

1989 No. 444 (S.55)

**EDUCATION, SCOTLAND**

**The Further Education (Approved Associations)  
(Scotland) Grant Regulations 1989**

<i>Made</i> - - - -	<i>10th March 1989</i>
<i>Laid before Parliament</i>	<i>20th March 1989</i>
<i>Coming into force</i>	<i>10th April 1989</i>

The Secretary of State, in exercise of the powers conferred on him by sections 73(d), (e) and (g) and 74(1) of the Education (Scotland) Act 1980(a), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Further Education (Approved Associations) (Scotland) Grant Regulations 1989 and shall come into force on 10th April 1989.

**Persons to whom grant may be paid**

2.—(1) The Secretary of State may pay grant to any organised body of persons, whether corporate or unincorporate, whose objects include the development of further education, if he is satisfied as to its constitution, financial stability, and fitness to receive grant and that it is not conducted for private profit.

(2) Such a body shall be known as an approved association.

**Power to make grants**

3. Subject to the provisions of these Regulations, the Secretary of State may pay to an approved association—

- (a) non-recurrent grants, being grants in aid of expenditure on the acquisition of land and buildings, the erection, enlargement and improvement of buildings, the supply of equipment and furnishings, the provision and laying out of premises, including playing fields and other facilities for social activities and physical training, and generally on works of a permanent character; and
- (b) recurrent grants, being grants in aid of expenditure on administration, the maintenance of a further education centre or facilities for social activities or physical training, including the employment of, and the provision of courses of training for, members of staff, the development of further education and for other connected purposes including works of a permanent but minor character.

**Determination and payment of grants**

4.—(1) Grants under these Regulations shall be of such amount or paid at such rate and in respect of such period as the Secretary of State may determine.

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(a) 1980 c.44.

(2) Grants under these Regulations may be paid as single payments or by instalments of such amounts and at such times as the Secretary of State may determine.

#### **Conditions applicable to all grants**

5. The following conditions shall apply to the payment of all grants under these Regulations:-

- (a) the accounts of an approved association shall be audited to the satisfaction of the Secretary of State, and the approved association shall, if the Secretary of State intimates to it that he is not so satisfied, make such arrangements for the audit of its accounts as satisfy him;
- (b) an approved association shall make such reports and returns and give such information to the Secretary of State as he may reasonably require;
- (c) an approved association shall immediately inform the Secretary of State of any change in the circumstances upon which its application for grant was based and, if in the opinion of the Secretary of State such change warrants an alteration in the amount of, or the withholding of, the grant, he may re-assess, vary, make a deduction from or withhold the grant as he thinks fit;
- (d) an approved association shall afford to any of Her Majesty's Inspectors of Schools, or any other person appointed by the Secretary of State, all reasonable facilities which he may require to inform himself as to the progress of the work or delivery of the services in aid of which grant was made;
- (e) an approved association shall comply with any requirements imposed by these Regulations.

#### **Requirements relating to grants**

6. It shall be a requirement when any grant under these Regulations has been paid that the approved association shall, at the request of the Secretary of State, repay to him so much of any grant as has not been used for the purposes for which it was given.

#### **Requirements relating to non-recurrent grants**

7.—(1) The following requirements shall apply when an approved association has received non-recurrent grant under these Regulations in respect of the acquisition of, or expenditure on, any property, heritable or moveable:-

- (a) the property shall not be disposed of except in accordance with sub-paragraphs (b) and (c) below;
- (b) when any such property is no longer required for the purpose for which it was improved or acquired, the approved association may, with the consent of the Secretary of State, and shall, if the Secretary of State so directs, sell or otherwise dispose of the property;
- (c) when any such property is sold or disposed of, the approved association shall pay to the Secretary of State such part of the proceeds of such sale or disposal (less any expenses incurred in the disposal) as he may after consultation with the approved association require.

(2) Where any property which was provided with the aid of non-recurrent grant paid to an approved association under the Further Education (Scotland) Regulations 1959(a) is no longer required for the purpose for which it was so provided, the approved association shall, with the consent of the Secretary of State and as suitable opportunity offers, sell or otherwise dispose of the said property, and shall pay to him such part of the proceeds of such sale or disposal (less any expenses incurred in the disposal) as he may after consultation with the approved association require.

#### **Power to withhold grants**

8. The Secretary of State may reduce or withhold a grant if any condition imposed by these Regulations in relation to that grant is not fulfilled.

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(a) S.I. 1959/477; the relevant amending instrument is S.I. 1979/1185.

St. Andrew's House, Edinburgh  
10th March 1989

*Michael B. Forsyth*  
Parliamentary Under Secretary of State,  
Scottish Office

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations empower the Secretary of State to pay recurrent and non-recurrent grants to organisations whose objects include the development of further education, and prescribe the conditions of eligibility for, and payment of, grants and the requirements to be complied with by such organisations in receipt of grant.

Provisions relating to the payment of grants to such organisations were previously contained in Part II of the Further Education (Scotland) Regulations 1959, which has been revoked by the Grant-aided Colleges (Scotland) Grant Regulations 1989 (S.I. 1989/433).

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