
STATUTORY INSTRUMENTS

1994 No. 277

EDUCATION, ENGLAND AND WALES

**The Education (Financial Delegation to Schools)
(Mandatory Exceptions) Regulations 1994**

<i>Made</i>	- - - -	<i>8th February 1994</i>
<i>Laid before Parliament</i>		<i>14th February 1994</i>
<i>Coming into force</i>	- -	<i>7th March 1994</i>

In exercise of the powers conferred on the Secretary of State by section 38(4)(c) and (d) 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, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Education (Financial Delegation to Schools) (Mandatory Exceptions) Regulations 1994 and shall come into force on 7th March 1994.

(2) These Regulations apply for the purpose of determining the aggregated budget of a local education authority for a financial year beginning on or after 1st April 1994.

(3) In these Regulations—

“the Act” means the Education Reform Act 1988;

“aggregated budget” has the meaning assigned to it by section 33(4)(b) of the Act;

“general schools budget” has the meaning assigned to it by section 33(4)(a) of the Act; and

“the 1989 Regulations” means the Education (Financial Delegation to Schools) (Mandatory Exceptions) Regulations 1989(2).

Revocation

2.—(1) The 1989 Regulations are revoked.

(2) Notwithstanding paragraph (1) above, the 1989 Regulations shall continue to apply for the purpose of determining (or redetermining) the aggregated budget of a local education authority for a financial year beginning on or before 1st April 1993.

(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 and 1978/274.
(2) S.I. 1989/1352.

Prescribed Expenditure

3.—(1) The expenditure referred to in paragraph (2) below, so far as taken into account in determining the general schools budget of any local education authority for any financial year, is prescribed for the purposes of section 38(4)(c) and (d) of the Act (expenditure to be left out of account in determining a local education authority's aggregated budget for any financial year).

(2) That expenditure is—

- (a) expenditure falling to be taken into account in determining central government grants of the following descriptions—
 - (i) grants for education support and training under section 1 of the Education (Grants and Awards) Act 1984⁽³⁾
 - (ii) grants under section 11 of the Local Government Act 1966⁽⁴⁾ (grants for certain expenditure due to ethnic minority population);
 - (iii) grants under section 210 of the Act⁽⁵⁾ (grants for the education of travellers and displaced persons);
 - (iv) grants under section 2 of the Employment and Training Act 1973⁽⁶⁾ (grants to assist persons to select, train for, obtain and retain employment etc.);
 - (v) grants under section 1 of the Local Government Grants (Social Need) Act 1969⁽⁷⁾ (grants relating to special social need in urban areas);
 - (vi) grants under section 27 of the Housing and Planning Act 1986⁽⁸⁾ (grants for regeneration of urban areas);
 - (vii) in the case of local education authorities in Wales, grants under section 21 of the Education Act 1980⁽⁹⁾ (grants for education in Welsh);
- (b) expenditure falling to be taken into account in determining specific grants from any of the European Communities which support activities in schools; and
- (c) expenditure of the kind referred to in section 11 of the Local Government Act 1966 in respect of posts approved by the Secretary of State for the purpose of making grants in respect of such expenditure, being expenditure not falling to be taken into account in determining central government grants.

3rd February 1994

John Patten
Secretary of State for Education

8th February 1994

John Redwood
Secretary of State for Wales

(3) 1984 c. 11; section 1 is amended by section 278 of the Education Act 1993 (c. 35). Section 278 is not in force at the date of these Regulations.

(4) 1966 c. 42 as substituted by section 1(1) of the Local Government (Amendment) Act 1993 (c. 27). Section 11 was extended by section 211 of the Education Reform Act 1988 to which there is an amendment not relevant to these Regulations.

(5) Section 210 of the Act has been amended in a way not relevant to these Regulations.

(6) 1973 c. 50 as substituted by section 25(1) of the Employment Act 1988 (c. 19).

(7) 1969 c. 2; section 1 was amended by paragraph 44 of Schedule 14 to the Local Government Act 1985 (c. 51).

(8) 1986 c. 63 as substituted by section 174 of the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28).

(9) 1980 c. 20.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations replace the provisions of the Education (Financial Delegation to Schools) (Mandatory Exceptions) Regulations 1989 which are revoked. The main changes made by the Regulations are:—

- (a) the substitution for Education Support Grants and Local Education Authority Training Grants in Regulation 2(2)(a)(i) and (ii) of the 1989 Regulations of grants for education support and training under section 1 of the Education (Grants and Awards) Act 1984 in Regulation 3(2)(a)(i);
- (b) the addition in Regulation 3(2)(a)(vi) of grants under section 27 of the Housing and Planning Act 1986; and
- (c) the addition in Regulation 3(2)(c) of certain expenditure of the kind referred to in section 11 of the Local Government Act 1966 which is not otherwise prescribed by the Regulations.