



# Education Reform Act 1988

## 1988 CHAPTER 40

### PART I

#### SCHOOLS

### CHAPTER V

#### MISCELLANEOUS

##### *Charges in maintained schools*

#### **109 Permitted charges**

- (1) Subject to subsection (2) below, a charge may be made in respect of—
- (a) education or transport provided for a registered pupil at any maintained school other than education or transport in respect of which by virtue of section 106 of this Act or section 55(1) of the 1944 Act no charge may be made;
  - (b) the entry of any such pupil for a public examination in any syllabus for that examination otherwise than in circumstances in which by virtue of section 106(5) of this Act no charge may be made; and
  - (c) board and lodging provided for any such pupil on a residential trip.
- (2) A charge may not be made—
- (a) by virtue of subsection (1)(a) above in respect of the provision for a pupil of education or transport; or
  - (b) by virtue of subsection (1)(b) above in respect of the entry of a pupil for an examination in any syllabus for that examination;

unless the education or transport is provided or the pupil is entered for the examination in that syllabus by agreement with his parent; and any education, transport or examination entry in respect of which a charge may be made by virtue of either of those provisions is referred to below in this section as an “optional extra”.

---

*Status: This is the original version (as it was originally enacted).*

---

- (3) The following provisions of this section apply in relation to any charge permitted under this section, other than a charge in respect of education provided at a grant-maintained school in pursuance of arrangements made under section 57(5) of this Act; and any charge to which those provisions apply is referred to in those provisions as a regulated charge.
- (4) The amount of any regulated charge shall be payable by the parent of the pupil concerned.
- (5) A regulated charge shall not exceed the cost of the provision of the optional extra or the board and lodging in question.
- (6) Without prejudice to the generality of subsection (5) above, the cost of the provision of an optional extra includes costs, or an appropriate proportion of the costs—
  - (a) incurred in respect of the provision of any materials, books, instruments or other equipment used for the purposes of or in connection with the provision of the optional extra;
  - (b) attributable to the provision of non-teaching staff for any purpose connected with the provision of the optional extra; or
  - (c) attributable to the provision of teaching staff engaged under contracts for services for the purpose of providing it.
- (7) Subject to subsection (8) below, the cost of the provision of an optional extra shall not be taken as including any costs attributable to the provision of teaching staff other than staff engaged as mentioned in subsection (6)(c) above.
- (8) Where the optional extra in question consists of tuition in playing any musical instrument the cost of its provision shall include costs, or an appropriate proportion of the costs, attributable to the provision of teaching staff employed for the purpose of providing the tuition.
- (9) Where charging is permitted under this section and the charge would be a regulated charge, the question of whether any charge in respect of the optional extra or the board and lodging should be made, and the amount of any charge to be made, shall be determined—
  - (a) in a case where the cost of the provision of the optional extra or board and lodging is met by, or from funds at the disposal of, the governing body, by the governing body; and
  - (b) in any other case, by the local education authority.
- (10) The whole or any part of the amount of any charge the local education authority determine under subsection (9)(b) above to make—
  - (a) shall, if the governing body so determine, be met by, or from funds at the disposal of, the governing body; and
  - (b) shall not, to the extent that it is so met, be payable by the parent of the pupil concerned.