



# Education Act 2002

## 2002 CHAPTER 32

### PART 2

#### FINANCIAL ASSISTANCE FOR EDUCATION AND [<sup>F1</sup>CHILDREN ETC]

##### Textual Amendments

**F1** Words in Pt. 2 heading substituted (15.11.2004) by [Children Act 2004 \(c. 31\)](#), ss. **59(5)**, 67(7)(g)

#### **14 Power of Secretary of State and National Assembly for Wales to give financial assistance for purposes related to education or [<sup>F2</sup>children etc]**

- (1) The Secretary of State (in relation to England) or the National Assembly for Wales (in relation to Wales) may give, or make arrangements for the giving of, financial assistance to any person for or in connection with any of the purposes mentioned in subsection (2).
- (2) Those purposes are—
  - (a) the provision, or proposed provision, in the United Kingdom or elsewhere, of education or of educational services;
  - (b) the provision, or proposed provision, in the United Kingdom or elsewhere, of childcare or of services related to childcare;
  - (c) enabling any person to undertake any course of education, or any course of higher education provided by an institution within the further education sector;
  - (d) providing for a person's maintenance while he undertakes such a course;
  - (e) the promotion of learning or research;
  - (f) the promotion of the use of educational buildings or facilities for purposes other than those of education;
  - (g) the provision of any form of training for teachers or for non-teaching staff;
  - (h) the promotion of the recruitment or retention of teachers or non-teaching staff;

*Status: Point in time view as at 01/04/2006.*

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- (i) the remuneration of, or provision of other benefits to, teachers or non-teaching staff.
  - [<sup>F3</sup>(j) the promotion of the welfare of children and their parents;
  - (k) the provision of support for parenting (including support for prospective parents).]
- [<sup>F4</sup>(2ZA) In subsection (2)(g), “training for teachers or for non-teaching staff” includes—
- (a) any training or education (whether or not constituting higher education) with the object of fitting persons to be teachers or non-teaching staff, or better teachers or non-teaching staff, and
  - (b) any assessment related to the award of a qualification or status to teachers or non-teaching staff, or prospective teachers or non-teaching staff.]
- [<sup>F5</sup>(2A) In subsection (2)(j), “children” means persons under the age of twenty.]
- (3) In this section—
- “education” includes—
    - (a) vocational training (including the preparation of young people for employment in general), and
    - (b) social and physical training (including the promotion of the development of young children),

but [<sup>F6</sup>, except in subsection (2ZA)(a),] does not include higher education, and “educational” shall be construed accordingly;

“educational services” includes administrative, advisory, organisational, training or information services related to education;

“non-teaching staff” means persons who are not teachers but who—

    - (a) are employed at, or otherwise engaged to work at, a school or an institution within the further education sector,
    - (b) are employed by, or engaged to provide services for, a local education authority, or
    - (c) are employed by any person in connection with the provision of education or childcare;

“teacher” does not include a teacher at an institution within the higher education sector.

#### Textual Amendments

- F2** Words in s. 14 heading substituted (15.11.2004) by [Children Act 2004 \(c. 31\)](#), **ss. 59(4)**, 67(7)(g)
- F3** S. 14(2)(j)(k) inserted (15.11.2004) by [Children Act 2004 \(c. 31\)](#), **ss. 59(2)**, 67(7)(g)
- F4** S. 14(2ZA) inserted (1.9.2005) by [Education Act 2005 \(c. 18\)](#), s. 125(3)(a), **Sch. 14 para. 23(2)**
- F5** S. 14(2A) inserted (15.11.2004) by [Children Act 2004 \(c. 31\)](#), **ss. 59(3)**, 67(7)(g)
- F6** Words in s. 14(3) inserted (1.9.2005) by [Education Act 2005 \(c. 18\)](#), s. 125(3)(a), **Sch. 14 para. 23(3)**

#### Commencement Information

- I1** S. 14 wholly in force at 31.3.2003; s. 14 not in force at Royal Assent, see s. 216; s. 14 in force for E. at 1.10.2002 by [S.I. 2002/2439](#), **art. 3** (with transitional provisions and savings in [Sch.](#)); s. 14 in force for W. at 31.3.2003 by [S.I. 2002/3185](#), **art. 5**, **Sch. Pt. II**
- I2** S. 14 in force at 31.3.2003 for W. by [S.I. 2002/3185](#), **art. 5**, **Sch. Pt. II**

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## 15 Forms of assistance under section 14

- (1) Financial assistance under section 14 may be given in any form.
- (2) Assistance may, in particular, be given by way of—
  - (a) grants,
  - (b) loans,
  - (c) guarantees,
  - (d) incurring expenditure on the provision of equipment for the benefit of the person assisted, or
  - (e) incurring other expenditure for the benefit of the person assisted.
- (3) Assistance given under section 14 to a local authority may not be given by way of loan or guarantee.

### Commencement Information

- I3** S. 15 wholly in force at 31.3.2003; s. 15 not in force at Royal Assent, see s. 216; s. 15 in force for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), [Sch.](#)) and in force for W. at 31.3.2003 by [S.I. 2002/3185](#), [art. 5](#), [Sch. Pt. II](#)
- I4** S. 15 in force at 31.3.2003 for W. by [S.I. 2002/3185](#), [art. 5](#), [Sch. Pt. II](#)

## 16 Terms on which assistance under section 14 is given

- (1) Financial assistance under section 14 may be given on such terms as the Secretary of State (or, as the case may be, the National Assembly for Wales) considers appropriate.
- (2) The terms may, in particular, include provisions as to—
  - (a) circumstances in which the assistance is to be repaid, or otherwise made good, to the Secretary of State (or the National Assembly for Wales), and the manner in which that is to be done;
  - (b) the giving by the person receiving assistance of financial assistance to other persons on such terms as that person or the Secretary of State (or the Assembly) considers appropriate;
  - (c) circumstances in which any payments made by virtue of terms included by virtue of paragraph (b) are to be repaid, or otherwise made good, to the person receiving assistance from the Secretary of State (or the Assembly), and the manner in which that is to be done;
  - (d) the keeping, and making available for inspection, of accounts and other records.
- (3) The person receiving assistance must comply with the terms on which it is given, and compliance may be enforced by the Secretary of State (or, as the case may be, the National Assembly for Wales).
- (4) Section 15(2) applies to financial assistance required by virtue of subsection (2)(b) as it applies to financial assistance given under section 14.

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#### Commencement Information

- I5** S. 16 wholly in force at 31.3.2003; s. 16 not in force at Royal Assent, see s. 216; s. 16 in force for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), [Sch.](#)) and in force for W. at 31.3.2003 by [S.I. 2002/3185](#), [art. 5](#), [Sch. Pt. II](#)
- I6** S. 16 in force at 31.3.2003 for W. by [S.I. 2002/3185](#), [art. 5](#), [Sch. Pt. II](#)

### 17 Delegation

- (1) Arrangements under section 14 may provide for assistance to be given, or other functions relating to assistance to be exercised, otherwise than by the Secretary of State or the National Assembly for Wales.
- (2) Arrangements under section 14 which so provide may make provision for the functions concerned to be so exercised—
- (a) either wholly or to such extent as may be specified in the arrangements, and
  - (b) either generally or in such cases or circumstances as may be so specified,
- but shall not prevent the functions concerned from being exercised by the Secretary of State or, as the case may be, the National Assembly for Wales.

#### Commencement Information

- I7** S. 17 wholly in force at 31.3.2003; s. 17 not in force at Royal Assent, see s. 216; s. 17 in force for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), [Sch.](#)) and in force for W. at 31.3.2003 by [S.I. 2002/3185](#), [art. 5](#), [Sch. Pt. II](#)
- I8** S. 17 in force at 31.3.2003 for W. by [S.I. 2002/3185](#), [art. 5](#), [Sch. Pt. II](#)

### 18 Repeal of specific grant-making powers

- (1) The following enactments (which confer on the Secretary of State or the National Assembly for Wales specific powers that are superseded by the power in section 14) shall cease to have effect—
- (a) section 4 of the Education Act 1967 (c. 3) (loans for capital expenditure for the purposes of colleges of education),
  - (b) section 1(1)(b) of the Education Act 1986 (c. 40) (grants to Further Education Unit),
  - (c) section 50(1)(b) of the Education (No. 2) Act 1986 (c. 61) (grants to facilitate training of persons other than teachers),
  - (d) section 210 of the Education Reform Act 1988 (c. 40) (grants to further education institutions for education of travellers and displaced persons),
  - (e) section 211 of that Act (grants in respect of special provision for immigrants),
  - (f) section 1 of the Nursery Education and Grant-Maintained Schools Act 1996 (c. 50) (arrangements for making grants in respect of nursery education),
  - (g) sections 486 to 488 and section 490 of the Education Act 1996 (c. 56) (which confer miscellaneous grant-making powers),
  - (h) section 491 of that Act (payment of school fees and expenses), and
  - (i) section 3 of the School Standards and Framework Act 1998 (c. 31) (payment of grant in connection with reductions in infant class sizes).

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- (2) The power to pay grants under section 484 of the Education Act 1996 (education standards grants) shall be exercisable only in relation to Wales.

**Commencement Information**

- I9** S. 18 partly in force; s. 18 not in force at Royal Assent, see s. 216; s. 18(2) in force for W. at 31.3.2003 by [S.I. 2002/3185](#), [art. 5](#), [Sch. Pt. II](#)
- I10** S. 18(1)(a)-(f) (h)(i) (2) in force at 1.4.2003 except in relation to W. by [S.I. 2003/124](#), [art. 4](#) (with [art. 7](#))
- I11** S. 18(1)(g) in force at 1.4.2003 for specified purposes except in relation to W. by [S.I. 2003/124](#), [art. 4](#)
- I12** S. 18(2) in force at 31.3.2003 for W. by [S.I. 2002/3185](#), [art. 5](#), [Sch. Pt. II](#)

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