SCOTTISH STATUTORY INSTRUMENTS

2001 No. 223

EDUCATION

The St Mary's Music School (Aided Places) (Scotland) Regulations 2001

Made - - - -	*8th June 2001*
Laid before the Scottish Parliament - - - -	*11th June 2001*
Coming into force - -	*1st August 2001*

The Scottish Ministers, in exercise of the powers conferred by sections 73(f) and 74(1) of the Education (Scotland) Act 1980(**1**) and all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the St Mary's Music School (Aided Places) (Scotland) Regulations 2001 and shall come into force on 1st August 2001.

Interpretation

2. In these Regulations, including in the Scheme set out in Schedule 1–

"the Act" means the Education (Scotland) Act 1980;

"aided place" means any place at the school, in respect of which place fees are to be remitted in accordance with the Scheme;

"aided pupil" means any child who has been admitted or is about to be admitted to an aided place;

"allowance" means an allowance payable by the Secretary of State or Scottish Ministers in terms of these Regulations;

"chorister" means a child who attends the school wholly or mainly in connection with singing in St Mary's Cathedral Choir;

"fees" means–

(**1**) 1980 c. 44; section 73(f) was amended by the Teaching and Higher Education Act 1998 section 29; section 74(1) was amended by the Self-Governing Schools etc. (Scotland) Act 1989 (c. 39), section 82 and Schedule 10, paragraph 8(17). Section 135(1) contains definitions 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).

(a) tuition and other fees the payment of which is a condition of attendance at the school; and

(b) fees of public examinations paid by the school in respect of candidates from the school;

"Scheme" means the Scheme for Aided Places at St Mary's Music School set out in Schedule 1;

"school" means St Mary's Music School, Edinburgh and references to the school include references to the managers thereof and persons acting with their authority; and

"school year" means a period of 12 months commencing on 1st August of any year.

Payment of allowances

3.—(1) The Scottish Ministers may pay to the school allowances in respect of persons attending the school as aided pupils.

(2) Subject to the following provisions of these Regulations, the allowances referred to in paragraph (1) shall be of an amount equal to any fees or charges remitted or grants made by the school in terms of the Scheme.

(3) Payment of the allowances referred to in paragraph (1) shall be subject to the school submitting claims in accordance with regulation 4 and complying with the conditions specified in regulation 5.

Claims for payment of allowances

4.—(1) The school may submit to the Scottish Ministers claims for payment of the allowances referred to in regulation 3 (hereinafter referred to as "reimbursement claims") in respect of such periods, not being less than a term, as appear to it appropriate and, with their consent claims may be submitted on the basis of an estimate of fees or charges remitted or grants made ("provisional claims"); but, where a provisional claim is submitted, the school shall, as soon as is reasonably practicable, submit a reimbursement claim in respect of the period in question which is not based on such an estimate and that claim shall supersede the provisional claim.

(2) As soon as is reasonably practicable after they are satisfied as respects a reimbursement claim, the Scottish Ministers shall pay allowance to the school in pursuance of the claim in accordance with these Regulations, without prejudice, however, where they consider it expedient to do so, to their making earlier payments of allowance on account in pursuance of the reimbursement claim or in pursuance of a provisional claim in respect of the same period.

Conditions of payment

5. It shall be a condition of payment of an allowance that the Scottish Ministers are satisfied that–

(a) in respect of the period to which the reimbursement claim relates, the school has applied the Scheme;

(b) the school has remitted all fees and charges and made all grants, in respect of which the reimbursement claim is submitted, in terms of the Scheme;

(c) in respect of the period to which the reimbursement claim relates, the school has complied with the requirements specified in regulations 7 to 16; and

(d) the school has not, in respect of the school year relative to which, or part of which, the reimbursement claim is submitted given aided places to–

(i) more pupils than the Scottish Ministers, after consultation with the school, have specified;

(ii) more day or boarding pupils than the Scottish Ministers, after consultation with the school, may have specified; or

(iii) more choristers than the Scottish Ministers, after consultation with the school, may have specified.

Requirements following payment of allowances

6. When allowances have been paid to the school by the Scottish Ministers under these Regulations or under the St Mary's Music School (Aided Places) Regulations 1995(**2**), the school shall comply with the requirements in regulations 7 to 16.

Publication of information

7. The school shall publish annually in a Scottish national newspaper circulating at least weekly, information on the following matters:–

(a) that the school offers aided places in accordance with the Scheme;

(b) one or more addresses and telephone numbers at which information about aided places may be obtained;

(c) that, on written application being made by parents of children eligible for a place, information about the school will be supplied to them;

(d) that information about the school is available for inspection or reference purposes at the times and places stated.

Supply of information

8. The school shall supply in writing to the parent of a pupil eligible for an aided place in the school, on a written request being made therefor, information of the kinds specified in Schedule 2.

Updating of information

9. The school shall review yearly and revise as necessary its provision of information of the kinds specified in Schedule 2 and such provision shall at all times state the school year to which the information therein referred to relates or refers and shall contain a warning that, although the information given is believed to be correct in relation to that year at a date specified in the provision, it should not be assumed that there will be no change in or affecting the matters covered by the provision–

(a) before the commencement or during the course of the school year in question; or

(b) in relation to subsequent school years.

Information to Scottish Ministers

10. The school shall furnish the Scottish Ministers with–

(a) information required to be supplied under regulation 8 revised as necessary in accordance with regulation 9 not later than the end of the school year in which revision is made;

(b) such periodic returns and other information as they may require relating to the school or pupils thereat, including in particular information relevant to an intended increase in fees for pupils at the school;

(c) such information as they may require relating to any reimbursement claim or provisional claim submitted in accordance with these Regulations.

(**2**) S.I. 1995/1712, as amended by S.I. 1996/1807, S.I. 1997/1640, S.I. 1998/1498, S.I. 1999/1060 and S.S.I. 2000/196.

Fees

11.—(1) The school shall obtain the approval of the Scottish Ministers to all tuition and other fees and charges payable in respect of aided pupils and such fees and charges shall not include any sum to be paid into a bursary or similar fund.

(2) The school shall not make it a condition of the attendance of an aided pupil at the school that any payment otherwise than in respect of fees be made to the school or into a fund specified by the school.

School accounts

12.—(1) The accounts of the school shall–

(a) if the Scottish Ministers so require, be kept in a form specified by them;

(b) be audited by an independent auditor.

(2) At the request of the Scottish Ministers, the school shall furnish them with copies of its accounts for such periods as they may specify together with copies of the auditor's certificate relating to them.

School governing body

13.—(1) If, after consultation with the school, the Scottish Ministers so direct, the school shall, as from a date specified by them, permit–

(a) one or two members appointed by the Scottish Ministers to be included on the governing body of the school; or

(b) one or two persons representing the Scottish Ministers to attend, and take part in any discussions at, meetings of the governing body,

notwithstanding that they are not members thereof and have no say in any decision taken thereat.

(2) This regulation shall apply in relation to a committee or sub-committee of the governing body of the school and the meetings thereof as it applies in relation to the governing body and that body's meetings.

(3) The school shall permit a member of Her Majesty's Inspectorate of Schools, on prior arrangement with the school, to attend any audition arranged by the school for the selection of pupils to be admitted to the school.

Proposals relating to premises

14.—(1) The school shall notify to the Scottish Ministers any proposals it has to–

(a) acquire new premises; or

(b) make alterations to existing premises.

(2) If the Scottish Ministers so direct in respect of any specific proposal of a sort mentioned in paragraph (1), the school shall not implement that proposal without their approval, which may be given either unconditionally or subject to conditions specified by them being fulfilled.

Proposals relating to boarding arrangements

15.—(1) If the Scottish Ministers so require, the school shall notify to them any proposals it has to–

(a) make arrangements for boarding pupils; or

(b) change existing arrangements for such pupils.

(2) If the Scottish Ministers so direct in respect of any specific proposal of a sort mentioned in paragraph (1), the school shall not implement that proposal without their approval, which may be given either unconditionally or subject to conditions specified by them being fulfilled.

Overpayments

16. The school shall repay to the Scottish Ministers any overpayment of allowance which appears to them to have been made to the school and, in particular, but without prejudice to that generality, where the amount of any reimbursement claim under these Regulations is less than the amount paid to the school under a provisional claim, the school shall repay the amount overpaid to the Scottish Ministers.

Revocations

17. The Regulations specified in Schedule 3 are hereby revoked.

St Andrew's House,Edinburgh
8th June 2001

JACK McCONNELL
A member of the Scottish Executive