

2007 No. 2239

EDUCATION, ENGLAND

The Charges for Music Tuition (England) Regulations 2007

Made - - - - 27th July 2007

Laid before Parliament 3rd August 2007

Coming into force - - 1st September 2007

The Secretary of State for Children, Schools and Families makes the following Regulations in exercise of the powers conferred by section 451(3) of the Education Act 1996(a):

Citation, commencement and application

1.—(1) These Regulations may be cited as the Charges for Music Tuition (England) Regulations 2007 and come into force on 1st September 2007.

(2) These Regulations apply only in relation to England.

Charges for music tuition

2.—(1) This regulation prescribes, for the purposes of section 451(3) of the Education Act 1996, the circumstances in which a charge may be made in relation to the provision of tuition in singing or in playing a musical instrument during school hours.

(2) Subject to regulation 3, a charge may be made in respect of tuition (whether provided individually or to a group of two or more pupils) if it is provided at the request of the pupil's parent.

(3) For the purposes of this regulation, tuition is not “provided at the request of the pupil's parent” if it is either—

- (a) education provided in pursuance of a duty imposed by section 88 of the Education Act 2002(b) (*implementation of National Curriculum for England*), or
- (b) education provided to a class of pupils in the second key stage(c), pursuant to the Department for Education and Skills' policy *'Instrumental and Vocal Tuition at KS2'*(d) where the purpose of the education is to enable the pupils to decide whether they wish to receive further tuition in singing or playing any musical instrument (and if so which instrument).

3. No charge may be made in respect of a pupil who is looked after by a local authority (within the meaning of section 22(1) of the Children Act 1989(e)).

(a) 1996 c.56; subsection 451(3) is substituted by section 56 of the Education and Inspections Act 2006 (c.40) which came into force, with saving provisions, on 25th May 2007. See section 579(1) of the Education Act 1996 for the definitions of “prescribed” and “regulations”.

(b) 2002 c. 32.

(c) The second key stage is defined in section 82(1)(b) of the Education Act 2002 (c. 32).

(d) ISBN 1-84478-681-1.

(e) 1989 c.41.

27 July 2007

Andrew Adonis
Parliamentary Under Secretary of State for Schools
Department for Children, Schools and Families

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on 1st September 2007, prescribe the circumstances in which a charge may be made for tuition in singing or in playing a musical instrument given during school hours.

They are made under section 451(3) of the Education Act 1996 (substituted by the Education and Inspections Act 2006) which provides that Regulations may prescribe circumstances in which the general prohibition on charging for education provided to a registered pupil at a maintained school during school hours does not apply.

Regulation 2 provides that a charge may be made where the tuition is provided at the request of the pupil's parent, and is provided to individual pupils or to groups of pupils. This excludes tuition provided as part of the National Curriculum, or as part of the initial period of tuition provided to a whole class of pupils pursuant to the Department for Education and Skills' policy '*Instrumental and Vocal Tuition at KS2*' (DfES Ref. no. 0184-2006DOC-EN), copies of which are available on www.teachernet.gov.uk/publications.

Regulation 3 provides that no charge may be made in respect of looked after children (within the meaning of section 22(1) of the Children Act 1989).

£3.00

© Crown copyright 2007

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament.

E1193 8/2007 171193T 19585