



Education Act 1996

1996 CHAPTER 56

PART VIII **E+W+S**

GRANTS AND OTHER FINANCIAL MATTERS

Grants

484 **[^{F1}Education standards grants.] **E+W****

- (1) The [^{F2}National Assembly for Wales] may pay grants, known as [^{F3}education standards grants,] to [^{F4}local authorities][^{F5}in Wales] in respect of eligible expenditure incurred or to be incurred by them.
- (2) In this section “eligible expenditure” means expenditure of any class or description for the time being specified in regulations, being expenditure for or in connection with educational purposes which it appears to the [^{F2}National Assembly for Wales] that [^{F4}local authorities] should be encouraged to incur in the interests of education in ^{F6}... Wales.
- (3) The regulations shall provide that [^{F7}any education standards grant] payable in pursuance of the regulations—
 - (a) shall only be payable in respect of eligible expenditure incurred or to be incurred by a [^{F8}local authority] in a financial year to the extent to which that expenditure is approved for that year by the [^{F2}National Assembly for Wales] for the purposes of the regulations, and
 - (b) shall be payable at such rate as may be specified in the regulations.
- (4) The regulations may provide for the time and manner of payment of [^{F7}any education standards grant].
- (5) The regulations may provide for expenditure incurred or to be incurred by any [^{F8}local authority] in making payments, whether by way of maintenance, assistance or otherwise, to any body or persons who incur expenditure for or in connection with educational purposes (including another [^{F8}local authority]) to be treated, in such circumstances as may be specified in the regulations, as eligible expenditure.

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^{F9}(6)

(7) Nothing in section 29(1) or 507 applies in relation to any function of the [^{F2}National Assembly for Wales] under this section or under section 489 so far as it relates to regulations under this section; and nothing in sections 495 to 497 applies in relation to any function arising by virtue of section 489 so far as it relates to such regulations.

Textual Amendments

- F1** S. 484 sidenote substituted (1.2.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 125(c)** (with ss. 138(9), 144(6)); S.I. 1999/120, art. 2, **Sch. 1**
- F2** Words in s. 484 substituted (31.3.2003 for W., 1.4.2003 for E.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 49(2)** (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/124, art. 4 (with art. 7)
- F3** Words in s. 484(1) substituted (1.2.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 125(a)** (with ss. 138(9), 144(6)); S.I. 1999/120, art. 2, **Sch. 1**
- F4** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), **Sch. 2 para. 7(3)** (with Sch. 2 para. 7(4)(5))
- F5** Words in s. 484(1) inserted (31.3.2003 for W., 1.4.2003 for E.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 49(3)** (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/124, art. 4 (with art. 7)
- F6** Words in s. 484(2) repealed (31.3.2003 for W., 1.4.2003 for E.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 49(4), Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/124, art. 4 (with art. 7)
- F7** Words in s. 484(3)(4) substituted (1.2.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 125(b)** (with ss. 138(9), 144(6)); S.I. 1999/120, art. 2, **Sch. 1**
- F8** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))
- F9** S. 484(6) repealed (31.3.2003 for W., 1.4.2003 for E.) by Education Act 2002 (c. 32), s. 216(4), Sch. 21 para. 49(5), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/124, art. 4 (with art. 7)

Modifications etc. (not altering text)

- C1** S. 484 extended (E.) (1.9.2001) by S.I. 2001/2897, **reg. 23**
- C2** S. 484: power to extend conferred (1.10.1998) by 1998 c. 30, s. 19(8) (with s. 42(8)); S.I. 1998/2215, **art. 2**
- C3** S. 484 amended (1.10.1998) by 1998 c. 31, s. 7(10) (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1 Pt. I**
- C4** S. 484 restricted (31.3.2003 for W., 1.4.2003 for E.) by Education Act 2002 (c. 32), **ss. 18(2), 216(4)** (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/124, art. 4 (with art. 7)

485 Grants in aid of educational services or research. **E+W**

Regulations shall make provision for the payment by the Secretary of State to persons other than [^{F4}local authorities] of grants in respect of expenditure incurred or to be incurred by them—

- (a) for the purposes of, or in connection with, the provision (or proposed provision) of educational services, or
- (b) for the purposes of educational research.

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Textual Amendments

- F4** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(3)** (with Sch. 2 para. 7(4)(5))

F10 486 Grants to bodies whose objects are promotion of learning or research. E+W

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Textual Amendments

- F10** Ss. 486-488 repealed (1.4.2003 for E. for specified purposes, 6.11.2006 for E. so far as not already in force, 2.1.2008 for W.) by [Education Act 2002 \(c. 32\)](#), ss. 18(1)(g), 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4; S.I. 2006/2895, art. 2; S.I. 2007/3611, art. 4(1), Sch. Pt. 1

F10 487 Grants for education in Welsh. E+W

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Textual Amendments

- F10** Ss. 486-488 repealed (1.4.2003 for E. for specified purposes, 6.11.2006 for E. so far as not already in force, 2.1.2008 for W.) by [Education Act 2002 \(c. 32\)](#), ss. 18(1)(g), 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4; S.I. 2006/2895, art. 2; S.I. 2007/3611, art. 4(1), Sch. Pt. 1

F10 488 Grants for education of travellers and displaced persons. E+W

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Textual Amendments

- F10** Ss. 486-488 repealed (1.4.2003 for E. for specified purposes, 6.11.2006 for E. so far as not already in force, 2.1.2008 for W.) by [Education Act 2002 \(c. 32\)](#), ss. 18(1)(g), 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4; S.I. 2006/2895, art. 2; S.I. 2007/3611, art. 4(1), Sch. Pt. 1

489 Conditions as to payment of grants under sections 484 to 488. E+W

- (1) Regulations made under any of sections 484 to 488 may provide—
- (a) for the payment of grant under the regulations to be dependent on the fulfilment of such conditions as may be determined by or in accordance with the regulations, and
 - (b) for requiring persons to whom payments have been made under the regulations to comply with such requirements as may be so determined.
- (2) Conditions and requirements determined under subsection (1)(a) and (b) by or in accordance with regulations made under section 484 may include conditions and

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requirements obliging the [^{F8}local authority] in question to delegate decisions about the spending of—

- (a) [^{F11}education standards grant,] and
 - (b) amounts allocated by the authority to meet eligible expenditure (within the meaning of that section) which is approved by the Secretary of State,
- to such persons as may be determined by or in accordance with the regulations.

(3) The Secretary of State may by order make such modifications of any trust deed or other instrument relating to or regulating any institution that—

- (a) provides or is concerned in the provision of educational services, or
- (b) is concerned in educational research,

as, after consultation with the persons responsible for the management of the institution, appear to him to be requisite to enable them to fulfil any condition or meet any requirement imposed by regulations under section 485.

(4) Any modification made by an order under subsection (3) may be made to have permanent effect or to have effect for such period as may be specified in the order.

Textual Amendments

- F8** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with [Sch. 2 para. 7\(4\)\(5\)](#))
- F11** Words in s. 489(2)(a) substituted (1.2.1999) by [1998 c. 31, s. 140\(1\)](#), **Sch. 30 para.126** (with [ss. 138\(9\), 144\(6\)](#)); [S.I. 1999/120, art. 2](#), **Sch. 1**.

^{F12}490 Grants in respect of special provision for ethnic minorities. **E+W**

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Textual Amendments

- F12** S. 490 repealed (1.4.2003 for E., 1.8.2003 for W.) by [Education Act 2002 \(c. 32\)](#), [ss. 18\(1\)\(g\), 216\(4\)](#), **Sch. 22 Pt. 3** (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2003/124, art. 4](#); [S.I. 2003/1718, art. 4](#), [Sch. Pt. 1](#))

Payment of fees etc.

^{F13}491 Payment of school fees and expenses. **E+W**

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Textual Amendments

- F13** S. 491 repealed (1.4.2003 for E., 2.1.2008 for W.) by [Education Act 2002 \(c. 32\)](#), [ss. 18\(1\)\(h\), 216\(4\)](#), **Sch. 22 Pt. 3** (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2003/124, art. 4](#); [S.I. 2007/3611, art. 4\(1\)](#), [Sch. Pt. 1](#)

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Recoupment

^{F14}492 **Recoupment: adjustment between [^{F4}local authorities].** **E+W**

Textual Amendments

- F4** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(3)** (with Sch. 2 para. 7(4)(5))
- F14** S. 492 repealed (1.4.2003 for E., 9.1.2004 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); [S.I. 2003/124](#), art. 4; [S.I. 2003/2961](#), art. 7, Sch. Pt. IV

Modifications etc. (not altering text)

- C5** S. 492 savings for effects of 2002 c. 32, s. 215, Sch. 22 Pt. 3 (W.) (19.11.2003) by [The Education Act 2002 \(Transitional Provisions and Consequential Amendments\) \(No.2\) \(Wales\) Regulations 2003 \(S.I. 2003/2959\)](#), regs. 1(1), **9**

493 **Recoupment: cross-border provisions.** **E+W+S**

- (1) Regulations may make provision requiring or authorising payments of amounts determined by or under the regulations to be made by one authority to another where—
- the authority receiving the payment makes, in such cases or circumstances as may be specified in the regulations, provision for education in respect of a person having such connection with the area of the paying authority as may be so specified, and
 - one of the authorities is a [^{F8}local authority] and the other an education authority in Scotland.
- ^{F15}(2) Subsection (3) of section 207 of the Education Act 2002 (recoupment: adjustment between [^{F4}local authorities]) shall apply for the purposes of this section as it applies for the purposes of that section, but with the omission of the reference to the National Assembly for Wales.
- (2A) The regulations may provide for the amounts payable by one authority to another, in such cases as may be specified by or under the regulations, to be such amounts as may be determined by the Secretary of State.]
- (3) Any question concerning the connection of any person with the area of a particular [^{F8}local authority] or education authority shall be decided in accordance with the regulations.
- (4) In subsection (1) “provision for education” includes provision of any benefits or services for which provision is made by or under this Act or any other enactment relating to education.

Textual Amendments

- F4** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(3)** (with Sch. 2 para. 7(4)(5))

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- F8** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))
- F15** S. 493(2)(2A) substituted for s. 493(2) (1.4.2003 for E., 9.1.2004 for W.) by [Education Act 2002 \(c. 32\)](#), **ss. 208(1), 216(4)** (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4; S.I. 2003/2961, art. 7, Sch. Pt. IV

Modifications etc. (not altering text)

- C6** Ss. 492-495: power to exercise functions modified (1.7.1999) by [S.I. 1999/120](#), art. 5, **Sch. 2**

[^{F16}494 Recoupment: excluded pupils. E+W

- (1) Subsection (2) applies where a pupil is permanently excluded from any school maintained by a [^{F8}local authority] (“the old authority”) and, in the [^{F17}funding period] in which the exclusion first takes effect, he is subsequently provided with education by another [^{F8}local authority] (“the new authority”), whether at a school maintained by that authority or otherwise than at school.
- (2) The old authority shall pay to the new authority, in connection with the provision of education for that pupil in that [^{F18}funding period] , such amount, if any, as is payable in accordance with regulations.
- (3) Where a pupil is permanently excluded from any school maintained by a [^{F8}local authority] and, in the [^{F19}funding period] in which the exclusion first takes effect, the following events subsequently occur—
 - (a) he is first provided by another [^{F8}local authority] (“the intermediate authority”) with education in a pupil referral unit or otherwise than at school, and
 - (b) at any time afterwards he is provided with education by a [^{F8}local authority] other than the intermediate authority (“the last authority”), whether at a school maintained by that authority or otherwise than at school,
 then, in connection with the provision of the education mentioned in paragraph (b), subsection (2) shall apply to the intermediate authority and the last authority as if they were an old authority and a new authority respectively.
- (4) Any dispute as to whether any [^{F8}local authority] are entitled to be paid any amount under this section by any other such authority shall be determined by the Secretary of State.
- (5) Regulations may prescribe the time when the permanent exclusion of a pupil is to be regarded as taking effect for the purposes of this section.]

[^{F20}(6) In this section “funding period” has the meaning given by section 45(1B) of the School Standards and Framework Act 1998.]

Textual Amendments

- F8** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))
- F16** S. 494 substituted (1.4.1999) by [1998 c. 31](#), s. 140(1), **Sch. 30 para.128** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(4), **Sch.1 Pt. IV**.

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- F17** Words in s. 494(1) substituted (1.11.2005 for E., 1.4.2010 for W.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 18 para. 5(2)** (with s. 119); S.I. 2005/2034, art. 8; S.I. 2010/735, art. 2(e)
- F18** Words in s. 494(2) substituted (1.11.2005 for E., 1.4.2010 for W.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 18 para. 5(2)** (with s. 119); S.I. 2005/2034, art. 8; S.I. 2010/735, art. 2(e)
- F19** Words in s. 494(3) substituted (1.11.2005 for E., 1.4.2010 for W.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 18 para. 5(2)** (with s. 119); S.I. 2005/2034, art. 8; S.I. 2010/735, art. 2(e)
- F20** S. 494(6) inserted (1.11.2005 for E., 1.4.2010 for W.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 18 para. 5(3)** (with s. 119); S.I. 2005/2034, art. 8; S.I. 2010/735, art. 2(e)

Modifications etc. (not altering text)

- C7** S. 494: transfer of functions (1.4.2003 for E., 9.1.2004 for W.) by Education Act 2002 (c. 32), s. **208(2)(3)**, 216(4) (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4; S.I. 2003/2961, art. 7, Sch. Pt. IV
- C8** Ss. 492-495: power to exercise functions modified (1.7.1999) by S.I. 1999/120, art. 5, **Sch. 2**
- C9** S. 494 modified (20.11.1998) by S.I. 1998/2670, **art.8**.
- C10** S. 494 modified (18.5.2012) by The Wiltshire Council (Arrangements for the Provision of Suitable Education) Order 2012 (S.I. 2012/1107), arts. 1(2)(a), **6(3)** (with art. 5)

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