
STATUTORY INSTRUMENTS

1997 No. 1641 (S. 126)

EDUCATION, SCOTLAND

**The Education (Assisted Places)
(Scotland) Amendment Regulations 1997**

<i>Made</i>	- - - -	<i>1st July 1997</i>
<i>Laid before Parliament</i>		<i>7th July 1997</i>
<i>Coming into force</i>	- -	<i>1st August 1997</i>

The Secretary of State, in exercise of the powers conferred on him by sections 75A(9) and (10) and 75B of the Education (Scotland) Act 1980(1), and of all other powers enabling him in that behalf, and after having consulted such bodies as appear to him to be appropriate and to be representative of participating schools in accordance with section 75A(11) of that Act, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Education (Assisted Places) (Scotland) Amendment Regulations 1997 and shall come into force on 1st August 1997.

Amendment of Education (Assisted Places) (Scotland) Regulations 1995

2. The Education (Assisted Places) (Scotland) Regulations 1995(2) are amended as follows:–

(a) for regulation 2(2) to (4) (meaning of “parents”) substitute–

“(2) Except where the context otherwise requires, any reference in these Regulations to the parents of a child or assisted pupil is a reference –

- (a) in the ordinary case, to his father and mother (whether or not they are married to each other) or, where one is dead, to the survivor and, should he remarry, his spouse;
- (b) where his father or mother, with whom the child or assisted pupil normally lives, has married a person who is not his parent, to that parent and his spouse;
- (c) where his parents, defined as in sub-paragraph (a), are divorced or, in any of the circumstances mentioned in paragraph (4), separated, to that one of them with whom the child or assisted pupil normally lives or who, in pursuance of a court

(1) 1980 c. 44; sections 75A and 75B were inserted by section 5 of the Education (Scotland) Act 1981 (c. 58).
(2) S.I.1995/1713, amended by S.I. 1996/1808.

order, is entitled to have the child or assisted pupil normally live with him and, should that person remarry, his spouse;

- (d) where he has no parents defined as in sub-paragraphs (a) to (c), to his guardian or guardians (if any) or to any person or persons with whom the child or assisted pupil normally lives in accordance with either –
 - (i) an order relating to parental responsibilities or parental rights made under section 11(1) of the Children (Scotland) Act 1995⁽³⁾; or
 - (ii) any subsisting court order (other than an order made under section 11(1) of the Children (Scotland) Act 1995) which specifies who is to have actual custody or care and control of the child or assisted pupil;
- (e) where he has no parents so defined and no guardian, or where there is no order as mentioned in sub-paragraph (d), to the person or persons who have care of the child or assisted pupil.

(3) Where –

- (a) a child or assisted pupil either has no parents defined as in paragraph (2)(a), (b), (c) or (d) or he has such parents whose whereabouts are unknown; and
- (b) he is looked after by a local authority under the Children (Scotland) Act 1995,

then, for the purposes of these Regulations, he shall be treated as a child or assisted pupil whose parents have no income and, subject thereto, any reference in these Regulations to his parents shall be construed as a reference to the local authority who are looking after him.

(4) The circumstances referred to in paragraph (2)(c) are that the parents are separated under an order of a court of competent jurisdiction or by a deed of separation or, where they are not so separated (and whether or not they are married to each other), that –

- (a) it is not reasonably practicable to find one of the parents; or
- (b) in pursuance of a court order or in accordance with a maintenance assessment under the Child Support Act 1991⁽⁴⁾ one parent is liable to make periodic payments to or for the benefit of the other or one or more of their children; or
- (c) in pursuance of a court order –
 - (i) one parent has been given care of, or access to, one or more of their children; or
 - (ii) one parent is prohibited from entering the matrimonial home.”;

- (b) in paragraphs (3) and (5) of regulation 9 (references to income) for the sum of “£1,200” in the three places where it occurs substitute “£1,230”;
- (c) in paragraph (2) of regulation 13 (scales of remission) for the sum of “£9,873” substitute “£10,135”;
- (d) in regulation 15 (school travel grants for day pupils and amounts thereof)–
 - (i) in paragraph (5)(a) delete the word “(miles)”, and
 - (ii) in paragraph (6) for the sums of “£9,886” and “£9,707” substitute “£10,148” and “£9,969” respectively;
- (e) in regulation 16 (school travel grants for boarding pupils and amounts thereof)–
 - (i) in proviso (b) to paragraph (3) delete the word “(miles)”; and

(3) 1995 c. 36.

(4) 1991 c. 48.

- (ii) in paragraph (5) for the sums of “£9,886” and “£9,707” substitute “£10,148” and “£9,969” respectively;
- (f) for paragraphs (2) and (3) of regulation 17 (clothing grants) substitute—
- “(2) In an assisted pupil’s first assisted year, clothing grant shall be made in the case of such a pupil as respects whom the relevant income does not exceed £11,355 and in such case the grant shall be of an amount equal to so much of the clothing expenditure as does not exceed—
- (a) £174, where the relevant income does not exceed £9,969;
- (b) £130, where that income exceeds £9,969 but does not exceed £10,433;
- (c) £85, where that income exceeds £10,433 but does not exceed £10,881;
- (d) £44, where that income exceeds £10,881 but does not exceed £11,355.
- (3) In any subsequent school year in which clothing grant is made, it shall be made in the case of an assisted pupil as respects whom the relevant income does not exceed £10,881 and in such case the grant shall be of an amount equal to so much of the clothing expenditure (disregarding expenditure in respect of which a previous grant has been paid), as does not exceed—
- (a) £65, where the relevant income does not exceed £10,135;
- (b) £34, where that income exceeds £10,135 but does not exceed £10,881;”;
- (g) in regulation 18 (remission of charges for meals) after the words “Social Security Contributions and Benefits Act 1992” insert the words “or income-based jobseeker’s allowance under the Jobseekers Act 1995(5)”;;
- (h) delete regulation 24; and
- (i) for Schedule 2 substitute—

“SCHEDULE 2

Regulation 13

SCALES OF REMISSION

<i>(1)</i> <i>Part of relevant income to which the specified applies)</i>	<i>(2)</i> <i>(Parental contribution percentage)</i>
Any part of the relevant income which exceeds—	9%
(a) £9,969 but not £10,840	
(b) £10,840 but not £11,725	12%
(c) £11,725 but not £13,481	15%
(d) £13,481 but not £16,186	21%
(e) £16,186 but not £19,712	24%
(f) £19,712	33%”

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

St Andrew's House,
Edinburgh
1st July 1997

Brian Wilson
Minister of State, Scottish Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Assisted Places) (Scotland) Regulations 1995, principally to amend the definition of the “parents” of an assisted pupil and to uprate the qualifying income levels for the remission of fees and charges and the making of grants under the assisted places scheme.

The details of these amendments are as follows:–

- (a) the definition of “parents” of an assisted pupil is amended broadly to reflect changes introduced by the Children (Scotland) Act 1995, in particular to introduce the concept of a parent “with whom the child normally lives” in place of a parent “with actual custody of the child” (regulation 2(a));
- (b) the deduction made from relevant income for dependent children and relatives has been increased from £1,200 to £1,230 (regulation 2(b));
- (c) the level of income at or below which fees are to be wholly remitted is increased from £9,873 to £10,135 with corresponding increases in the extent of remission where the relevant income exceeds that figure (regulation 2(c) and (i));
- (d) the qualifying income levels for school travel grants and clothing grants are increased (regulation 2(d), (e)(ii) and (f)); and
- (e) school clothing grants are increased by amounts varying from £1 to £5 (regulation 2(f)).

In addition regulation 18 of the 1995 Regulations has been amended to require remission of charges for meals where the parents of an assisted pupil are in receipt of income-based jobseeker’s allowance (regulation 2(g)). The requirement for participating schools to publish annually details of the availability of places under the scheme has also been removed (regulation 2(h)). A minor drafting correction has been made to regulations 15 and 16 regarding the specification of distance in kilometres relevant to school travel grant (regulation 2(d)(i) and (e)(i)).