

SCHEDULE 1

SCHEME FOR AIDED PLACES AT ST MARY'S MUSIC SCHOOL

PART III

REMISSION OF FEES

References to remission questions

8.—(1) For the purposes of this Part “remission questions” mean the questions whether or not the parents of a pupil are entitled to any remission of fees payable in respect of the pupil and the extent of such remission.

(2) Questions whether aid should be granted as hereinafter provided by way of remission of fees shall be determined by the school for the school year in which a pupil takes up an aided place and for each subsequent school year by reference to the relevant income as respects the pupil, whether or not the parents have been entitled to any aid as respects a previous school year; and such questions and aid are hereinafter referred to, respectively, as “aid questions” and “aid”.

(3) Where either—

- (a) the pupil holds an aided place at the school for part only of the school year or leaves the school part way through the school year; or
- (b) the number of children of the parents who hold aided places differs for different parts of the school year,

aid questions shall be determined by the school for that part, or separately for those parts, and the extent to which fees in respect of part of a school year are to be remitted shall be that proportion of the amount by which the fees for the whole second year would fall to be remitted which is the proportion which the fees for the part bear to the fees for the whole school year; and for the purposes of this paragraph the duration of the school year and such part shall be calculated with reference to the total number of school days occurring therein respectively.

References to financial years

9.—(1) For the purposes of this Part, “financial year” means, subject to sub-paragraph (2), a year ending with 5th April and, in relation to a particular school year, “preceding financial year” means the financial year preceding that school year and “current financial year” means the financial year which includes the first day of that school year.

(2) Where the parents of a pupil satisfy the school that their income is wholly or mainly derived from the profits of a business, profession or vocation carried on by either or both of them, then if the parents and the school so agree, any reference in this Part to a financial year shall be construed as a reference to a year ending with such date as appears to the school expedient, having regard to any accounts kept in respect of that business, profession or vocation and the periods covered thereby:

Provided that, where that year ends with a date after 5th April but before the beginning of a school year, then, in relation to that school year, “preceding financial year” shall mean the year last so ending before 6th April in the calendar year in which the school year begins and “current financial year” shall mean the year so ending on or after that 6th April and before the beginning of the school year.

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References to income

10.—(1) For the purposes of this Part the income of any person for a financial year shall, subject to the provisions of the Appendix to this Scheme, be taken to be the parent’s total income for that year; and, in this paragraph and that Appendix, “total income” has same meaning as in section 835 of the Income and Corporation Taxes Act 1988(1).

(2) For the purposes of this Part “relevant income” as respects parents for an aided pupil means, in relation to any financial year, their income for that year aggregated with the unearned income for that year, if any, of the pupil and of any other of the parents’ children who are wholly or mainly dependent on them at the time the relevant income is calculated less, where sub-paragraph (3) or (5) applies, the sum there mentioned; and in this sub paragraph the reference to unearned income is a reference to income other than such as arises from gainful employment.

(3) Subject to sub-paragraph (5), the relevant income, calculated as aforesaid, shall be reduced by £1,430 in respect of each person other than the aided pupil who—

- (a) at the time the relevant income is calculated, is wholly or mainly dependent on the parents or on payments made to that person or for their benefit as mentioned in paragraph (4),
- (b) is a child or other relative of one or both of the parents; and
- (c) normally resides in the same household as the parents and the aided pupil.

(4) The payments referred to in paragraph (3)(a) are ones made by one or both of the parents, including sums paid as mentioned in paragraph 3(2)(f) of the Appendix to this Scheme, but excluding any other payments which fall to be deducted in ascertaining total income for the purposes of these Regulations.

(5) Where a child (other than the aided pupil) who is wholly or mainly dependent on the parents or on payments made to the child or for the child’s benefit by one or both of them is the holder of an award of a kind described in sub-paragraph (6) and there has been deducted, in calculating the amount of that award, a sum exceeding £1,430 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 £1,430 prescribed in respect of that child by sub-paragraph (3).

(6) The awards referred to in sub-paragraph (5) are—

- (a) an allowance granted by the Scottish Ministers pursuant to regulations from time to time in force or having effect under sections 73 and 74 of the Act(2) providing for the payment of allowances to students(3);
- (b) a bursary granted by an education authority pursuant to regulations from time to time in force and having effect under section 49 of the Act(4) providing for the payment of bursaries to persons undertaking courses of full-time education which are not courses of school education(5);

(1) 1988 c. 1. Section 835 was amended by the Finance Act 1988 (c. 39) Schedule 3, paragraph 22 and Schedule 14, Part IV; the Capital Allowances Act 1990 (c. 1) Schedule 1, paragraph 8(38); the Finance Act 1996 (c. 8) Schedule 6, paragraph 24; the Finance Act 1998 (c. 36) Schedule 3, paragraph 40 and Schedule 6, paragraph 16; and the Capital Allowances Act 2001 (c. 2) Schedule 2, paragraph 62.

(2) Sections 73 and 74 were amended by the Self-Governing Schools etc. (Scotland) Act 1989 (c. 39), section 73 and Schedule 10, paragraph 8(17) respectively; section 73 was amended by the Teaching and Higher Education Act 1998 (c. 30), section 29.

(3) The Regulations in force at the date on which these Regulations were made are the Students’ Allowances (Scotland) Regulations 1999 (S.I.1999/1131). The administrative arrangements for assessing assumed parental contributions are set out in the booklet “Student Support in Scotland” published in April 2001 by the Student Awards Agency, copies of which are obtainable from the Student Awards Agency for Scotland, Gyleview House, 3 Redheughs Rigg, Edinburgh EH12 9HH.

(4) Section 49 was amended by the Self-Governing Schools etc. (Scotland) Act 1989 (c. 39), Schedule 10, paragraph 8(9).

(5) The Regulations in force at the date on which these Regulations were made are the Education Authority Bursaries (Scotland) Regulations 1995 (S.I. 1995/1739), as amended by S.I. 1997/1049.

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- (c) a mandatory award paid by a local education authority in England and Wales pursuant to regulations from time to time in force under section 1 of the Education Act 1962(6) providing for the payment of awards to students attending specified courses of further or higher education(7);
- (d) an award made by—
 - (i) the Northern Ireland Executive’s Higher and Further Education, Training and Employment Department pursuant to article 50 of the Education and Libraries (Northern Ireland) Order 1986(8) and regulations from time to time in force thereunder(9), being an award in respect of attendance at a course which commenced before 1st September 1999, a first degree course or a postgraduate course for the training of teachers; or
 - (ii) the Northern Ireland Executive’s Higher and Further Education, Training and Employment Department pursuant to article 51 of the said Order(10), being an award in respect of attendance at an approved postgraduate course at university, colleges or other institutions, or other approved course, or for the purposes of enabling or encouraging the holder to take advantage of educational facilities available to them.

(7) In this paragraph, any reference to the parents of an aided pupil is a reference to the persons who are his parents at the time the relevant income is calculated.

General provisions relating to remission

11.—(1) The parents of an aided pupil shall not be entitled to any remission of fees for which they are liable in respect of a period before the pupil took up his aided place or (in lieu of notice or otherwise) after the pupil has left the school or, if the pupil remains at the school, after the end of the school year in which they attain the age of 20 years.

(2) The parents of an aided pupil shall be under no obligation to apply for remission of fees as respects a particular school year if they consider themselves not entitled thereto but if, as respects such a year, they do not—

- (a) duly apply to the school for remission of fees payable for that year; or
- (b) subject to paragraph 12(4), duly furnish the school with the information and supporting evidence requisite for determining remission questions,

they shall not be entitled to any remission of fees for that year.

(3) If the Scottish Ministers are satisfied that the parents of an aided pupil have furnished information required for determining remission questions which they know to be false in a material particular, or have recklessly furnished such information which is false in a material particular, they may direct that those parents shall not be entitled to any remission of fees in the case of that pupil and, if they so direct, in the case of any other of their children who are aided pupils, as respects a specified school year and, if they so direct, any subsequent school year:

Provided that—

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- (6) 1962 c. 12; section 1 was substituted by section 19 of and Schedule 5 to the Education Act 1980 (c. 20) and amended by section 4 of the Education (Grants and Awards) Act 1984 (c. 11); the entire Act was repealed by the Teaching and Higher Education Act 1998 (c. 30), Schedule 4, subject to the saving and transitional provisions set out in the Teaching and Higher Education Act 1998 (Commencement No. 4 and Transitional Provisions) Order 1998 (S.I. 1998/3237 (c.81)), article 4.
 - (7) The Regulations in force at the date on which these Regulations were made were the Education (Mandatory Awards) Regulations 1999 (S.I. 1999/1494), as amended by S.I. 2000/1425.
 - (8) S.I. 1986/594 (N.I. 3). Article 50(1) and (2) was repealed by Article 9 of, and the Schedule to, the Education (Student Support) (Northern Ireland) Order 1998 (S.I. 1998/1760) (N.I. 14), subject to the transitional and saving provisions in Part II of the Education (Student Support) (Northern Ireland) Order 1998 (Commencement No. 2 and Transitional Provisions) Order 1998, S.R. 1998 No. 460 (c.22).
 - (9) The Regulations in force at the date on which these Regulations were made are the Students Awards Regulations (Northern Ireland) 2000 (S.R. 2000 No. 311).
 - (10) Article 51 was substituted by Article 43 and Schedule 5 to S.I. 1996/274 (N.I. 1).

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- (a) the Scottish Ministers shall not give a direction hereunder without affording the parents concerned an opportunity to make representations or without considering such representations;
 - (b) the giving of such a direction hereunder shall be without prejudice to its variation or revocation by a subsequent direction.
- (4) This paragraph shall have effect notwithstanding anything in paragraph 8 or any other provision of this Scheme.

12.—(1) Subject to sub-paragraphs (2), (3) and (4), remission questions shall be determined by reference to relevant income in the preceding financial year.

(2) Where one of the pupil's parents has died after remission questions have been determined but before the end of the current financial year and the school are satisfied that the income of the surviving parent in that year, when aggregated with that of the deceased parent, is likely to be less than their aggregated income in the preceding financial year, the remission questions shall be redetermined by reference to the current financial year; and in such case, sub-paragraph (1) shall have effect as if the reference to the preceding financial year were a reference to the current financial year and the reference to the pupil's parents in paragraph 10(2) included a reference to the deceased parent (notwithstanding the provisions of paragraph 10(7)).

- (3) This sub-paragraph shall apply in a case not falling within sub-paragraph (2) if—
- (a) the school are satisfied that the relevant income in the current financial year is, as a result of some event beyond the control of the pupil's parents, likely to be not more than 85% of the relevant income in the preceding financial year; or
 - (b) the school, though not satisfied as aforesaid, are satisfied that the relevant income in the current financial year is likely to be so much less than the relevant income in the preceding financial year that financial hardship would result from remission questions being determined by reference to that year; and the Scottish Ministers approve the application of this paragraph;

and, in a case to which this sub-paragraph applies, remission questions shall be determined in relation to the school year in question and, unless and until the Scottish Ministers otherwise direct, any subsequent school year by reference to the current financial year and, in such case, sub-paragraph (1) shall have effect as if the reference therein to the preceding financial year were a reference to the current financial year.

(4) Where it is not reasonably practicable for the parents to furnish, before the beginning of the school year, the requisite information as to relevant income for the appropriate financial year, then, in relation to that school year, remission questions may be determined provisionally, by reference to relevant income for earlier financial years as the school thinks fit but—

- (a) no such provisional determination shall be more favourable to the parents than one arrived at by reference to an estimate furnished by the parents of relevant income for the appropriate financial year;
- (b) a provisional determination shall cease to have effect when the parents have furnished the requisite information or if the school is satisfied that it has become reasonably practicable for them to do so but they have failed to furnish it; and
- (c) within three months of the determination of the remission questions any over remission or under remission of fees shall be adjusted by payments between the parents and the school.

Remission of fees boarding pupils

13.—(1) This paragraph shall apply in the case of an aided pupil who is a boarder at the school.

(2) Where the relevant income for the appropriate financial year does not exceed £9,750, the fees shall be wholly remitted.

(3) In any other case the fees for the school in respect of each aided pupil shall be remitted to the extent (if any) necessary to secure that the parents' residual liability for that pupil's fees is of an amount (rounded down to the nearest multiple of £3) equal to the aggregate of the specified percentages of those parts of the relevant income referred to in column (1) of the following Table, being the percentages—

- (a) specified opposite those parts in column (2), where only one child of the parent holds an aided place at the school;
- (b) so specified in column (3) where two children of the parents hold such aided places;
- (c) specified for the purposes hereof by the Scottish Ministers, where more than two children of the parents hold such aided places:—

<i>(1)</i> <i>Part of relevant income to which specified percentage applies</i>	<i>(2)</i> <i>Only aided pupil</i>	<i>(3)</i> <i>Each of two aided pupils</i>
That part which exceeds £9,407 but does not exceed £11,888	10%	7.5%
That part (if any) which exceeds £11,888 but does not exceed £16,664	20%	15%
That part (if any) in excess of £16,664	12.5%	7.5%

Remission of fees day pupils

14.—(1) This paragraph shall apply in the case of an aided pupil who is a day pupil at the school.

(2) Where the relevant income for the appropriate financial year does not exceed £12,040 the fees shall be wholly remitted.

(3) In any other case the fees in respect of each aided pupil shall be remitted to the extent (if any) necessary to secure that the parents' residual liability for that pupil's fees is of an amount (rounded down to the nearest multiple of £3) equal to the percentage mentioned below of that part of the relevant income which exceeds £11,888, namely—

- (a) 10% of that part, where only one child of the parents holds an aided place at the school;
- (b) 7.5% of that part, where two children of the parents hold such aided places;
- (c) such percentage of that part as is specified for the purposes hereof by the Scottish Ministers, where more than two children of the parents hold such places.

15. Where the parents of an aided pupil also have a child who is the holder of an assisted place in Scotland as defined in regulation 2(1) of the Education (Assisted Places) (Scotland) Regulations 2001⁽¹¹⁾, or is the holder of an assisted place at an independent school in England and Wales by virtue of a scheme operated by the Secretary of State for Education pursuant to section 2 of the Education (Schools) Act 1997⁽¹²⁾, the parents' residual liability for fees shall be calculated in

⁽¹¹⁾ S.S.I. 2001/222.

⁽¹²⁾ 1997 c. 59.

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accordance with paragraph 13 or 14, as the case may be, as if their child who is an assisted pupil held an aided place for the purposes of that paragraph.