
STATUTORY INSTRUMENTS

1997 No. 1640 (S. 125)

EDUCATION, SCOTLAND

The St Mary's Music School (Aided Places) 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 73(f) and 74(1) of the Education (Scotland) Act 1980(1), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the St Mary's Music School (Aided Places) Amendment Regulations 1997 and shall come into force on 1st August 1997.

Amendment of St Mary's Music School (Aided Places) Regulations 1995

2. Schedule 1 to the St Mary's Music School (Aided Places) Regulations 1995(2) is amended as follows:—

(a) for paragraph 1(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 aided 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 aided 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 aided pupil normally lives or who, in pursuance of a court

(1) 1980 c. 44; section 74(1) was amended by the Self-Governing Schools etc. (Scotland) Act 1989 (c. 39), Schedule 10, paragraph 8(17).
(2) S.I.1995/1712, amended by S.I. 1996/1807.

order, is entitled to have the child or aided 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 aided 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 aided 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 aided pupil.

(3) Where –

- (a) a child or aided pupil either has no parents defined as in sub-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 aided 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 sub-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 sub-paragraphs (3) and (5) of paragraph 10 (references to income) for the sum of “£1,200” in the three places where it occurs substitute “£1,230”;

(c) in paragraph 13 (remission of fees – boarding pupils) –

- (i) in sub-paragraph (2) for the sum of “£8,498” substitute “£8,723”;
- (ii) in sub-paragraph (3) for the Table substitute–

(3) 1995 c. 36.

(4) 1991 c. 48.

“TABLE

<i>(1)</i> <i>Part of relevant income to which the 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 £8,574 but does not exceed £10,823	10%	7.5%
That part which exceeds £10,823 but does not exceed £15,208	20%	15%
That part in excess of £15,208	12.5%	7.5%”

(d) in paragraph 14 (remission of fees – day pupils) for the sums of “£10,687” and “£10,538” substitute “£10,972” and “£10,823” respectively;

(e) in paragraph 17 (remission of charges for meals – day pupils) 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)”;

(f) for sub-paragraphs (3) and (4) of paragraph 18 (clothing grants) substitute–

“(3) Unless an aided pupil has been a pupil at the school before taking up an aided place, in a pupil’s first year at the school, clothing grant shall be payable in the case of an aided 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;

Provided that any clothing grant which would fall to be paid in pursuance of this sub-paragraph in a pupil’s first aided year at the school may be paid during the two months immediately preceding that year.

(4) Except where sub-paragraph (3) applies, clothing grant shall be payable in the case of an aided 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 proviso (a) to sub-paragraph (2) of paragraph 22 (school travel grants – day pupils) delete the word “(miles)”;

(h) in paragraph 24 (amount of school travel grants) for the sums of “£9,886” and “£9,707” substitute “£10,148” and “£9,969” respectively.

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 St Mary's Music School (Aided Places) Regulations 1995, principally to amend the definition of the "parents" of an aided pupil and to uprate the qualifying income levels for the remission of fees and charges and the making of grants under the aided places scheme.

The details of these amendments are as follows:—

- (a) the definition of "parents" of an aided 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 £8,498 to £8,723 for boarders and from £10,687 to £10,972 for day pupils, with corresponding increases in the extent of remission where the relevant income exceeds those sums (regulation 2(c) and (d));
- (d) the qualifying income levels for school travel grants and clothing grants are increased (regulation 2(f) and (h)); and
- (e) school clothing grants are increased by amounts varying from £1 to £5 (regulation 2(f)).

In addition paragraph 17 of Schedule 1 to the 1995 Regulations has been amended to require remission of charges for meals where the parents of an aided pupil are in receipt of income-based jobseeker's allowance (regulation 2(e)). A minor drafting correction has also been made to paragraph 22 of that Schedule regarding the specification of distance in kilometres relevant to school travel grant for day pupils (regulation 2(g)).