
STATUTORY INSTRUMENTS

1999 No. 532

EDUCATION, ENGLAND AND WALES

The Education (Schedule 32 to the School Standards and Framework Act 1998) (England) Regulations 1999

<i>Made</i>	- - - -	<i>6th March 1999</i>
<i>Laid before Parliament</i>		<i>9th March 1999</i>
<i>Coming into force</i>	- -	<i>1st April 1999</i>

In exercise of the powers conferred on the Secretary of State by section 138(7) and (8) of, and paragraphs 2(2) and 4(1) and (6) of Schedule 32 to, the School Standards and Framework Act 1998(1), the Secretary of State for Education and Employment hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Education (Schedule 32 to the School Standards and Framework Act 1998) (England) Regulations 1999 and shall come into force on 1st April 1999.

(2) In these Regulations—

“the 1996 Act” means the Education Act 1996(2);

“the 1998 Act” means the School Standards and Framework Act 1998;

“relevant school” means a school which immediately before 1st April 1999(3)—

- (a) was a grant-maintained or grant-maintained special school within the meaning of the 1996 Act; or
- (b) proposals for the establishment of which fell to be implemented in accordance with section 215 of that Act.

Grants in respect of planned expenditure

2. The Secretary of State may pay grants to local education authorities in England in respect of relevant expenditure incurred or to be incurred by them.

(1) 1998 c. 31; for the meaning of “prescribed” and “regulations” see section 141(1).

(2) 1996 c. 56.

(3) This is the appointed day in relation to grant paid under these Regulations for the purposes of paragraph 4(3) and (6) of Schedule 32 to the 1998 Act; see S.I. 1999/531 (C.13).

Relevant expenditure

3. In regulation 2 above “relevant expenditure” means the following expenditure (being expenditure arising out of an obligation incurred or a decision made before 1st April 1999)—

- (a) expenditure in relation to pupils admitted in September 1999 to the sixth form of a relevant school, where the Secretary of State’s approval of the proposals was for that sixth form to open in September 1998, or, in the case of Heathfield High School, Sandwell, in September 1997;
- (b) expenditure in relation to children aged three at a relevant school, where the Secretary of State’s approval to the admission of such pupils was given before 1st April 1999;
- (c) expenditure in relation to children aged four at a relevant school, where the governing body’s decision to admit four year olds, or to increase the number of four year olds admitted, or to lower the precise age at which four year olds were admitted, was taken at a time when the school was a grant-maintained or grant-maintained special school and before 1st April 1999;
- (d) planned expenditure in relation to a secondary school which is a relevant school in respect of the financial year beginning on 1st April 1999, where at the beginning of that financial year there were no county or voluntary secondary schools in the area of the authority;
- (e) expenditure in respect of a school referred to in paragraph (b) of the definition of “relevant school” in regulation 1(2) above which is incurred before that school first admits pupils.

Continued operation of GMS grants provision as regards England

4. The functions of the funding authority under sections 247 and 248 of the 1996 Act in relation to—

- (a) any payments of maintenance grant under section 244 of that Act in respect of any financial year beginning before 1st April 1999⁽⁴⁾; and
- (b) any payments of capital or special purpose grants under section 245 or 246 of that Act made before that day,

shall be discharged instead by the Secretary of State as from that day.

5.—(1) Section 247 of the 1996 Act shall in that connection have effect as if—

- (a) in subsections (1) and (2)(b), in relation to requirements imposed on or after 1st April 1999, for references to “the funding authority” there were substituted references to “the Secretary of State”;
- (b) or subsection (3)(b) there were substituted—
“ (b) may at any time be varied by the Secretary of State;”;
- (c) subsection (4) were omitted;
- (d) for subsection (5) there were substituted—
“ (5) Requirements imposed under subsection (1) may at any time be waived or removed by the Secretary of State.”; and
- (e) in subsection (6) for “the funding authority” there were substituted in “the Secretary of State”.

(2) Requirements imposed by the funding authority pursuant to section 247 of the 1996 Act shall have effect as if references to the funding authority were references to the Secretary of State.

(3) In relation to requirements imposed on or after 1st April 1999, references in—

(4) This is the appointed day for the purposes of paragraph 2(1) of Schedule 32 to the 1998 Act; *see* S.I. 1999/531 (C.13).

- (a) regulations 38(2), 41(2)(b), (3) and (4) of, and paragraph 4 of Schedule 4 to, the Education (Grant-maintained and Grant-maintained Special Schools) (Finance) Regulations 1998⁽⁵⁾; and
 - (b) regulations 26(2), 29(2)(b), (3) and (4) of, and paragraph 4 of Schedule 2 to, the Education (New Grant-maintained Schools) (Finance) Regulations 1998⁽⁶⁾, to “the funding authority” shall have effect as if they were references to “the Secretary of State”.
6. Section 248(3) and (4) of the 1996 Act shall have effect as if—
- (a) the references to “the funding authority” were references to “the Secretary of State”; and
 - (b) the reference in subsection (4) to “them” were a reference to “him”.

6th March 1999

Estelle Morris
Minister of State,
Department for Education and Employment

⁽⁵⁾ S.I. 1998/799.
⁽⁶⁾ S.I. 1998/798.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the payment of grant by the Secretary of State to local education authorities in England in respect of expenditure incurred on former grant-maintained or grant-maintained special schools or proposed such schools.

The Regulations define the expenditure in respect of which grant may be paid.

The Regulations also provide for the Secretary of State to carry out functions of the Funding Agency for Schools in relation to grants paid by them before 1st April 1999.