

*Status: Point in time view as at 01/04/2002.*

*Changes to legislation: School Standards and Framework Act 1998, Paragraph 5 is up to date with all changes known to be in force on or before 07 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 3

#### FUNDING OF FOUNDATION, VOLUNTARY AND FOUNDATION SPECIAL SCHOOLS

##### PART II

##### VOLUNTARY AIDED SCHOOLS

###### *Grants by Secretary of State in respect of expenditure on premises or equipment*

- 5 (1) The Secretary of State may make grants—
- (a) to the governing body of a voluntary aided school in respect of [<sup>F1</sup>capital expenditure incurred or to be incurred] by them; or
  - (b) to a relevant body in the case of such a school, in respect of [<sup>F2</sup>capital expenditure incurred or to be incurred] by that body on behalf of the governing body.
- (2) <sup>F3</sup>.....
- (3) The amount of any grant paid under this paragraph in respect of any such expenditure—
- [<sup>F4</sup>(a) shall not exceed 90 per cent of the expenditure or, if the Secretary of State considers that the circumstances are exceptional, shall not exceed 100 per cent of the expenditure, and]
  - (b) in the case of any prescribed class or description of such expenditure, shall be such as may be determined in accordance with regulations.
- (4) The times at which, and the manner in which, payments are made in respect of a grant under this paragraph shall be such as may be determined from time to time by the Secretary of State.
- [<sup>F5</sup>(5) Without prejudice to any other duty of his, the Secretary of State shall, in performing functions relating to the exercise of the power under this paragraph to make grants in respect of expenditure on school premises, give priority to paying grants in respect of expenditure which is necessary to make such alterations as may be required by the local education authority for the purpose of securing that the school premises conform to the standards prescribed under section 542 of the Education Act 1996 <sup>M1</sup> or as may be required for the purpose of securing that the school premises conform to standards specified by or under any other enactment relating to health and safety; and the amount of any grant paid in the exercise of that power in respect of such expenditure on school premises shall be at least 90 per cent of the expenditure.]
- (6) Any body to whom any payment is made in respect of a grant under this paragraph shall comply with such requirements determined by the Secretary of State as he may from time to time impose.

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- (7) Such requirements—
- (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, removed or varied by the Secretary of State; but such requirements may be imposed after the making of any such payment only if the Secretary of State is satisfied that in all the circumstances it is reasonable for them to be so imposed.
- (8) Such requirements may, in particular, if any conditions specified in the requirements are satisfied—
- (a) require the application for purposes connected with the provision of education in appropriate schools of—
    - (i) any premises or equipment in respect of which the grant has been paid under this paragraph, or
    - (ii) an amount equal to so much of the value of any such premises or equipment as is determined in accordance with the requirements to be properly attributable to the payment of the grant; and
  - (b) in the event that that requirement is not complied with, require the payment to the Secretary of State of the whole or any part of the following amount.
- (9) That amount is—
- (a) the amount of the payments made in respect of the grant under this paragraph, or
  - (b) the amount mentioned in sub-paragraph (8)(a)(ii),
- whichever the Secretary of State determines to be just.
- (10) When deciding whether to make any grant to a body under this paragraph in circumstances where he considers that it would be appropriate to impose requirements falling within sub-paragraph (8), the Secretary of State may have regard to whether, if such requirements were imposed, that body would have an enforceable right against some other person to be given by that person such financial assistance as would be necessary to enable them to pay to the Secretary of State the amount mentioned in sub-paragraph (9).
- (11) No grant may be paid under this paragraph in respect of any expenses incurred in the provision of any premises which it is the duty of the local education authority to provide.
- (12) In this paragraph—
- “appropriate schools”—
  - (a) in relation to a voluntary aided school having a religious character, means schools which are either foundation or voluntary schools and whose specified religion or religious denomination under section 69(4) is the same as that school’s, and
  - (b) in relation to any other voluntary aided school, means maintained schools;
- “relevant body”, in relation to a voluntary aided school, means the appropriate diocesan authority or the school’s trustees;

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### Extent Information

**E1** This version of this provision extends to England only; a separate version has been created for Wales.

### Textual Amendments

- F1** Words in Sch. 3 para. 5(1)(a) substituted (E.) (1.4.2002) by [The Regulatory Reform \(Voluntary Aided Schools Liabilities and Funding\) \(England\) Order 2002 \(S.I. 2002/906\)](#), **art. 7(a)** (with arts. 14, 15)
- F2** Words in Sch. 3 para. 5(1)(b) substituted (E.) (1.4.2002) by [The Regulatory Reform \(Voluntary Aided Schools Liabilities and Funding\) \(England\) Order 2002 \(S.I. 2002/906\)](#), **art. 7(a)** (with arts. 14, 15)
- F3** Sch. 3 para. 5(2) omitted (E.) (1.4.2002) by virtue of [The Regulatory Reform \(Voluntary Aided Schools Liabilities and Funding\) \(England\) Order 2002 \(S.I. 2002/906\)](#), **art. 7(b)** (with arts. 14, 15)
- F4** Sch. 3 para. 5(3)(a) substituted (E.) (1.4.2002) by [The Regulatory Reform \(Voluntary Aided Schools Liabilities and Funding\) \(England\) Order 2002 \(S.I. 2002/906\)](#), **art. 7(c)** (with arts. 14, 15)
- F5** Sch. 3 para. 5(5) substituted (E.) (1.4.2002) by [The Regulatory Reform \(Voluntary Aided Schools Liabilities and Funding\) \(England\) Order 2002 \(S.I. 2002/906\)](#), **art. 7(d)** (with arts. 14, 15)
- F6** Sch. 3 para. 5(12): definition of "repair" omitted (E.) (1.4.2002) by virtue of [The Regulatory Reform \(Voluntary Aided Schools Liabilities and Funding\) \(England\) Order 2002 \(S.I. 2002/906\)](#), **art. 7(e)** (with arts. 14, 15)

### Marginal Citations

**M1** 1996 c. 56.

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