

---

STATUTORY INSTRUMENTS

---

**1993 No. 569**

**EDUCATION, ENGLAND AND WALES**

**The Education (Grants) (Travellers and  
Displaced Persons) Regulations 1993**

<i>Made</i>	- - - -	<i>10th March 1993</i>
<i>Laid before Parliament</i>		<i>11th March 1993</i>
<i>Coming into force</i>	- -	<i>1st April 1993</i>

In exercise of the powers conferred on the Secretary of State by sections 210 and 232(5) of the Education Reform Act 1988(1), the Secretary of State for Education, as respects England, and the Secretary of State for Wales, as respects Wales, hereby make the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Education (Grants) (Travellers and Displaced Persons) Regulations 1993 and shall come into force on 1st April 1993.

**Interpretation**

2.—(1) In these Regulations—

“approved expenditure” means any expenditure which is approved pursuant to regulation 6;

“authority” means a local education authority;

“determine” means determine by notice in writing;

“grant” means a grant in pursuance of these Regulations; and

“institution” means an institution within the further education sector within the meaning of section 91(3) of the Further and Higher Education Act 1992(2).

(2) In these Regulations, unless the context otherwise requires, any reference to a numbered regulation is a reference to the regulation bearing that number in these Regulations and any reference in a regulation to a numbered paragraph is a reference to the paragraph of that regulation bearing that number.

---

(1) 1988 c. 40; for matters to be prescribed, see section 235(7) of this Act and section 114(1) of the Education Act 1944 (c. 31), and for the transfer of functions to the Secretary of State see S.I.1964/490, 1970/1536, 1978/274 and 1992/1296. With effect from 1st April 1993 section 210 is amended by section 93(1) of, and paragraph 46 of Schedule 8 to, the Further and Higher Education Act 1992 (c. 13).

(2) 1992 c. 13.

### **Grants by the Secretary of State**

3.—(1) The Secretary of State may pay grants to authorities or institutions in respect of expenditure, the classes or descriptions of which are specified in the Schedule to these Regulations, incurred or to be incurred by them in making provision the purpose (or main purpose) of which is to promote and facilitate the education of persons to whom these Regulations apply.

(2) Grants shall only be payable in respect of expenditure so incurred or to be incurred in a financial year to the extent to which that expenditure is approved for that year by the Secretary of State for the purposes of these Regulations.

(3) Except as provided by paragraph (4), the classes or descriptions of expenditure specified in the Schedule to these Regulations relate to provision in respect of such persons to whom these Regulations apply as are referred to in paragraphs (a), (b) and (c) of regulation 4: provided that, in respect of such persons as are referred to in paragraph (c) of that regulation, such expenditure is not eligible for grant under section 11 of the Local Government Act 1966(3).

(4) The classes or descriptions of expenditure specified in paragraphs 3 and 4 of that Schedule relate to provision in respect of such persons to whom these Regulations apply as are referred to in paragraphs (a) and (b) of regulation 4.

(5) Where any authority or institution have incurred expenditure which has been approved as provided in paragraph (2) but have done so in a way which appears to the Secretary of State to be inefficient or ineffective, he may, after consultation with the authority or institution, by notice in writing to that authority or institution—

- (a) withdraw his approval in respect of any expenditure which he has so approved and which has not been incurred by them before the date of such notice; and
- (b) specify a period, reasonable in the circumstances, up to the end of which grant will be payable in respect of any expenditure incurred by them before the end of that period in consequence of contractual obligations arising before the date of such notice.

### **Persons to whom Regulations apply**

4. These Regulations apply to a person if—

- (a) by reason of his way of life or, in the case of a child, his parent's way of life he either has no fixed abode or leaves his main abode to live elsewhere for significant periods in each year;
- (b) he fell within paragraph (a) above within a period of two years immediately preceding the making of the provision in question; or
- (c) he is for the time being resident in a camp or other accommodation or establishment provided for refugees or for displaced or similar persons.

### **Rate of grant**

5. Grants paid in respect of any expenditure which is approved as provided in regulation 3 shall be payable at the rate of 75 per cent of the expenditure so approved.

### **Requirements and conditions for payment of grant**

6.—(1) It shall be a requirement for the payment of grant to any authority or institution that the authority or institution shall have submitted to the Secretary of State for his approval proposals for expenditure to be incurred by them—

- (a) in such form,

- (b) at such time, and
- (c) containing such particulars of expenditure which the authority or institution propose to incur, as the Secretary of State may determine.

(2) The said proposals shall contain such particulars of any expenditure which the authority or institution propose to incur but on which the authority or institution do not propose to apply for grant, as the Secretary of State may determine.

7.—(1) No payment of grant shall be made except in response to an application in writing from an authority or institution to the Secretary of State, authenticated by the officer of the authority or institution responsible for the administration of their financial affairs or his deputy.

(2) An application for the payment of grant shall relate to expenditure over one or more quarters and shall specify the approved expenditure in respect of which grant is applied for which it is estimated has been or will be incurred by the authority or institution during each quarter, but no application shall be made in respect of expenditure over a quarter beginning after the date of the application.

(3) Where an application relating to approved expenditure which it is estimated has been or will be incurred during the quarter commencing on 1st January in any year is submitted on or before 5th March in that year such payment as the Secretary of State may determine but not exceeding three-quarters of the grant applied for in respect of that expenditure may be made forthwith but no further payment of grant shall be made in respect of that expenditure until an application has been submitted in accordance with paragraph (4)(a).

(4) Each authority or institution that have received or seek to receive a payment of grant in respect of expenditure incurred during the year ending on 31st March shall, during the quarter commencing on 1st April or as soon as practicable thereafter—

- (a) submit to the Secretary of State an application which shall specify the approved expenditure in respect of which grant has been or is being applied for and which has been incurred by the authority or institution during that year; and
- (b) secure the submission to the Secretary of State of a certificate, signed, in the case of an authority, by the auditor appointed by the Audit Commission for Local Authorities and the National Health Service in England and Wales to audit the accounts of the authority or any auditor qualified for such appointment by virtue of section 13(5), (5A) and (6) of the Local Government Finance Act 1982(4), and, in the case of an institution, by the auditor appointed by the institution to audit the accounts of the institution, certifying that in his opinion the particulars stated in the application submitted by the authority or institution pursuant to this paragraph are fairly stated and that grant applied for is properly payable pursuant to these Regulations.

(5) No payment of grant shall be made in respect of expenditure by an authority or institution incurred in the quarter beginning on 1st October in any year or any subsequent quarter, if grant was paid to the authority or institution in respect of expenditure in the year ending on the preceding 31st March but the Secretary of State has not received the auditor's certificate referred to in paragraph (4) for that year.

(6) Any under-payment or over-payment of grant which remains outstanding following receipt of the auditor's certificate referred to in paragraph (4) shall, without prejudice to the recovery of any over-payment from any subsequent payment of grant to the authority or institution, be adjusted by payment between the authority or institution and the Secretary of State.

(7) In this regulation a "quarter" means a period of three calendar months commencing on 1st January, 1st April, 1st July or 1st October in any year.

---

(4) 1982 c. 32; subsection (5) of section 13 was amended by and subsection (5A) was inserted by section 20 of, and paragraph 3 of Schedule 4 to, the National Health Service and Community Care Act 1990 (c. 19).

### **Further conditions**

8.—(1) The Secretary of State may from time to time determine further conditions on the fulfilment of which the making of any payment in pursuance of these Regulations shall be dependent.

(2) Where conditions have been determined in pursuance of this regulation, then, unless such conditions have either been fulfilled or been withdrawn in pursuance of paragraph (3), no grant shall be payable; and, in addition, where such conditions have neither been so fulfilled nor withdrawn, the Secretary of State, by notice in writing to the authority or institution concerned, may withdraw his approval in respect of any expenditure which he has approved and which has not yet been incurred by them.

(3) The Secretary of State may determine to withdraw or, after consulting the authority or institution, vary conditions determined in pursuance of this regulation.

### **Requirements to be complied with**

9. Any authority or institution to whom a payment of grant has been made shall, if so requested by the Secretary of State, furnish him with such information as may be determined by him to enable him to verify that any grant paid has been paid pursuant to these Regulations.

10. Any authority or institution to whom a payment of grant has been made shall comply with such requirements (including requirements for the repayment of grant or the payment to the Secretary of State of other sums related to the value of assets acquired, provided or improved with the aid of grant or interest on sums due to him) as may be determined by the Secretary of State in the case in question.

### **Revocation and transitional provisions**

11. The Education (Grants) (Travellers and Displaced Persons) Regulations 1990<sup>(5)</sup> and the Education (Grants) (Travellers and Displaced Persons) (Amendment) Regulations 1991<sup>(6)</sup> are hereby revoked, but nothing in this regulation shall prevent the Secretary of State making payments of grant authorised by those Regulations in respect of expenditure incurred before 1st April 1993, or affect any condition or requirement determined by or in accordance with any of the Regulations so revoked.

---

(5) S.I. 1990/306.

(6) S.I. 1991/131.

## SCHEDULE

Regulation 3(1)

### EXPENDITURE IN RESPECT OF WHICH GRANTS ARE PAYABLE

1. Expenditure on pre-school educational provision.
2. Expenditure on additional educational provision for children who are of school age designed to improve their attendance at school, enhance their educational achievement or meet any particular educational needs they may have.
3. Expenditure on the establishment and maintenance of record referencing systems to help meet the need for continuity of educational experience for children of school age.
4. Expenditure for distance learning and outreach work with such children who are highly mobile, including circus and fairground children, for boarding education for such children and for mobile educational provision, including the schools which accompany circuses.
5. Expenditure on transport and uniform grants for such children.
6. Expenditure on curriculum development and staff training.
7. Expenditure on the establishment and maintenance of resource centres.
8. Expenditure on youth service provisions.
9. Expenditure on access, vocational and other further education courses and on youth and adult literacy and numeracy classes.
10. Expenditure on guidance and counselling on educational and career opportunities.

10th March 1993

*John Patten*  
Secretary of State for Education

10th March 1993

*David Hunt*  
Secretary of State for Wales

---

### EXPLANATORY NOTE

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

These Regulations consolidate, with amendments, the Education (Grants) (Travellers and Displaced Persons) Regulations 1990, as amended. In addition to minor and drafting amendments, the following changes of substance are made.

As a consequence of the amendment of section 210 of the Education Reform Act 1988 by Further and Higher Education Act 1992 from 1st April 1993, the Regulations authorise payments to institutions within the further education sector in England and Wales in addition to payments to local education authorities.

Applications for payment of grant may not now be made in respect of expenditure over a quarter beginning after the date of the application (regulation 7(2)). Applications relating to expenditure for

**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

the quarter commencing on 1st January in any year should be submitted on or before 5th March, not 15th March as previously (regulation 7(3)).