
STATUTORY INSTRUMENTS

1998 No. 799

The Education (Grant-maintained and Grant-maintained Special Schools) (Finance) Regulations 1998

PART 1

GENERAL

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Grant-maintained and Grant-maintained Special Schools) (Finance) Regulations 1998 and shall come into force on 1st April 1998.

(2) These Regulations apply in relation to the financial year beginning on that date.

(3) Subject to paragraph (4), these Regulations apply in respect of—

(a) grant-maintained schools situated in England; and

(b) grant-maintained special schools situated in England not being such schools established in pursuance of proposals made by the funding authority under section 339(2) of the 1996 Act.

(4) These Regulations do not apply in respect of grant-maintained schools which are established pursuant to proposals under section 211 or 212 of the 1996 Act (proposals for establishment of new schools) except to such a school which is established—

(a) where section 213(3) of the 1996 Act applies (proposals by promoters to establish a new school in place of an existing independent school which it is proposed to discontinue on or before the date of implementation of the proposals in respect of the new school); or

(b) in connection with the discontinuance of another grant-maintained school pursuant to proposals published under section 267 or 268 of the 1996 Act⁽¹⁾.

Interpretation

2.—(1) In these Regulations, except where the context otherwise requires—

“the 1996 Act” means the Education Act 1996;

“Central AMG” means the amount determined under regulation 8 or under that regulation as it has effect by virtue of regulation 13, as the context may require;

“Direct AMG” means the amount determined under regulation 6, 7, 12 or 19;

“financial year in question” means the financial year beginning in 1998;

“local education authority” means—

(1) Those grant-maintained schools established pursuant to proposals under section 211 or 212 of the 1996 Act in respect of which these Regulations do not apply are covered by the Education (New Grant-maintained Schools) (Finance) Regulations 1998 (S.I. 1998/798).

Status: This is the original version (as it was originally made).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

- (a) in relation to any grant-maintained primary or secondary school and any financial year relating to such a school, the local education authority for the area in which the school is situated;
- (b) where such a school is situated in the area of more than one local education authority, the local education authority determined by the Secretary of State under the 1997 Regulations or, if no such determination was made, such local education authority as the Secretary of State, after consultation with those local education authorities concerned, may determine; and
- (c) in relation to any grant-maintained special school and any financial year relating to such a school,
 - (i) the local education authority by which the school was maintained immediately before it became a grant-maintained special school, or
 - (ii) where that authority is the subject of a structural or boundary change (or both such changes) within the meaning of section 14 of the Local Government Act 1992⁽²⁾ effected by an order made under section 17 of that Act, such other local education authority as the Secretary of State may, after consultation with that authority, notify to that authority and to the funding authority in writing;

“preceding financial year” means the financial year beginning in 1997;

“pupils with statements of special educational needs” means pupils for whom statements of their special educational needs are maintained under section 324 of the 1996 Act;

“the 1997 Regulations” means the Education (Grant-maintained and Grant-maintained Special Schools) (Finance) Regulations 1997⁽³⁾;

(2) Expressions used in these Regulations set out in the first column of the following table shall have the meanings attributed to them by the provisions set out opposite thereto in the second column, references to regulations being references to regulations of these Regulations—

aggregated budget	section 101(3)(b) of the 1996 Act
allocation formula	section 106(2) of the 1996 Act
capital grants	section 246(1) of the 1996 Act
change in the characteristics of the school	regulation 6(14)
comparable maintained school	regulation 6(10)
date of implementation of the proposals	sections 200(2) and 217 of the 1996 Act
financial year	section 579(1) of the 1996 Act
general schools budget	section 101(3)(a) of the 1996 Act
maintained school	regulation 6(10)
maintenance grant	section 244(1) of the 1996 Act
relevant date	regulation 29(7)
relevant expenditure	regulation 16(3)
relevant percentage	regulation 8(2)
scheme	section 101(1) of the 1996 Act

(2) 1992 c. 19.

(3) S.I. 1997/996.

school's budget share	section 101(3)(c) and (6) of the 1996 Act
special purpose grants	section 245(1) of the 1996 Act.

(3) In these Regulations references to a school becoming a grant-maintained school are references to a school acquiring grant-maintained status or being established as a grant-maintained school under Part III of the 1996 Act or becoming a grant-maintained special school in pursuance of Part 2 of the Education (Grant-maintained Special Schools) Regulations 1994⁽⁴⁾.

(4) For the purposes of these Regulations, a school becomes a grant-maintained school on the date of implementation of the proposals in respect of the school under Part III of the 1996 Act.

(5) In these Regulations references to primary or secondary schools do not include such schools which are special schools.

(6) Unless the context otherwise requires, any reference in these Regulations to—

- (a) a numbered Part, regulation or Schedule is a reference to the Part, regulation or Schedule in these Regulations so numbered; and
- (b) a numbered paragraph is a reference to the paragraph so numbered in the regulation or Schedule in which the reference appears.

Revocation and transitional provisions

3.—(1) The 1997 Regulations are revoked.

(2) Notwithstanding the provisions of these Regulations—

- (a) the Education (Grant-maintained Schools) (Finance) Regulations 1990⁽⁵⁾ shall continue to apply for the purposes of—
 - (i) determining, apportioning and redetermining the amount of maintenance grant payable in respect of a school as therein defined situated in England for the financial year ending on 31st March 1991, and
 - (ii) determining (and revising) the total amount of maintenance grant which the Secretary of State may recover from the former maintaining authority (within the meaning of those Regulations) of such a school in respect of that year;
- (b) the Education (Grant-maintained Schools) (Finance) Regulations 1991⁽⁶⁾ shall continue to apply for the purposes of—
 - (i) determining, apportioning and redetermining the amount of maintenance grant payable in respect of a school as therein defined situated in England for the financial year ending on 31st March 1992, and
 - (ii) determining (and revising) the total amount of maintenance grant which the Secretary of State may recover from the former maintaining authority (within the meaning of those Regulations) of such a school in respect of that year;
- (c) the Education (Grant-maintained Schools) (Finance) Regulations 1992⁽⁷⁾ shall continue to apply for the purposes of—
 - (i) determining, apportioning and redetermining the amount of maintenance grant payable in respect of a school as therein defined situated in England for the financial year ending on 31st March 1993, and

(4) S.I. 1994/653; amended by S.I. 1994/1231 and read with paragraph 1(4) of Schedule 39 to the 1996 Act.

(5) S.I. 1990/549; amended by S.I. 1990/2279, 1991/353.

(6) S.I. 1991/353.

(7) S.I. 1992/555; amended by S.I. 1992/1095.

- (ii) determining (and revising) the total amount of maintenance grant which the Secretary of State may recover from the former maintaining authority (within the meaning of those Regulations) of such a school in respect of that year;
 - (d) the Education (Grant-maintained Schools) (Finance) Regulations 1993⁽⁸⁾ shall continue to apply for the purposes of—
 - (i) determining, apportioning and redetermining the amount of maintenance grant payable in respect of a school as therein defined situated in England for the financial year ending on 31st March 1994, and
 - (ii) determining (and revising) the total amount of maintenance grant which the Secretary of State may recover from the former maintaining authority (within the meaning of those Regulations) of such a school in respect of that year; and
 - (e) the 1997 Regulations and those regulations made under section 244 of the 1996 Act⁽⁹⁾ applying in relation to the financial years beginning in 1994, 1995 and 1996 shall continue to apply for the purposes of—
 - (i) determining, apportioning and redetermining the amount of maintenance grant payable in respect of a school as therein defined situated in England for the financial year to which they applied, and
 - (ii) determining (and revising) the total amount of maintenance grant which the Secretary of State may recover from the local education authority (within the meaning of those Regulations) of such a school in respect of that year.
- (3) Paragraph (1) is without prejudice to the continued operation after 31st March 1998 of any requirements imposed by the Secretary of State or the funding authority on a governing body of a school situated in England to whom payments in respect of maintenance grant, capital grant and special purpose grant have been made under one or more (as the case may be) of the regulations made under section 247 of the 1996 Act⁽¹⁰⁾.

⁽⁸⁾ S.I. 1993/568; amended by S.I. 1993/843.

⁽⁹⁾ The relevant Regulations are S.I. 1994/938, 1994/2111, 1995/936 (amended by 1995/1554) and 1996/889.

⁽¹⁰⁾ The relevant Regulations are S.I. 1989/1287, 1990/549 (amended by 1990/2279 and 1991/353), 1991/353, 1992/555 (amended by 1992/1095), 1993/568 (amended by 1993/843), 1994/938, 1994/2111, 1995/936 (amended by 1995/1554) 1996/889 and 1997/996. See the effect of paragraphs 1(3) and 2(1) of Schedule 39 to the 1996 Act.