

**1976 No. 475 (S. 43)**

**EDUCATION, SCOTLAND**  
**The Grant-Aided Secondary Schools (Scotland) Grant**  
**Regulations 1976**

<i>Made - - - -</i>	<i>23rd March 1976</i>
<i>Laid before Parliament</i>	<i>6th April 1976</i>
<i>Coming into Operation</i>	<i>1st May 1976</i>

In exercise of the powers conferred upon me by section 75(c) of the Education (Scotland) Act 1962(a), as substituted by section 12(1) of the Education (Scotland) Act 1969(b), and by sections 76(1) and 144(5) of the said Act of 1962, and of all other powers enabling me in that behalf, I hereby make the following Regulations:—

PART I

INTRODUCTION

*Citation and Commencement*

1. These Regulations may be cited as the Grant-Aided Secondary Schools (Scotland) Grant Regulations 1976 and shall come into operation on 1st May 1976.

*Interpretation*

2.—(1) In these Regulations:—

“Act of 1962” means the Education (Scotland) Act 1962;

“Act of 1969” means the Education (Scotland) Act 1969;

“Act of 1973” means the Local Government (Scotland) Act 1973(c);

“accounts” means the accounts kept by the managers of a specified school of the income received and the expenditure incurred by them in respect of that school;

“financial year” in relation to a specified school means, subject to regulation 15 of these Regulations, any period of twelve months to which the accounts of that school relate, beginning after 15th May 1976 and ending in any of the calendar years 1977 to 1982;

“group of specified schools” refers to the two or more secondary schools specified in Column (2) of Schedule 1 to these Regulations opposite any of the serial numbers 16 to 19 in Column (1) of that Schedule;

“local authority” has the same meaning as in section 235(1) of the Act of 1973

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(a) 1962 c. 47.  
 (c) 1973 c. 65.

(b) 1969 c. 49.

“secondary school” means a school for the provision of secondary education or of both primary and secondary education;

“specified school” means a secondary school which is specified in Column (2) of Schedule 1 to these Regulations, except that, where that school is included among a group of specified schools, it means, unless otherwise expressly stated, that group of schools;

“standard grant” shall be construed in accordance with Regulation 3 of these Regulations;

and, unless the context otherwise requires, other expressions used in these Regulations, which are also used in the Act of 1962, shall have the same meaning in these Regulations as they have in that Act.

(2) The Interpretation Act 1889(a) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

(3) In these Regulations, unless the context otherwise requires, references to any enactment or Regulation shall be construed as references to that enactment or Regulation as amended, re-enacted or substituted by any other enactment or Regulation.

## PART II

### MAINTENANCE GRANTS

#### *Standard Grant*

3.—(1) If the managers of a specified school apply to the Secretary of State, before the commencement of any financial year of that school, for a grant under these Regulations in respect of that year, the Secretary of State may, subject to the provisions of these Regulations, pay to those managers a grant towards their expenditure in that year upon the maintenance of that school of such amount (if any) as he may determine to be the amount of the standard grant for that year, less any deductions which fall to be made therefrom in accordance with the provisions of Regulations 5, 8(b) and 9 of these Regulations.

(2) The standard grant in respect of any financial year of a specified school shall be whichever is the lesser of the following amounts:—

- (a) subject to paragraph (3) of this Regulation, the amount in respect of that financial year which is specified according to the calendar year in which that financial year ends in the relevant column of Columns (3) to (8) of Schedule 1 to these Regulations opposite the name of that school in Column (2) of that Schedule; or
- (b) the amount of the deficit expenditure which those managers have incurred in that financial year upon the maintenance of that school, as such amount shall be determined by the Secretary of State in accordance with the provisions of Regulation 4 of these Regulations.

(3) Where it appears to the Secretary of State that the circumstances of a particular case justify him in so doing, or, without prejudice to the foregoing generality, where it appears to the Secretary of State

- (a) that the duration of any financial year of that school has been affected as a consequence of any alteration to the financial year of that school which he has approved under Regulation 15 of these Regulations; or
- (b) that a substantial alteration has taken place in the size of that school or of any school included in a group of specified schools (whether as a result of any increase or reduction in the number of pupils in attendance at that school or otherwise); or

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(a) 1889 c. 63.

- (c) that the school or any school included in a group of specified schools has become a public school or an independent school or has been discontinued in whole or in part (whether by being amalgamated with another specified school or otherwise),

he may, in respect of any financial year of that school, substitute for the amount which is specified for that year in the relevant column of Schedule 1 to these Regulations as mentioned in paragraph (2)(a) of this Regulation, either no amount at all or such amount (whether more or less than the amount so specified) as he considers to be appropriate.

*Determination of Deficit Expenditure*

4.—(1) The amount of the deficit expenditure for any financial year upon the maintenance of a specified school for the purposes of Regulation 3(2)(b) of these Regulations shall be such amount as the Secretary of State may determine to be the amount by which the expenditure which the managers have incurred in that year exceeds the income which the managers have received in that year in respect of that school, as such income and expenditure shall be ascertained in accordance with the provisions of this Regulation.

(2) In ascertaining, for the purposes of this Regulation, the amount of income which the managers have received in any financial year in respect of a specified school, there shall be deducted:—

- (a) the amount of any grant paid to those managers in that year under these Regulations;
- (b) the amount of any payment which falls to be deducted from the standard grant in respect of that year in accordance with the provisions of Regulation 5 of these Regulations or which would have fallen to be so deducted if the Secretary of State had not otherwise determined under that Regulation; and
- (c) such amount as the Secretary of State may determine as being required by those managers for purposes other than the maintenance of that school.

(3) In ascertaining, for the purposes of this Regulation, the amount of the expenditure which the managers have incurred in any financial year in respect of a specified school, there shall be deducted the amount of any expenditure which in the opinion of the Secretary of State has not been incurred by those managers upon the maintenance of that school in that year.

*Reduction of Standard Grant*

5. Unless the Secretary of State otherwise determines in any particular case, the standard grant in respect of any financial year of a specified school shall be reduced by an amount equal to the amount of any payment made in that year to the managers of that school

- (a) by a local authority under section 83 of the Act of 1973;
- (b) by an education authority under section 25(1)(c) of the Act of 1962, except any such payment made under that section in order to secure, in that year, the admission to and education, free of charge, in that school or, as the case may be, in any school included in a group of specified schools, of pupils nominated by the authority.

*Determination and Payment of Grant*

6. The Secretary of State shall determine the amount of grant payable under these Regulations in respect of any financial year of a specified school as soon as

practicable after the accounts of that school in respect of that year have been submitted to him in accordance with the provisions of Regulation 13 of these Regulations:

Provided that the Secretary of State may advance to the managers of that school, during the financial year in respect of which the grant is payable, payments on account of that grant at such times and of such amounts as he considers to be expedient.

### PART III

#### CONDITIONS OF GRANT

##### *General*

7. Any grant payable under these Regulations shall be subject to the conditions specified in these Regulations and the managers of a specified school, to whom such grant or any payment on account of such grant has been made, shall comply with the requirements specified in these Regulations.

8. If the Secretary of State is satisfied that the managers of a specified school, to whom a grant under these Regulations in respect of any financial year, or any payment on account of such grant, has been made, have failed to observe any of the conditions or requirements specified in these Regulations in that year (or, in the case of the requirements specified in Regulation 13 of these Regulations, in the next financial year), he may, without prejudice to the exercise of his powers under section 71 of the Act of 1962,

- (a) withhold payment of that grant or of any payment on account thereof for such period or periods as he considers fit; or
- (b) deduct such amount as he considers to be appropriate from the amount of the standard grant payable in respect of the first mentioned financial year.

9. Where the amount of grant determined as being payable under Regulation 6 of these Regulations in respect of any financial year of a specified school is less than the amount of any payments on account of that grant which the Secretary of State has advanced to the managers of that school during that year, the Secretary of State shall be entitled to recover the amount overpaid from those managers and, without prejudice to any other method of recovery, he may deduct that amount from the amount of any standard grant payable by the Secretary of State under these Regulations in respect of any other financial year of that school.

##### *General Duties of the Managers*

10. The managers of a specified school or of any school included in a group of specified schools shall secure that adequate arrangements are made for

- (a) the provision of milk, meals and other refreshments for pupils in attendance at that school and that the approval of the Secretary of State is obtained to any charges which are made in respect of such provision;
- (b) the medical inspection and supervision of all pupils in attendance at that school; and
- (c) any pupil in attendance at that school who is unable, by reason of the inadequacy or unsuitability of his clothing, to take full advantage of the education (including physical education) provided at that school, to be provided with such clothing as is necessary for the purpose of ensuring that he is sufficiently and suitably clad.

**11.** If the managers of a specified school or of any school included in a group of specified schools propose, in any financial year, to discontinue that school or part thereof (whether by amalgamating it with any other specified school or otherwise), any such proposal shall not be put into effect without notice thereof being given to the Secretary of State.

*Estimates and Accounts*

**12.** The managers of a specified school shall submit to the Secretary of State, by such date or dates in each year as he may direct, estimates of the amount of

- (a) the income which they are likely to receive in respect of the maintenance of that school (other than any grant payable under these Regulations), and
- (b) the expenditure which they are likely to incur upon the maintenance of that school,

in respect of such period or periods as the Secretary of State may require and these estimates shall contain such information and be in such form as the Secretary of State may specify.

**13.** The managers of a specified school shall submit to the Secretary of State, within three months after the end of each financial year of that school or such longer period as the Secretary of State may approve

- (a) a statement of
  - (i) the income which they have received in respect of the maintenance of that school (other than any grant payable under these Regulations); and
  - (ii) the expenditure which they have incurred upon the maintenance of that school,in that year, which statement shall be certified as being correct by the Auditor appointed by the managers and shall contain such information and shall be in such form as the Secretary of State may specify; and
- (b) the accounts of that school for that year which have been audited to the satisfaction of the Secretary of State.

*Information and Returns*

**14.** The managers of a specified school shall furnish such information and returns relating to that school or to any school included in a group of specified schools as the Secretary of State may from time to time require.

*Alterations to Financial Year*

**15.** Any alteration to the financial year of a specified school shall require the approval of the Secretary of State and, if such alteration is approved, the period between the commencement of the financial year in which the alteration is approved and the day immediately preceding the day upon which the alteration takes effect shall, notwithstanding that it may be less than or exceed twelve months, be deemed to be a financial year.

*Remuneration Payable to Teachers*

**16.** The managers of a specified school shall pay to the teachers employed by them in that school or in any school included in a group of specified schools not less than the remuneration which the teachers would have been entitled to if they had been employed by education authorities in the provision of school education, in accordance with the scales and other provisions set out in the

Memorandum referred to in an Order made by the Secretary of State under section 2(4) of the Remuneration of Teachers (Scotland) Act 1967(a) and for the time being in force.

*Application of Other Statutory Provisions*

17. The provisions of the Schools (Scotland) Code 1956(b), as amended (c), and the Schools General (Scotland) Regulations 1975(d) shall be observed by the managers of a specified school and, in being so observed, those provisions shall have effect as if

- (a) for any reference in that Code and in those Regulations to a "school" or to an "education authority", there were substituted respectively, unless the context otherwise requires, a reference to a "specified school or a school included in a group of specified schools" or to the "managers of a specified school";
- (b) any reference in that Code and in those Regulations, as applied by this Regulation, to a "specified school" or "a group of specified schools" or to the "managers" in relation to such a school or group of schools had the same meaning as it has in these Regulations; and
- (c) for sub-paragraph (1) of paragraph 3 of Schedule 1 to the Schools General (Scotland) Regulations 1975, there were substituted the following sub-paragraph:—

"3.—(1) Subject to sub-paragraph (2) of this paragraph, a pupil shall be shown in the register of admission and withdrawal as having been withdrawn from a specified school or a school included in a group of specified schools if—

- (a) he has been withdrawn from that school by his parent; or
- (b) he has been permanently excluded from that school by the managers."

18. The provisions of Parts I and III of the School Premises (General Requirements and Standards) (Scotland) Regulations 1967(e), as amended (f), shall be observed by the managers of a specified school and, in being so observed, those provisions shall apply to the premises and equipment of a specified school or of a school included in a group of specified schools as they apply to the premises and equipment of schools under the management of education authorities:

Provided that, if the Secretary of State is satisfied, after consultation with the managers of that school, that it is impracticable or would be unreasonable for those managers to observe any of the standards prescribed in the said Part III to the premises and equipment of that school, he may modify that standard or those standards for that school.

(a) 1967 c. 36.

(b) S.I. 1956/894 (1956 I, p. 735).

(c) The relevant amending instruments are: S.I. 1959/476, 1965/55, 940, 1967/1162, 1968/1055, 1971/1079, 1972/776 (1959 I, p. 1095; 1965 I, pp. 72, 2398; 1967 II, p. 3396; 1968 II, p. 2849; 1971 II, p. 3215; 1972 II, p. 2486).

(d) S.I. 1975/1135 (1975 II, p. 3965).

(e) S.I. 1967/1199 (1967 II, p. 3514).

(f) S.I. 1973/322 (1973 I, p. 1121).

## PART IV

## MISCELLANEOUS

19. At the end of Regulation 26 of the School Premises (General Requirements and Standards) (Scotland) Regulations 1967, as amended, there shall be inserted the following proviso:—

“Provided that this Regulation shall not apply to any grant-aided school which is a specified school within the meaning of the Grant-Aided Secondary Schools (Scotland) Grant Regulations 1976 in respect of any financial year of that school within the meaning of those Regulations.”

20.—(1) The Regulations mentioned in Column (1) of Schedule 2 to these Regulations are hereby revoked to the extent specified in Column (2) of that Schedule:

Provided that these revocations shall not have effect for the purposes of any financial year of a recognised secondary school within the meaning of the Grant-Aided Secondary Schools (Scotland) Grant Regulations 1959(a), as amended(b), beginning before 16th May 1976.

(2) Section 38(2) of the Interpretation Act 1889(c) shall apply as if these Regulations were an Act of Parliament and as if the Regulations revoked by these Regulations were Acts of Parliament repealed by an Act of Parliament.

*William Ross,*

One of Her Majesty's Principal  
Secretaries of State

New St. Andrew's House  
Edinburgh.  
23rd March 1976

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(a) S.I. 1959/833 (1959 I, p. 1104).

(b) S.I. 1968/449, 1969/506, 1971/558, 1975/1135 (1968 I, p. 1161; 1969 I, p. 1408; 1971 I, p. 1551; 1975 II, p. 3965).

(c) 1889 c. 63.

## Regulation 3

## SCHEDULE I

## MAINTENANCE GRANTS

Column (1)	Column (2)	Column (3)	Column (4)	Column (5)	Column (6)	Column (7)	Column (8)
Serial No.	Name of School	Financial Year Ending in 1977	Financial Year Ending in 1978	Financial Year Ending in 1979	Financial Year Ending in 1980	Financial Year Ending in 1981	Financial Year Ending in 1982
1	Dollar Academy	(£) 97,716	(£) 81,430	(£) 65,144	(£) 48,858	(£) 32,572	(£) 16,286
2	Benedictine Convent School	18,204	15,170	12,136	9,102	6,068	3,034
3	St. Joseph's College	36,282	30,235	24,188	18,141	12,094	6,047
4	Albyn School for Girls	52,182	43,485	34,788	26,091	17,394	8,697
5	Robert Gordon's College	119,490	99,575	79,660	59,745	39,830	19,915
6	St. Margaret's School	32,952	27,460	21,968	16,476	10,984	5,492
7	George Heriot's School	119,418	99,515	79,612	59,709	39,806	19,903
8	St. Mary's Music School	5,820	4,850	3,880	2,910	1,940	970
9	Craigholme School for Girls	53,238	44,365	35,492	26,619	17,746	8,873
10	Kelvinside Academy	47,022	39,185	31,348	23,511	15,674	7,837
11	Laurel Bank School	63,552	52,960	42,368	31,776	21,184	10,592
12	St. Aloysius' College	74,010	61,675	49,340	37,005	24,670	12,335
13	Westbourne School for Girls	51,252	42,710	34,168	25,626	17,084	8,542
14	Marr College	95,460	79,550	63,640	47,730	31,820	15,910
15	High School of Dundee	112,560	93,800	75,040	56,280	37,520	18,760
16	Daniel Stewart's and Melville College	474,558	395,465	316,372	237,279	158,186	79,093
17	The Mary Erskine School for Girls	172,794	143,995	115,196	86,397	57,598	28,799
18	George Watson's College Hutchesons' Boys' Grammar School Hutchesons' Girls' Grammar School The Park School St. Bride's School	147,462	122,885	98,308	73,731	49,154	24,577
19	St. Columba's School Morrison's Academy, Boys' School Morrison's Academy, Girls' School	97,326	81,105	64,884	48,663	32,442	16,221
		£1,871,298	£1,559,415	£1,247,532	£935,649	£623,766	£311,883



## SCHEDULE 2

## REVOCATIONS

<i>Column 1 Regulations</i>	<i>Column 2 Extent to which revoked</i>
The Grant-Aided Secondary Schools (Scotland) Grant Regulations 1959(a)	The whole regulations
The Grant-Aided Secondary Schools (Scotland) Grant (Amendment) Regulations 1968(b)	The whole regulations
The Grant-Aided Secondary Schools (Scotland) Grant (Amendment) Regulations 1969(c)	The whole regulations
The Grant-Aided Secondary Schools (Scotland) Grant (Amendment) Regulations 1971(d)	The whole regulations
The Schools General (Scotland) Regulations 1975(e)	In Schedule 2, Paragraph 4

(a) S.I. 1959/833 (1959 I, p. 1104).  
(c) S.I. 1969/506 (1969 I, p. 1408).  
(e) S.I. 1975/1135 (1975 II, p. 3965).

(b) S.I. 1968/449 (1968 I, p. 1161).  
(d) S.I. 1971/558 (1971 I, p. 1551).

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations empower the Secretary of State to pay to the managers of any secondary school or group of secondary schools which is specified in Schedule 1 to these Regulations (referred to as a "specified school") a grant towards their expenditure upon the maintenance of that school in respect of each financial year of that school beginning after 15th May 1976 and ending in any of the calendar years 1977 to 1982.

The basic element of the grant for any year (referred to as "the standard grant") is

- (a) the amount which is specified for that year in the relevant column of Schedule 1 to these Regulations opposite the name of that school; or
- (b) the amount of the deficit expenditure which the managers have incurred upon the maintenance of that school in that year, as determined by the Secretary of State,

whichever is the less. The Regulations also empower the Secretary of State, in certain circumstances, to substitute for the amount which is specified in Schedule 1 in relation to any school for any year such other amount (if any) as he considers appropriate. Deduction may be made from the standard grant in certain circumstances.

The Regulations also specify the conditions upon which such grants are payable.

The Regulations revoke the Grant-Aided Secondary Schools (Scotland) Grant Regulations 1959, as amended, and paragraph 4 of Schedule 2 to the Schools General (Scotland) Regulations 1975 but it is provided that these revocations should not have effect for the purposes of any financial year of a specified school beginning before 16th May 1976. The Regulations also make a consequential amendment to Regulation 26 of the School Premises (General Requirements and Standards) (Scotland) Regulations 1967, as amended.

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