



# Education (Schools) Act 1997

## 1997 CHAPTER 59

### *Assisted places in Scotland*

#### **5 Phasing out of assisted places scheme in Scotland.**

(1) Section 75A (assisted places) of the<sup>M1</sup> Education (Scotland) Act 1980 (“the 1980 Act”) shall be amended as follows—

- (a) in subsection (1), for the words from the beginning to “establish and” there shall be substituted the words “ The Secretary of State shall, subject to subsections (1A) and (1B) below, ”;
- (b) after subsection (1) there shall be inserted the following subsection—

“(1A) The Secretary of State shall operate a scheme such as is described in subsection (1) above only in relation to any pupil admitted to an assisted place under such a scheme prior to the beginning of the first term of the 1997-98 school year where the pupil will be in attendance at the school concerned—

- (a) at the beginning of that term; or
- (b) after the beginning of that term but before the end of that school year, and where it appears to the Secretary of State that it is reasonable, in view of any particular circumstances relating to that pupil, that he should be permitted to take advantage of that place after the beginning of that term,

and, for the purposes of this section, “1997-98 school year” means the period of twelve months beginning on 1st August 1997.

(1B) A pupil holding an assisted place who is receiving primary education during the 1997-98 school year shall cease to hold that place—

- (a) at the end of the school year in which he completes his primary education; or
- (b) if the Secretary of State, where he is satisfied that it is reasonable to do so in view of any particular circumstances relating to that pupil, decides that he should continue to

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- hold that place for a further period during which he receives secondary education, at the end of that period.”;
- (c) for subsection (2) there shall be substituted the following subsection—
- “(2) In this section references to a participating school are references to any grant-aided or independent school providing secondary education which the Secretary of State has determined, prior to the coming into force of this subsection, to be a participating school for the purposes of the scheme.”;
- (d) for subsection (4) there shall be substituted the following subsection—
- “(4) The Secretary of State may alter—
- (a) the maximum annual amount referred to in subsection (3)(a) above; or
- (b) the conditions referred to in subsection (3)(b) above, by written notification to the school concerned.”; and
- (e) after subsection (9) there shall be inserted the following subsections—
- “(9A) Regulations under this section may—
- (a) provide for the discharge of any future liabilities of the Secretary of State to make reimbursements of fees by way of lump sum payments; and
- (b) provide for the Secretary of State, in a case where a participating school—
- (i) merges with another school;
- (ii) closes (whether wholly or in part); or
- (iii) notifies the Secretary of State that it no longer wishes to provide assisted places,
- to authorise the new school or, as the case may be, any other participating school to provide any assisted places which the participating school first mentioned was authorised to provide; and a new school authorised to provide assisted places under regulations made under this section shall be treated for the purposes of this section and section 75B of this Act as if a determination had been made in respect of it under subsection (2) above.
- (9B) Without prejudice to his duty to operate a scheme under subsection (1) above in respect of pupils such as are mentioned in subsection (1A) above, the Secretary of State may by regulations make such provision as he considers necessary for or in relation to the ending of the scheme.
- (9C) Regulations made under this section or section 75B of this Act may make different provision for different cases, circumstances or areas and may contain such incidental, supplemental, saving or transitional provisions as the Secretary of State thinks fit.”.
- (2) The following provisions of the 1980 Act shall cease to have effect—
- (a) in section 75A, subsection (6) and, in subsection (9), paragraphs (a) and (b) and, in paragraph (e), the words “the admission of pupils to assisted places,”; and

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(b) Schedule 1A.

**Commencement Information**

**I1** S. 5 wholly in force at 1.12.1997; S. 5(1) in force at Royal Assent see ss. 7(3); S. 5(2) in force at 1.12.1997 by S.I. 1997/2774, art. 2

**Marginal Citations**

**M1** 1980 c.44.

**Changes to legislation:**

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