
STATUTORY INSTRUMENTS

1997 No. 2773 (S.172)

EDUCATION, SCOTLAND

**The Education (Assisted Places) (Scotland)
Amendment (No.2) Regulations 1997**

Made - - - - *18th November 1997*
Laid before Parliament *24th November 1997*
Coming into force - - *19th December 1997*

The Secretary of State, in exercise of the powers conferred on him by sections 75A(9), (9A)(b) and (9C) 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 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 (No.2) Regulations 1997 and shall come into force on 19th December 1997.

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

2. After regulation 23 of the Education (Assisted Places) (Scotland) Regulations 1995(2) there shall be inserted—

“PART VA

TRANSFER OF ASSISTED PLACES

Transfer of assisted places – general

- 23A.—(1) This regulation applies where a participating school—
- (a) merges with another grant-aided or independent school (including a school which is not also a participating school);

(1) 1980 c. 44; section 75A was inserted by the Education (Scotland) Act 1981 (c. 58), section 5; subsections (9A) and (9C) were inserted by the Education (Schools) Act 1997 (c. 59), section 5(1)(e).
(2) S.I.1995/1713, amended by S.I. 1996/1808 and 1997/1641.

- (b) closes (whether wholly or in part); or
- (c) notifies the Secretary of State that it no longer wishes to provide assisted places.

(2) Where this regulation applies, the Secretary of State may authorise the new school or, as the case may be, any other participating school to provide any assisted places which the old school was authorised to provide.

(3) Where the Secretary of State decides to authorise a replacement school pursuant to paragraph (2), he shall give written notice of his decision to that school; and that notice shall specify in respect of every transferred assisted pupil—

- (a) his name, address and date of birth; and
- (b) the period for which he may be provided with an assisted place by the replacement school (which, subject to paragraph (4), shall correspond to the remainder of the period for which his assisted place at the participating school first mentioned would have been available).

(4) The period for which the transferred assisted pupil may be provided with an assisted place by the replacement school shall be adjusted, as necessary, to take account of any period during which he is treated as holding an assisted place at the new school by virtue of regulation 23B(1)(b) or (2).

(5) Subject to any subsequent decision by the Secretary of State under section 75A(1B) (b) of the Act(3), a transferred assisted pupil shall cease to hold an assisted place at the replacement school at the end of the period specified in the notice given under paragraph (3).

(6) In this regulation and in regulation 23B—

“new school” means a school formed by the merger of the old school and another school;

“old school” means the participating school first mentioned in paragraph (1);

“replacement school” means a school authorised under paragraph (2) to provide assisted places;

“transferred assisted pupil” means a pupil admitted to an assisted place at the old school and for whom the replacement school is authorised under paragraph (2) to provide an assisted place.

Transfer of assisted places on school merger – transitional provisions

23B.—(1) In a case falling within regulation 23A(1)(a)—

- (a) authorisation pursuant to regulation 23A(2) may be given no later than 3 months after the date on which the old school ceased to provide assisted places; and
- (b) pending a decision on authorisation or the expiry of those 3 months without a decision being given, an assisted pupil at the old school shall be treated as holding an assisted place at the new school if he is in attendance at that school.

(2) In such a case, if the Secretary of State considers when giving authorisation that it is appropriate for an assisted pupil to transfer to a replacement school, other than the new school, at a future date no later than the beginning of the first term in the immediately following school year and to remain in attendance at the new school meantime, the pupil shall, if he remains in attendance at the new school, be treated until that date as holding an assisted place there and as not holding an assisted place at the replacement school.”.

(3) Section 75A(1B) was inserted by the Education (Schools) Act 1997, section 5(1)(b).

St Andrew's House,
Edinburgh
18th November 1997

Brian Wilson
Minister of State, Scottish Office

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) (Scotland) Regulations 1995 in light of provisions introduced by the Education (Schools) Act 1997 to phase out the Assisted Places Scheme. Under these new provisions, no pupils will be admitted to the Scheme after the start of the school session 1997/98. The amendment made by these Regulations enables the Secretary of State to authorise a replacement school to provide an assisted place for an existing assisted pupil whose school merges with another school, closes or no longer wishes to participate in the Scheme.

Transitional provision is made for cases of school merger—

- (a) allowing the authorisation to be granted up to 3 months after the original school ceased to provide the assisted place, and for the pupil to be deemed to hold an assisted place at the merged school meantime; and
- (b) allowing the Secretary of State, where a pupil is to transfer to a school other than the merged school, to permit the pupil to transfer at a date no later than the beginning of the first term in the following school year, where he considers that appropriate, and providing for the pupil to be treated as holding an assisted place at the merged school meantime.