



# Education Act 1993

## 1993 CHAPTER 35

### PART II

#### GRANT-MAINTAINED SCHOOLS

#### CHAPTER VI

#### FUNDING OF GRANT-MAINTAINED SCHOOLS

#### *Recovery from local funds*

#### **93 Recovery from local funds of sums in respect of maintenance grant**

- (1) Where the Secretary of State so determines, this section applies to a local education authority in respect of any financial year for which the determination is made; and the determination may apply this section in respect of all grant-maintained schools in the area of the authority or in respect of such grant-maintained schools in that area as may be ascertained by or in accordance with the determination.
- (2) The Secretary of State shall in respect of each financial year for which he makes a determination under subsection (1) above in respect of a local education authority, give notice in writing to the authority of the terms of the determination.
- (3) The Secretary of State may recover from a local education authority to which this section applies in respect of any financial year sums in respect of the maintenance grant payable for that year to the governing bodies of any grant-maintained schools in respect of which the determination applies.
- (4) Subject to subsection (5) below, sums recoverable by virtue of this section in respect of a school for any financial year—
  - (a) shall be of such amounts, and
  - (b) shall fall due on such date or dates,as may be determined by the Secretary of State.

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*Status: This is the original version (as it was originally enacted).*

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- (5) The amount of any sum so recoverable shall be determined by reference to any amount—
- (a) which has previously been determined under section 94 of this Act as the total amount recoverable in respect of the school and financial year in question, or
  - (b) (where no amount has previously been determined as mentioned in paragraph (a) above) which is estimated by the Secretary of State as the amount which will initially be determined under section 94 of this Act as the total amount recoverable in respect of the school and financial year in question,
- and which the Secretary of State considers it appropriate to adopt for the time being as a basis for determining the amounts of sums so recoverable.
- (6) The Secretary of State may recover sums due to him under this section in either or both of the following ways—
- (a) by requiring the local education authority to pay the whole or any part of any such sum at such time or times as he thinks fit, and
  - (b) by deducting, at such time or times as he thinks fit, the whole or any part of any such sum from any grant payable by him to the authority under any enactment (whenever passed) or from any amount payable by him to the authority under Part III of Schedule 8 to the Local Government Finance Act 1988 (redistributed non-domestic rates).
- (7) Any sums received by the Secretary of State by virtue of this section shall be paid into the Consolidated Fund.

#### **94 Determination of total amount recoverable under section 93**

- (1) The total amount recoverable by virtue of section 93 of this Act in respect of a school for any financial year shall be such as may be determined (and from time to time revised) in accordance with regulations made by the Secretary of State (referred to in this section as “recoupment regulations”).
- (2) Subject to any provision made by such regulations by virtue of subsection (3) below, recoupment regulations shall provide for the total amount so recoverable to be determined by reference to any amount determined under grant regulations as the amount of the maintenance grant payable in respect of the school and the financial year in question (as from time to time revised).
- (3) Recoupment regulations may provide for reducing any amount which would otherwise fall to be determined under the regulations as the total amount recoverable from any local education authority by virtue of section 93 of this Act for a financial year by reference to any excess amounts recovered under that section in respect of any previous financial year.
- (4) For the purposes of subsection (3) above, an excess amount is recovered under section 93 of this Act in respect of a financial year if the aggregate amount of the sums recovered under that section for that year from the local education authority—
  - (a) in respect of any school in respect of which sums are recoverable from the authority under that section, or
  - (b) where there is more than one such school, in respect of both or all of those schools,

exceeds the total amount recoverable in accordance with recoupment regulations in respect of that school or (as the case may be) in respect of both or all of those schools for that year.

**95 Provisions consequential on section 93**

- (1) For the purposes of sections 51 and 52 of the Education (No. 2) Act 1986 (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 which is not made by the local education authority shall, if sums are recoverable under section 93 of this Act in respect of the school and that year from the authority, be taken to have been made by them.
- (2) The reference in subsection (1) above to provision for education includes a reference to provision of any benefits or services for which provision is made by or under this Act or any other enactment relating to education.
- (3) The governing body of a grant-maintained school shall, if sums are recoverable under section 93 of this Act in respect of the school from a local education authority, provide the authority with such information relating to the registered pupils at the school as the authority may require for the purpose of claiming any amount in respect of such a pupil from another authority by virtue of regulations under section 51 or 52 of the Education (No. 2) Act 1986.