EXPLANATORY NOTE

(This note is not part of the Order, but is intended to explain its general purport.)

The object of this Order is to transfer jurisdiction for determining questions of disputed compensation arising under the Public Health Acts to the Lands Tribunal for Northern Ireland.

1965. No. 139 **[C]**

EDUCATION

Grammar Schools (Admissions, Scholarships and Special Allowances)

REGULATIONS, DATED 30TH JUNE, 1965, MADE BY THE MINISTRY OF EDUCATION UNDER THE EDUCATION ACTS (NORTHERN IRELAND) 1947 TO 1963.

The Ministry of Education (hereinafter referred to as "the Ministry") in pursuance of the powers vested in it by Sections 48 and 76 of the Education Act (Northern Ireland) 1947(**a**), and of all other powers enabling it in that behalf, hereby makes the following Regulations:—

Introductory

1.—(1) These Regulations may be cited as the Grammar Schools (Admissions, Scholarships and Special Allowances) Regulations 1965, and shall come into operation on 1st August, 1965.

(2) The Grammar Schools (Admissions, Scholarships and Special Allowances) Regulations (Northern Ireland) 1953(**b**) are hereby revoked.

2.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them, that is to say:—

"Approved" means approved by the Ministry for the purposes to which the context relates;

"Award" has the meaning assigned to it in paragraph (1) of Regulation 8 of these Regulations;

"Boarding Allowance" means a special allowance granted under the provisions of paragraphs (2) and (3) of Regulation 8;

"Group A Voluntary School" has the meaning assigned to it in the Secondary Schools (Grant Conditions) Regulations 1965;

"Group B Voluntary School" has the meaning assigned to it in the Secondary Schools (Grant Conditions) Regulations 1965;

"Incidentals Allowance" means a special allowance under the provisions of sub-paragraph (*b*) of paragraph (1) of Regulation 8 payable until the end of the day on which a qualified pupil attains the upper limit of the compulsory school age;

(**a**) 1947. c. 3.

(**b**) S.R. & O. (N.I.) 1953, No. 70; S.R. & O. (N.I.) 1954, No. 100; S.R. & O. (N.I.) 1959, No. 112; S.R & O. (N.I.) 1960, No. 52; S.R. & O. (N.I.) 1961, No. 203; S.R. & O. (N.I.) 1963, No. 143.

"Maintenance Allowance" means a special allowance under the provisions of sub-paragraph (*b*) of paragraph (1) of Regulation 8 payable—

(i) at age 15 from the beginning of the day following that on which a qualified pupil attains the upper limit of the compulsory school age;

(ii) at age 16 from the beginning of the day following the anniversary of the date on which a qualified pupil attains the upper limit of the compulsory school age;

(iii) at age 17 from the beginning of the day following the second anniversary of the date on which a qualified pupil attains the upper limit of the compulsory school age;

(iv) at age 18 and over from the beginning of the day following the third or subsequent anniversary of the date on which a qualified pupil attains the upper limit of the compulsory school age;

"Qualified Pupil" has the meaning assigned to it in Regulation 4 of these Regulations;

"School" means a grammar school recognised by the Ministry for the purposes of the Secondary Schools (Grant Conditions) Regulations 1965;

"School Authorities" means, in the case of a county school, a local education authority, and, in the case of a voluntary school, the managers of that school;

"School year" means the year beginning on 1st August and ending on 31st July;

"Secondary Department" means that part of a grammar school in which secondary education is provided.

(2) Other expressions to which meanings have been assigned by the Education Acts (Northern Ireland) 1947 to 1963 shall, for the purposes of these Regulations, have the same respective meanings.

(3) The Interpretation Act (Northern Ireland) 1954 shall apply for the purpose of the interpretation of these Regulations as it applies for the purpose of the interpretation of an Act of the Parliament of Northern Ireland.

3. These Regulations prescribe the conditions under which qualified pupils shall be admitted to the secondary departments of schools and the conditions under which awards tenable at schools shall be made by local education authorities.

Admission of Qualified Pupils to Grammar Schools

4. A qualified pupil is a pupil who has reached the qualifying standard in or as a result of such test or tests or other arrangements for the admission of pupils to the secondary department of a school as the Ministry may conduct, make or approve.

5.—(1) The school authorities of every Group A voluntary school or county school shall reserve for qualified pupils not fewer than 80 per cent of the places available each school year for the admission of day pupils to the secondary department of the school.

(2) The school authorities of a Group A voluntary school or county school shall not without the prior approval of the Ministry increase the number of places available in the school for boarding pupils in such a way as to reduce the number of places available for day pupils.

(3) No qualified pupil shall be refused admission to a Group A voluntary school or county school on other than reasonable grounds:

Provided, however, that, where the number of qualified pupils seeking admission to the secondary department of a Group A voluntary school or county school is greater than the number of places reserved for such pupils in accordance with the provisions of paragraph (1) of this Regulation, the school authorities may select such of the qualified pupils as appear to them best fitted to profit by the education provided at the school.

6. The school authorities of a Group B voluntary school may admit each year to the secondary department of the school such and so many qualified pupils as they may think fit.

Award of Scholarships and Special Allowances

7. The local education authority shall make an award to each qualified pupil ordinarily resident in their area who is in attendance at a school.

8.—(1) An award shall consist of

(*a*) a scholarship of a value equal to—

(i) in the case of a pupil who is in attendance at a Group A voluntary school or county school, the approved tuition fee of the school; or, in the case of a pupil who is in attendance at a Group B voluntary school, an amount determined by the Ministry; and

(ii) the amount of examination fees as certified by or on behalf of the school authorities and approved by the local education authority; and

(iii) such amount in respect of books, stationery and other school requisites as may be determined by the local education authority and approved by the Ministry, which amount may be paid either to the school authorities, the parent or otherwise for the benefit of the pupil as the local education authority may decide; and

(*b*) a special allowance of an amount determined in accordance with the Schedule being either an Incidentals Allowance or a Maintenance Allowance: provided that—

(i) a Maintenance Allowance shall not be payable in respect of a qualified pupil who is in receipt of a Boarding Allowance; and

(ii) where a qualified pupil was entitled to a special allowance under sub-paragraph (*b*) of paragraph (1) of Regulation 8 of the previous Regulations any such allowance shall continue to be payable subject to the provisions of the previous Regulations unless and until the pupil becomes eligible to receive a special allowance of greater amount under this sub-paragraph.

(2) In addition to the amounts payable in accordance with paragraph (1), an award may also include such special allowance as may be granted in accordance with paragraph (3).

(3) If in respect of any qualified pupil the local education authority are satisfied—

(*a*) that, where by reason of the distance between his home and the nearest suitable school, or other sufficient cause, it would be unreasonable that he should attend a school as a day pupil; and

(*b*) that it is necessary that, for the purpose of the avoidance or alleviation of hardship to the pupil or his parents, a special allowance should be granted so as to enable him to attend a suitable school as a boarder;

the local education authority may in their discretion grant in respect of that pupil a Boarding Allowance of an amount determined in accordance with arrangements approved by the Ministry.

Conditions of Award

9. Each award made under these Regulations shall be continued so long as is necessary to enable the holder to complete the course of study which has been approved by the local education authority for the purpose of the award:

Provided that the local education authority may at any time cancel the award—

(i) if the holder ceases to satisfy the conditions under which the award was made; or

(ii) if they are satisfied, after consultation with the principal of the school concerned, that the conduct, progress or attendance of the holder is not satisfactory.

10. As a condition of making an award under these Regulations the local education authority may require the parent of a pupil to undertake that he shall remain in attendance at a school for such period as the authority may consider reasonable:

Provided, however, that the authority may release the parent from the undertaking if the authority, having regard to all the circumstances of the case, consider that the parent should be so released.

11. An application for an award shall be submitted to the local education authority and shall be in such form, contain such information, be accompanied by such documents and be submitted by such date as the authority may require: provided that the authority may waive any such requirement in any particular case. The authority shall, in accordance with arrangements approved by the Ministry, satisfy themselves of the accuracy of any information furnished under the provisions of this Regulation.

12. It shall be the duty of the parent of the holder of a special allowance payable or granted under Regulation 8 to inform the local education authority of any change in his financial circumstances. If the authority have reason to believe that such a change has occurred or if the parent of the holder represents to the authority that such a change has occurred, the authority shall give the parent an opportunity of submitting a revised application and the authority shall thereafter reconsider and if necessary adjust the value of or cancel the allowance.

13. It shall be the duty of the parent of the holder of an award to inform the local education authority of any change in his place of residence.

14. The school authorities of a school shall furnish to the local education authority concerned such reports on the conduct, progress and attendance of each holder of an award as the authority may require.

Sealed with the Official Seal of the Ministry of Education for Northern Ireland this 30th day of June, 1965.

(L.S.)

J. M. Benn,
Secretary.

SCHEDULE

(*Regulation* 8(1)(*b*))

Calculation of Special Allowances

1. The amount of an Incidentals Allowance or of a Maintenance Allowance shall be determined in accordance with the following table:—

Balance of Parental Income	*Incidentals Allowance payable for full year*	*Maintenance Allowance payable for full year at*			
		15 *years*	16 *years*	17 *years*	18 *years and over*
	£	£	£	£	£
Not exceeding £350	£7 10 —	65	75	85	95
Exceeding £350 but not exceeding £370	£5 — —	60	70	80	90
„ £370 „ „ „ £390	£5 — —	55	65	75	85
„ £390 „ „ „ £410	£2 10 —	50	60	70	80
„ £410 „ „ „ £430	£2 10 —	45	55	65	75
„ £430 „ „ „ £450	—	40	50	60	70
„ £450 „ „ „ £470	—	35	45	55	65
„ £470 „ „ „ £490	—	30	40	50	60
„ £490 „ „ „ £510	—	25	35	45	55
„ £510 „ „ „ £530	—	20	30	40	50
„ £530 „ „ „ £550	—	15	25	35	45
„ £550 „ „ „ £570	—	10	20	30	40
„ £570 „ „ „ £590	—	—	15	25	35
„ £590 „ „ „ £610	—	—	10	20	30
„ £610 „ „ „ £630	—	—	—	15	25
„ £630 „ „ „ £650	—	—	—	10	20
„ £650 „ „ „ £670	—	—	—	—	15
„ £670 „ „ „ £690	—	—	—	—	10

2. To determine the balance of parental income the following deductions may be made from gross income:—

(i) an annual allowance of £75 in respect of each wholly dependent son or daughter other than the first up to the age of 18 years;

(ii) annual allowances as follows in respect of other wholly dependent relatives normally living as members of the household provided that the amounts may be reduced by the amount of any income which the relative may receive from other sources:—

Aged 18-21 years £115

Over 21 years £140

Provided, however, that where a relative holds a university or other scholarship from public funds in the assessment of which provision is made for the payment of a parental contribution any amount deductible from gross income shall be the amount of the parental contribution up to a maximum of £115 per annum or £140 per annum according to age;

(iii) mortgage interest and ground rent payable in respect of property held by the parent;

(iv) exceptional items of expenditure at the discretion of the local education authority.

3. To determine the gross income there shall be taken into account the annual income of both parents under the following heads determined for the purpose of these Regulations on the basis of income (on a weekly or other period basis as the case may be) at the time of determination:—

(i) gross earned income;
(ii) unearned income;
(iii) the net annual value of any house property which is owned and personally occupied;
(iv) at the discretion of the local education authority the value of other benefits and privileges which are received:

Provided that—

(*a*) National Insurance maternity and home confinement grants and death grants and gifts from charitable funds shall be disregarded;

(*b*) where Workman's Compensation, disability and civilian injury pensions, disablement benefits, maternity allowances and National Assistance at the special rate for blind or tubercular persons are payable, the first £1 a week of the aggregate income from these sources shall be disregarded;

(*c*) where the parents do not normally reside together the local education authority may in their discretion take account only of the income of the person who normally maintains the pupil for whom a special allowance is sought.

4. The amount of a special allowance shall normally be reassessed annually.

5. The amount of a special allowance shall, where necessary, be adjusted from that shown in the table in paragraph 1 above so that the balance of parental income plus the allowance is not less than it would have been if the balance of parental income had fallen in the next lower group.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but it is intended to convey their general purport.)

The purpose of these Regulations is to provide for the payment of revised rates of Maintenance Allowances in respect of qualified pupils attending grammar schools who are over the upper limit of the compulsory school age and to consolidate previous Regulations dealing with the admission, scholarships and special allowances of qualified pupils.