
STATUTORY INSTRUMENTS

1996 No. 2113

EDUCATION, ENGLAND AND WALES

**The Education (Assisted Places)
(Amendment) Regulations 1996**

Made - - - - *31st July 1996*

Coming into force - - *25th August 1996*

In exercise of the powers conferred on the Secretary of State by sections 17(6) and (7) 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 representative of schools eligible to participate in the assisted places scheme, the Secretary of State for Education and Employment 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:

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Education (Assisted Places) (Amendment) Regulations 1996 and shall come into force on 25th August 1996.

(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 1995⁽²⁾.

Amendments to Parts II to V of the principal Regulations

2. Parts II to V of the principal Regulations shall be amended in accordance with regulations 3 to 6 below.

3. In regulation 5—

(a) for paragraph (1) there is substituted—

“(1) it shall be a condition that the child either:

(a) shall have attained the age of five years no later than the commencement date; or

(1) 1980 c. 20.

(2) S.I.1995/2016.

(b) if he does not satisfy the requirement in sub-paragraph (a), will, if selected for an assisted place—

- (i) be educated with pupils the majority of whom will have attained the age of five years no later than the commencement date,
- (ii) receive full-time education suitable to the requirements of pupils who have attained that age, and
- (iii) have attained that age before 1st September next following the commencement date.

(1A) Subject to paragraph (2), it shall also be a condition that the child shall have attained, before 1st September next following the commencement date, an age specified in the participation agreement as a normal age of entry to the school to which it is intended that the child should be admitted.

(1B) For the purposes of paragraphs (1) and (1A), “the commencement date” means the date on which the child’s first assisted year begins.”; and

(b) in paragraph (2), for “Paragraph (1)(b)” there is substituted “Paragraph (1A)”.

4. In paragraphs (3) and (5) of regulation 11, for “£1,165” in each place it appears there is substituted “£1,200”.

5. In regulation 19—

(a) for paragraph (1), there is substituted—

“(1) Subject to paragraph (4), in selecting pupils who will not be excepted pupils to take up assisted places, a school shall ensure that at least 60 per cent of the total number of assisted pupils at the school, excluding any excepted pupils, will be pupils from publicly maintained schools.”; and

(b) after paragraph (1) there is inserted—

“(1A) For the purposes of paragraph (1) “excepted pupils” means pupils (whether or not they are assisted pupils) who have not attained the age of seven years by 1st September next following the beginning of the school year in which they first attend the school.”.

6. In regulation 21, for “fourteen days” there is substituted “one month”.

Amendments to Schedule 2 of the principal Regulations

7.—(1) In paragraph 1 of Schedule 2 to the principal Regulations, for “£9,572” there is substituted “£9,873”.

(2) For the table in paragraph (2) of that Schedule there is substituted the following Table—

“Table

(1) <i>Part of relevant income to which specified percentage applies</i>	(2) <i>Only assisted pupil (%)</i>	(3) <i>Each of two assisted pupils (%)</i>	(4) <i>Each of three assisted pupils (%)</i>
That part (if any) which exceeds £9,707 but does not exceed £10,555	9	6.75	5.25

(1) <i>Part of relevant income to which specified percentage applies</i>	(2) <i>Only assisted pupil (%)</i>	(3) <i>Each of two assisted pupils (%)</i>	(4) <i>Each of three assisted pupils (%)</i>
That part (if any) which exceeds £10,555 but does not exceed £11,417	12	9	7
That part (if any) which exceeds £11,417 but does not exceed £13,127	15	11.25	8.75
That part (if any) which exceeds £13,127 but does not exceed £15,760	21	15.75	12.25
That part (if any) which exceeds £15,760 but does not exceed £19,194	24	18	14
That part (if any) which exceeds £19,194	33	24.75	19.25”.

Department for Education and Employment
26th July 1996

Cheryl Gillan
Parliamentary Under Secretary of State,

Welsh Office
31st July 1996

Jonathan Evans
Parliamentary Under Secretary of State,

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 1995 in respect of a school year beginning on or after 25th August 1996.

The minimum age at which a pupil may be selected for an assisted place is reduced from 11 years to 5 years. A child who attains the age of five during a school year will be eligible for selection, but only for the purpose of receiving full-time education in a reception class (regulation 3).

The reductions to be made in relevant income in respect of dependent relatives pursuant to regulation 11(3) and (5) of the 1995 Regulations are increased from £1,165 to £1,200 (regulation 4).

Regulation 19 of the 1995 Regulations requires at least 60% of a school's quota of assisted places to be filled by pupils who have previously attended publicly maintained schools. This rule is amended so that, in calculating the quota, there is left out of account pupils who have not attained the age of seven years by 1st September next following the beginning of their first year at the school; and the rule will not apply at all as regards the selection of such children for assisted places (regulation 5).

Regulation 21 of the 1995 Regulations requires a school participating in the assisted places scheme, before increasing the fees chargeable in respect of assisted pupils, to give at least one month's prior notice to the Secretary of State; but the school may not give effect to that increase if the Secretary of State gives a written counter-notice. The time limit in which the Secretary of State may give such counter-notice is increased from 14 days to one month (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 £9,873 instead of £9,572, with corresponding increases in the extent of remission where relevant income exceeds that sum (regulation 7).