
STATUTORY INSTRUMENTS

1999 No. 710

EDUCATION, ENGLAND AND WALES

The Education (Payment for Special Educational Needs Supplies) Regulations 1999

<i>Made</i>	- - - -	<i>10th March 1999</i>
<i>Laid before Parliament</i>		<i>11th March 1999</i>
<i>Coming into force</i>	- -	<i>1st April 1999</i>

In exercise of the powers conferred on the Secretary of State by sections 318(2) and 569(4) of the Education Act 1996(1) and section 144(1) of the School Standards and Framework Act 1998(2) the Secretary of State for Education and Employment, as respects England, and the Secretary of State for Wales, as respects Wales, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Education (Payment for Special Educational Needs Supplies) Regulations 1999 and shall come into force on 1st April 1999.

(2) In these Regulations “school” means—

- (a) in the period ending immediately before 1st September 1999, a county, voluntary, maintained special, grant-maintained or grant-maintained special school within the meaning of the Education Act 1996; and
- (b) in the period commencing on 1st September 1999, a community, foundation or voluntary school or a community or foundation special school within the meaning of the School Standards and Framework Act 1998.

Prescribed terms as to payment

2. Where a local education authority supply, under section 318(1) of the Education Act 1996, goods or services, on or after 1st April 1999, to the governing body of a school which they do not maintain, and which is in the area of another local education authority, the terms on which the authority supply those goods or services may include such terms as to payment as can reasonably be expected to secure that the full cost (but not more than the full cost) of the provision is recovered by the authority.

(1) 1996 c. 56; for the meaning of “prescribed” and “regulations”, see section 579 (1).
(2) 1998 c. 31; for the meaning of “regulations”, see section 142(1).

Revocation and savings

3.—(1) The following Regulations are hereby revoked—

The Education (Payment for Special Educational Needs Supplies) Regulations 1994	S.I. 1994/650
The Education (Payment for Special Educational Needs Supplies) (Amendment) Regulations 1994	S.I. 1994/2156
The Education (Payment for Special Educational Needs Supplies) (Amendment) Regulations 1995	S.I. 1995/629

(2) The regulations referred to in paragraph (1) above shall continue to apply in relation to the supply of goods and services by a local education authority before 1st April 1999.

10th March 1999

Charles Clarke
Minister of State
Department for Education and Employment

10th March 1999

Peter Hain
Parliamentary Under Secretary of State, Welsh
Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 318(1) of the Education Act 1996 (“the Act”) empowers local education authorities to supply goods and services to the governing bodies of county, voluntary and grant-maintained schools. This is for the purpose of assisting those governing bodies in the performance of their duty under section 317(1)(a) of the Act to use their best endeavours to secure that appropriate special educational provision is made for pupils with special educational needs. Goods and services may also be supplied to the governing bodies of maintained and grant-maintained special schools for the purpose of assisting them in the performance of their duties.

Section 318(2) of the Act empowers local education authorities, in circumstances prescribed by regulations, to include such terms as to payment for such supplies as are prescribed by regulations.

These Regulations prescribe those circumstances and terms. Local education authorities are able to charge the full cost (but no more) where they supply goods or services to the governing body of a school which they do not maintain which is situated in the area of another local education authority.

Section 318 is prospectively amended by paragraph 75(1) and (2) of Schedule 30 to the School Standards and Framework Act 1998 so as to apply on and after 1st September 1999 in relation to community, foundation and voluntary schools and community and foundation special schools. The definition of “school” in these Regulations gives effect to that amendment by including such schools in relation to the period commencing on 1st September 1999.

The Education (Payment for Special Educational Needs Supplies) Regulations 1994 are revoked with savings in relation to the period before 1st April 1999.