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STATUTORY INSTRUMENTS

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**1997 No. 996**

**The Education (Grant-maintained and Grant-maintained Special Schools) (Finance) Regulations 1997**

**PART 2**

**MAINTENANCE GRANT SCHEME REPLICATION**

**Cash protection for Central AMG and Section 11 funding**

**10.**—(1) Subject to paragraphs (3), (4) and (5), paragraph (2) applies in the case of a school which became a grant-maintained school before 1st April in the financial year in question and in respect of which the amount first referred to in regulation 8(1) (determination of Central AMG) or, where the funding authority determine an amount under regulation 9 (Section 11 funding) in respect of the school, the aggregate of those amounts is less than 85.7 per cent of the amount which was determined in respect of the school for the preceding financial year, or which would have been so determined had the school been grant-maintained throughout the preceding financial year, under (as the case may be) regulation 8 (determination of Central AMG) (ignoring for this purpose the effect of regulation 10 (cash protection)) or regulation 16(4) (amount of percentage addition under alternative method of determining amount of maintenance grant) of the 1996 Regulations.

(2) In any case to which this paragraph applies, regulation 8 (determination of Central AMG) shall have effect as if it required the funding authority to determine an amount equal to 85.7 per cent of the amount which was determined in respect of the school for the preceding financial year under the aforementioned regulations of the 1996 Regulations or which would have been so determined had the school been grant-maintained throughout the preceding financial year.

(3) In the case of the Little Heath Grant-maintained Special School, Romford, the funding authority shall, for the purposes of paragraphs (1) and (2), instead of the amount which was actually determined in respect of that school for the preceding financial year under regulation 8 of the 1996 Regulations, determine an amount on the basis that the relevant percentage in relation to the London Borough of Redbridge, was 15.1 per cent.

(4) Paragraph (5) applies where a school, which became a grant-maintained school before 1st April in the financial year in question, is significantly enlarged, as part of proposals involving the discontinuance of another school which also became a grant-maintained school before 1st April in the financial year in question, and in respect of the first mentioned school the amount first referred to in regulation 8(1) (determination of Central AMG) or, where the funding authority determine an amount under regulation 9 (Section 11 funding) in respect of that school, the aggregate of those amounts is less than 85.7 per cent of the amount which was determined in respect of both the schools referred to above for the preceding financial year, or which would have been so determined had the school been grant-maintained throughout the preceding financial year, under (as the case may be) regulation 8 (ignoring for this purpose the effect of regulation 10) or regulation 16(4) of the 1996 Regulations.

(5) In any case to which this paragraph applies, regulation 8 (determination of Central AMG) shall have effect as if it required the funding authority to determine such amount as appears to them to be fair and reasonable, being not less than the amount first referred to in regulation 8(1), or, where

the funding authority determine an amount under regulation 9 (Section 11 funding) in respect of the school, the aggregate of those amounts, and not more than an amount equal to 85.7 per cent of the amount which was determined in respect of both schools for the preceding financial year under the aforementioned regulations of the 1996 Regulations or which would have been so determined had the school been grant-maintained throughout the preceding financial year.

(6) Paragraph (7) applies in the case of Surrey Square Infant School and Surrey Square Junior School, Southwark if the amount first referred to in regulation 8(1) (determination of Central AMG) or, where the funding authority determine an amount under regulation 9 (Section 11 funding) in respect of that school, the aggregate of those amounts is less than 85.7 per cent of that part of the amount which was determined in respect of the Surrey Square Infant and Junior School, Southwark for the preceding financial year under (as the case may be) regulation 8 (determination of Central AMG) (ignoring for this purpose the effect of regulation 10 (cash protection)) or regulation 16(4) (amount of percentage addition under alternative method of determining amount of maintenance grant) of the 1996 Regulations referable to the infant or junior department of that school, as the case may be.

(7) Where this paragraph applies in the case of Surrey Square Infant School or Surrey Square Junior School, regulation 8 (determination of Central AMG) shall have effect as if it required the funding authority to determine an amount equal to 85.7 per cent of that part of the amount which was determined in respect of the Surrey Square Infant and Junior School for the preceding financial year, under the aforementioned regulations of the 1996 Regulations, referable to the infant or junior department, as the case may be.