



# Education Reform Act 1988

## 1988 CHAPTER 40

### PART I

#### SCHOOLS

#### CHAPTER IV

#### GRANT-MAINTAINED SCHOOLS

#### *Finance*

### **82 Provisions consequential on section 81**

- (1) For the purposes of determining the grant related expenditure of a local authority in accordance with Part VI of the Local Government, Planning and Land Act 1980—
  - (a) the provision of education for registered pupils at any grant-maintained school in respect of which sums are recoverable from the authority under section 81 of this Act shall be regarded as a function of the authority; but
  - (b) no account shall be taken of the authority's actual expenditure in any year under that section in determining so much of the authority's notional total expenditure for that year as is referable to the notional exercise of that function.
- (2) Subsection (1)(b) above applies notwithstanding that the whole or any part of the actual expenditure there mentioned falls in accordance with section 3 of the Local Government Finance Act 1987 to be taken into account in determining the authority's total expenditure in relation to the year in question for the purposes of Part VI.
- (3) In subsections (1) and (2) above—
  - “local authority” means a body which is a local authority for the purposes of Part VI; and
  - “year” has the same meaning as in that Part;

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*Status: This is the original version (as it was originally enacted).*

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and the reference in subsection (1)(a) above to the provision of education includes a reference to the provision of any benefits or services for which provision is made by or under the enactments relating to education.

- (4) For the purposes of sections 51 and 52 of the 1986 Act (recoupment for provision for education of pupils belonging to, or having connection with, area of another authority) the provision for education made in any financial year in respect of a registered pupil at a grant-maintained school shall be taken to have been made by the local education authority from whom sums are recoverable under section 81 of this Act in respect of the school and that year.
- (5) The reference in subsection (4) above to provision for education includes a reference to provision of any benefits or services for which provision is made by or under the enactments relating to education.
- (6) The governing body of a grant-maintained school shall provide the local education authority from whom sums are recoverable under section 81 of this Act in respect of the school with such information relating to the registered pupils at the school as the authority may require for the purposes of claiming any amount in respect of any such pupil from another authority under section 51 of the 1986 Act or by virtue of regulations under section 52 of that Act.