SCOTTISH STATUTORY INSTRUMENTS

2003 No. 281

EDUCATION

The Education (Assisted Places) (Scotland) Amendment Regulations 2003

Made - - - -	*4th June 2003*
Laid before the Scottish Parliament - - - -	*5th June 2003*
Coming into force - -	*1st August 2003*

The Scottish Ministers, in exercise of the powers conferred by sections 75A(9) and (10) and 75B of the Education (Scotland) Act 1980(**1**) and of all other powers enabling them in that behalf, and after having consulted such bodies as appear to the Scottish Ministers to be appropriate and to be representative of participating schools in accordance with section 75A(11) of that Act, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Education (Assisted Places) (Scotland) Amendment Regulations 2003 and shall come into force on 1st August 2003.

Amendment of Education (Assisted Places) (Scotland) Regulations 2001

2. The Education (Assisted Places) (Scotland) Regulations 2001(**2**) are amended as follows:–

(a) in regulation 9(3) and (5) (references to income) for the sum of "£1,463" in the three places where it occurs substitute "£1,500";

(b) in regulation 13(2) (scales of remission) for the sum of "£11,368" substitute "£11,629";

(c) in regulation 15(6) (school travel grants for day pupils and amounts thereof) for the sums of "£11,385" and "£11,202" substitute "£11,647" and "£11,460" respectively;

(d) in regulation 16(5) (school travel grants for boarding pupils and amounts thereof) for the sums of "£11,385" and "£11,202" substitute "£11,647" and "£11,460" respectively;

(**1**) 1980 c. 44; sections 75A and 75B were inserted by section 5 of the Education (Scotland) Act 1981 (c. 58). Section 75A was amended by the Education (Schools) Act 1997 (c. 59), sections 5 and 6 and the Schedule, and by the School Standards and Framework Act 1998 (c. 31), sections 130 and 140 and Schedule 31. Section 135(1) contains a definition of "prescribed" relevant to the exercise of the statutory powers under which these Regulations are made. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(**2**) S.S.I. 2001/222, as amended by S.S.I. 2002/249.

(e) for regulation 17(2) substitute–

"(2) A clothing grant shall be made in the case of an assisted pupil as respects whom the relevant income does not exceed £12,508 and 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) £77, where the relevant income is £11,629 or less;

(b) £40, where that income exceeds £11,629 but does not exceed £12,508.";

(f) for regulation 18 (remission of charges for meals) substitute–

"**18.**—(1) Where the parents of an assisted pupil satisfy the school that at any time during a school year, or the month preceding the beginning of a school year, they are a person specified in paragraph (2) the school shall make such provision for meals in the middle of the day for that pupil as appears to the school to be requisite and shall remit the whole of any charges in respect of such provision–

(a) during the whole of that school year, where it is satisfied as aforesaid at or before the beginning of that year; or

(b) for the remainder of the school year, where it is so satisfied in the course thereof,

notwithstanding that the parents may cease to be a person specified in paragraph (2) between the participating school being so satisfied and the end of the school year in question.

(2) The person referred to in paragraph (1) is a person who is in receipt of–

(i) income support;

(ii) an income-based jobseeker's allowance (payable under the Jobseekers Act 1995(**3**)); or

(iii) Child Tax Credit (payable under the Tax Credits Act 2002(**4**)) in the circumstances set out in paragraph (3).

(3) The circumstances referred to in paragraph (2) (iii) are–

(i) the person is entitled to Child Tax Credit but not to Working Tax Credit (payable under the Tax Credits Act 2002); and

(ii) the person is receiving Child Tax Credit by virtue of an award which is based on an annual income not exceeding the amount determined for the purposes of section 7(1)(a) of the Tax Credits Act 2002 as the income threshold for Child Tax Credit."; and

(g) for Schedule 2 substitute–

(**3**) 1995 c. 18.
(**4**) 2002 c. 21.