



Education Act 1993

1993 CHAPTER 35

PART II

GRANT-MAINTAINED SCHOOLS

CHAPTER VI

FUNDING OF GRANT-MAINTAINED SCHOOLS

Grants: Wales (until establishment of the SFCW)

86 Application of sections 87 to 91

Before the Schools Funding Council for Wales begin to exercise their functions, sections 87 to 91 of this Act shall have effect in relation to grant-maintained schools in Wales in place of sections 81(1) and (3), 82(1), 83(1), 84 and 85 of this Act.

87 Maintenance grants

- (1) Subject to the provisions of this Part of this Act, the Secretary of State shall make annual grants (to be known as maintenance grants) to the governing body of each grant-maintained school, each such grant being made in respect of expenditure for the purposes of the school incurred or to be incurred by the governing body in the financial year to which the grant relates.
- (2) Subject to—
 - (a) any provision made by virtue of section 69(6) of this Act,
 - (b) any requirements imposed by the Secretary of State under section 90(1) or (3) of this Act, and
 - (c) any requirements as to the application of maintenance grant contained in the articles of government of the school,

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the governing body of a grant-maintained school shall apply any payments made to them in respect of maintenance grant solely for the purposes of the school.

88 Special purpose grants

Grant regulations may provide for the payment by the Secretary of State to the governing bodies of grant-maintained schools of grants (to be known as special purpose grants) in respect of expenditure incurred or to be incurred by them of any class or description specified in the regulations—

- (a) for or in connection with educational purposes of any class or description so specified,
- (b) in making any provision (whether of educational services or facilities or otherwise) of any class or description so specified which appears to the Secretary of State to be required for meeting any special needs of the population of the area served by the school, or
- (c) in respect of expenses of any class or description so specified, being expenses which it appears to the Secretary of State the governing bodies of such schools cannot reasonably be expected to meet from maintenance grant.

89 Capital grants

Grant regulations may provide for the payment by the Secretary of State to the governing bodies of grant-maintained schools of grants (to be known as capital grants) in respect of expenditure of a capital nature, of any class or description specified in the regulations, incurred or to be incurred by the governing bodies.

90 Imposition of requirements on governing body in receipt of grant

- (1) A governing body to whom any payments in respect of maintenance grant or special purpose grants are made shall comply with such requirements of a kind mentioned in subsection (2) below as the Secretary of State may from time to time impose.
- (2) The kinds of requirements which may be imposed under subsection (1) above are—
 - (a) requirements specified in grant regulations as requirements which may be imposed by the Secretary of State on governing bodies to whom such payments are made, and
 - (b) requirements determined in accordance with grant regulations by the Secretary of State.
- (3) A governing body to whom any payments in respect of capital grant are made shall comply with such requirements determined by the Secretary of State as he may from time to time impose.
- (4) Requirements imposed under subsection (1) or (3) above—
 - (a) may be imposed on or at any time after the making of any payment by reference to which they are imposed, and
 - (b) may at any time be waived or removed or, subject to subsection (5) below, varied by the Secretary of State.
- (5) The power of the Secretary of State to vary such a requirement—
 - (a) does not apply to a requirement of the kind mentioned in subsection (2)(a) above, and

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- (b) is subject, in the case of a requirement of the kind mentioned in subsection (2) (b) above, to the provisions of the regulations relating to the determination of the requirements that may be imposed in the case of payments in respect of the grants in question.
- (6) The requirements—
- (a) which may be specified in or authorised by grant regulations as requirements which may be imposed on governing bodies to whom payments are made in respect of special purpose grant, or
 - (b) which may be imposed by the Secretary of State on a governing body to whom payments in respect of capital grant are made,
- may, in particular, if any conditions specified in the requirements are satisfied, require the payment to the Secretary of State of the whole or any part of the following amount.
- (7) That amount is—
- (a) the amount of the payments made in respect of the grant, or
 - (b) so much of the value of any premises or equipment in respect of which the grant was paid as is determined in accordance with the requirements to be properly attributable to the payment of such grant,
- whichever is the greater.
- (8) No such requirement as is referred to in subsection (6) above may be imposed where any payment is made in respect of capital grant if—
- (a) the grant is made in respect of the provision, alteration or repair of premises for a school, and
 - (b) any freehold interest in the premises in respect of which the grant is made is, or is to be, held on trust for the purposes of the school.

91 Grants: further provisions

- (1) The times at which, and the manner in which, payments are made in respect of—
- (a) maintenance grant for a grant-maintained school in respect of any financial year,
 - (b) special purpose grants, and
 - (c) capital grants,
- shall be such as may be determined from time to time by the Secretary of State.
- (2) Payments in respect of maintenance grant for a school in respect of any financial year may be made, before any amount has been determined in accordance with grant regulations as the amount of such grant payable for that year in respect of the school, by reference to an estimate of the amount which will be so payable made by the Secretary of State.
- (3) Where in respect of any financial year an over-payment of maintenance grant is made to the governing body of a school, a sum equal to the amount of that over-payment shall be recoverable from the governing body by the Secretary of State.
- (4) Where a sum is payable by the governing body of a school to the Secretary of State—
- (a) in respect of an over-payment of maintenance grant in respect of a financial year, or

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- (b) by way of repayment of special purpose grant or capital grant (whether by virtue of a requirement such as is mentioned in section 90(6) of this Act or otherwise),

the Secretary of State may (without prejudice to any other mode of recovery) recover the whole or any part of that sum by deducting it from any grant payable by him to the governing body.

- (5) In this section, references to an over-payment of maintenance grant in respect of a financial year are to any amount by which the aggregate amount of any payments in respect of maintenance grant made to the governing body of the school in question in respect of the year exceeds the amount finally determined in accordance with grant regulations as the amount of maintenance grant payable for that year in respect of the school.