1798

EDUCATION, ENGLAND AND WALES

**The Education (Assisted Places)
(Amendment) Regulations 1992**

Made - - - - *17th July 1992*
Coming into force - - *28th August 1992*

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(2), 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 1992 and shall come into force on 28th August 1992.

(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(3).

2. For paragraph (3) of regulation 4 of the principal Regulations 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(4) as extended by the Protocol thereto which entered into force on 4th October 1967(5);
- (b) 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

(1) 1980 c. 20.

(2) By virtue of article 5 of the Transfer of Functions (Science) Order 1992 (S.I.1992/1296), The Secretary of State for Education and Science is, with effect from 6th July 1992, known by the style and title of “the Secretary of State for Education”.

(3) S.I. 1989/1235, amended by S.I. 1990/1546 and 1991/1767.

(4) Cmnd. 9171.

(5) Cmnd. 3906 (out of print): photocopies of the English text are available, free of charge, from Schools 4 Branch, Department of Education (and Science), Sanctuary Buildings, Great Smith Street, London SW1P 3BT.

not to qualify 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

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

3. At the end of paragraph (3) of regulation 7 of the principal Regulations, there shall be inserted the words “or a deed of separation”.

4. In paragraphs (3) and (4) of regulation 11 of the principal Regulations, for the sum “£1,065” there shall be substituted the sum “£1,105” in each place where it appears.

5. At the end of paragraph (2) of regulation 12 of the principal Regulations, there shall be inserted the words “or a deed of separation”.

6. In paragraph 3 of Schedule 1 to the principal Regulations (computation of income)—

- (a) at the end of sub-paragraph (m) the word “or” shall be deleted;
- (b) at the end of sub-paragraph (n) the word “or” shall be inserted;
- (c) after sub-paragraph (n) there shall be inserted the following sub-paragraph—
- “(o) in pursuance of sections 32 and 33 of the Finance Act 1991(6) (relief for vocational training)”.

7.—(1) In paragraph 1 of Schedule 2 to the principal Regulations (scales of remission), for the sum “£8,714 ” there shall be substituted the sum “£9,056”.

(2) In paragraph 2 of that Schedule—

- (a) in sub-paragraph (1), after the words “subject to” there shall be inserted the words “paragraph 4 and”; and
- (b) for the Table there shall be substituted the following Table—

“TABLE

| (1) Part of relevant income to which specified percentage applies | (2) Only assisted pupil | (3) Each of two assisted pupils | (4) Each of three assisted pupils |
|---|----------------------------|---------------------------------------|---|
| That part which exceeds £8,890 but does not exceed £9,666 | 9% | 6.75% | 5.25% |
| That part (if any) which exceeds £9,666 but does not exceed £10,456 | 12% | 9% | 7% |
| That part (if any) which exceeds £10,456 but does not exceed £12,022 | 15% | 11.25% | 8.75% |

| (1) Part of relevant income to which specified percentage applies | (2) Only assisted pupil | (3) Each of two assisted pupils | (4) Each of three assisted pupils |
|--|----------------------------|------------------------------------|--------------------------------------|
| That part (if any) which exceeds £12,022 but does not exceed £14,433 | 21% | 15.75% | 12.25% |
| That part (if any) which exceeds £14,433 but does not exceed £17,578 | 24% | 18% | 14% |
| That part (if any) which exceeds £17,578 | 33% | 24.75% | 19.25%” |

(3) After paragraph 3 of that Schedule, there shall be inserted the following paragraph—

“4.—(1) Where the school has awarded a bursary or scholarship in respect of the assisted pupil, the amount of the bursary or scholarship shall be ignored for the purpose of calculating the parents' residual liability.

(2) That residual liability shall be reduced or extinguished by the bursary or scholarship.

(3) Where the amount of any such bursary or scholarship exceeds the parents' residual liability, the excess shall be deducted from the relevant reimbursement claim in respect of the assisted pupil.”

17th July 1992

John Patten
Secretary of State for Education

17th July 1992

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.

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 28th August 1992.

Redundant wording relating to the grant of asylum in circumstances where this is no longer done has been removed (regulation 2).

Provisions in regulations 7(3) and 12(2) of the 1989 Regulations relating to fees required to be paid in pursuance of an order of a court are extended to cover fees required to be paid in pursuance of a deed of separation (regulations 3 and 5).

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 £1,105 in place of £1,065 (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 fees for vocational training (regulation 6).

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 £9,056 instead of £8,714 with corresponding increases in the extent of remission where relevant income exceeds that sum (regulation 7(1) and (2)).

Parents' residual liability for fees may now be reduced or extinguished by a bursary or scholarship awarded by the school (regulation 7(3)).