
STATUTORY INSTRUMENTS

1992 No. 555

**The Education (Grant-maintained
Schools) (Finance) Regulations 1992**

PART 4

MAINTENANCE GRANT — GENERAL PROVISIONS

Relevant date

17.—(1) Subject to paragraphs (2) and (3) below, any amount required to be determined by the Secretary of State under the provisions of Parts 2 and 3 shall be determined on the information available to him on a date determined by him and notified by him to the former maintaining authority (referred to in these Regulations as “the relevant date”).

(2) The Secretary of State may redetermine the relevant date in any case where he considers it appropriate to do so and shall in any such case notify the governing body of the school and the former maintaining authority of the redetermined date.

(3) Where there is not available to the Secretary of State on the relevant date (or that date as redetermined in accordance with paragraph (2)) sufficient information as will, in his opinion, allow him to determine any of the amounts referred to in paragraph (1) he may determine the amount of maintenance grant payable in respect of the school on such basis as appears to him to be fair and reasonable having regard to the information available to him on the relevant date.

(4) The Secretary of State shall not take into account any information made available to him after the relevant date (but before the date of his determination) for the purposes of determining the amount of maintenance grant payable in respect of a school for the financial year in question.

Apportionment of maintenance grant

18.—(1) This regulation applies in the case of any school whose incorporation date falls after 1st April in the financial year in respect of which the determination of maintenance grant under these Regulations is made.

(2) Where in respect of any such school the amount of maintenance grant is determined in accordance with regulation 4, the amount of maintenance grant payable to the governing body for the financial year in question shall be apportioned in accordance with the following formula—

$$\frac{A \times C \times F}{B} + D,$$

where

A is the number of days in the financial year falling on or after the incorporation date of the school;

B is 365 or, where the financial year in question ends during a leap year, 366;

C is the amount determined in accordance with regulation 11(2); and

D is the sum of the amounts determined in accordance with regulations 6, 8 or (as the case may be) 10, 11(4), 11(5) and 12.

F bears the value ascribed to it in the Table below according to the incorporation date of the school—

incorporation date 1st April — 31st July	F=1.0
incorporation date 1st August — 31st December	F=1.015
incorporation date 1st January — 31st March	F=1.02.

(3) Where in respect of any such school the amount of maintenance grant is determined under regulation 15 or 17(3), the amount of maintenance grant payable to the governing body of the school for the financial year in question shall be apportioned in accordance with the following formula—

$$\frac{A \times C \times F}{B}$$

where

C is the amount of maintenance grant determined in respect of the school in accordance with regulation 15 or, as the case may be, regulation 17(3); and

A, B and F represent the matters respectively denoted by those letters in paragraph (2).

(4) Where in respect of any such school the amount of maintenance grant is determined in accordance with regulation 13, the amount of maintenance grant payable to the governing body of the school for the financial year in question shall be apportioned in accordance with the following formula—

$$\frac{A \times C \times F}{B} + G,$$

where

C is the amount determined in respect of the school in accordance with (as the case may be) regulation 15(2) to (7); and

G is the amount, if any, determined in respect of the school in accordance with regulation 13(1) (c); and

A, B and F represent the matters respectively denoted by those letters in paragraph (2).

Adjustments

19.—(1) Without prejudice to paragraphs (3) and (4) but subject to paragraph (2), where after determining the amount of maintenance grant payable in respect of any school for any financial year (or any part of such a year) in accordance with these Regulations, it appears to the Secretary of State that, by reason of any change in the characteristics of the school or the level of spending by the former maintaining authority, or otherwise, the amount so payable should be revised, he may redetermine the amount of such grant payable in respect of the school for that year (or any part of that year) in accordance with these Regulations and, if the amount so redetermined is different from the amount previously determined, revise his determination accordingly and give notice thereof to the governing body of the school and to the former maintaining authority.

(2) Paragraph (1) shall not enable the Secretary of State to revise his determination of maintenance grant payable in respect of a school so as to reduce the amount of maintenance grant payable in respect of the school for the financial year in question.

(3) Subject to paragraph (4), where the Secretary of State is satisfied that his determination of the amount of maintenance grant in respect of any school for any financial year (or any part of

such a year) was made in ignorance of, or was based on a mistake as to, some material fact, or was not in accordance with these Regulations, he may redetermine the amount of such grant payable in respect of the school for that year (or any part of that year) in accordance with these Regulations and, if the amount so redetermined is different from the amount previously determined, revise his determination accordingly and give notice thereof to the governing body of the school and to the former maintaining authority.

(4) Where it appears to the Secretary of State that—

- (a) the circumstances specified in paragraph (3) apply by reason of his ignorance of, or mistake as to, some material fact; and
- (b) such ignorance or mistake was attributable to an act or omission of the former maintaining authority, determination under paragraph (3) if the effect of such revision would be to reduce the amount of maintenance grant payable in respect of the school for the financial year in question.

(5) A determination which has been revised in accordance with this regulation may be further revised in accordance with this regulation and may be so further revised notwithstanding that the Secretary of State is satisfied that the revised determination was not made in accordance with these Regulations.

Requirements which may be attached to payment of maintenance grant

20.—(1) The requirement set out in paragraph 1 of Schedule 3 is specified as a requirement which may be imposed by the Secretary of State on governing bodies to whom payments of maintenance grant are or have been made.

(2) The Secretary of State may determine, for the purposes of the application of section 79(7) of the Act to such governing bodies, any requirement referred to in paragraphs 2 to 4 of Schedule 3.