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STATUTORY INSTRUMENTS

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**1989 No. 1452**

**EDUCATION, ENGLAND AND WALES**

**The Education (Further and Higher Education Funding Schemes) (Publication and Information) Regulations 1989**

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| <i>Made</i>                   | - - - - | <i>7th August 1989</i>    |
| <i>Laid before Parliament</i> |         | <i>10th August 1989</i>   |
| <i>Coming into force</i>      | - -     | <i>1st September 1989</i> |

In exercise of the powers conferred on the Secretary of State by section 147 of the Education Reform Act 1988(1), the Secretary of State for Education and Science hereby makes the following Regulations:

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Education (Further and Higher Education Funding Schemes) (Publication and Information) Regulations 1989 and shall come into force on 1st September 1989.

(2) These Regulations apply to local education authorities in England only.

**Interpretation**

2. In these Regulations, unless the context otherwise requires—

“the Act” means the Education Reform Act 1988;

“aggregate budget”, in relation to an institution, means the sum of the formula based budget for that institution, the amount of any excepted items which are delegated to the governing body of the institution, and any funds provided by the Polytechnics and Colleges Funding Council for the provision of higher education at the institution;

“authority” means local education authority and, in relation to such an authority, “the offices” means the education offices;

“excepted items” means items of expenditure excepted by or under a scheme from the general colleges budget for the purpose of applying the formula;

“formula” means the formula laid down by an authority’s scheme pursuant to section 143 of the Act;

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(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.

“formula based budget” means the sum obtained by multiplying the unit of resource by the weighted student number allocations for each institution and taking account of any other factor contained in the formula;

“full-time equivalent” means full-time equivalent as calculated in accordance with the authority’s scheme;

“general colleges budget” means that amount of the further and higher education budget of an authority that is appropriated for allocation to that authority’s institutions;

“governing body” means the governing body of an institution;

“institution” means an institution of further or higher education required or authorised to be covered by a scheme by virtue of section 139(4) of the Act, by virtue of regulations made under section 146(2) of the Act, or by virtue of regulations made under section 154(2)(b) of the Act;

“minor variation scheme” has the meaning assigned to it by section 141(4) of the Act;

“programme area” means any grouping of courses used by an authority for the purpose of planning their provision of further and higher education;

“scheme” means a scheme for the planning and funding of locally funded further and higher education prepared by an authority in accordance with Chapter III of Part II of the Act;

“student number allocation” means the number of expected students used by the authority for planning purposes and “weighted”, in relation to such a number, means weighted according to the provisions of the authority’s scheme; and

“unit of resource” has the meaning assigned to it by regulation 4(3)(h).

### **Publication of schemes**

**3.—(1)** Within 30 days after such an event occurring relating to a scheme or proposed scheme as is referred to in paragraph (2), the authority shall publish the scheme in such a manner as is likely to bring it to the attention of the governing body, staff and students of any institution likely to be affected by it, and shall make copies of the scheme available for inspection at all reasonable times at their offices.

(2) The events referred to above are—

- (a) that the Secretary of State has approved the scheme under section 140 of the Act;
- (b) that the Secretary of State has determined pursuant to section 141(8) of the Act that the variations proposed to be made by the scheme are all such that the proposed scheme will be a minor variation scheme; or
- (c) that the period of two months mentioned in section 141(8) of the Act has expired without the Secretary of State requiring the authority to send him a copy of their proposed scheme.

### **Publication of information relating to schemes**

**4.—(1)** Subject to paragraph (2), before the beginning of each financial year every local education authority operating a scheme shall publish, in the manner set out in regulation 4, the information mentioned in paragraphs (3) and (4).

(2) The information mentioned in paragraph (4) is not required to be published until the scheme has been in force for a full financial year.

(3) That information is particulars of the following matters relating to the operation of the authority’s scheme in the forthcoming financial year—

- (a) the amount of the general colleges budget;
- (b) a list of excepted items and the planned expenditure on each;

- (c) any other amount to be set aside for factors in the formula other than the student number allocation;
  - (d) the amount of available resources (that is to say, the amount remaining after deducting planning expenditure on excepted items and amounts to be set aside for other factors in the formula from the general colleges budget);
  - (e) the student number allocations expressed in terms of full-time equivalent enrolments for each programme area used by the authority for planning purposes;
  - (f) the funding weightings applied to each programme area;
  - (g) the sum of weighted student number allocations in all programme areas at all institutions (that is to say, the figure arrived at by multiplying the figures referred to in sub-paragraphs (e) and (f));
  - (h) the value of the authority's unit of resource (that is to say, the sum arrived at by dividing the figure referred to in sub-paragraph (d) by that referred to in sub-paragraph (g));
  - (i) the student number allocations by programme areas for each institution;
  - (j) the formula based budget for each institution, identifying the institution's share of the amount mentioned in sub-paragraph (c); and
  - (k) the aggregate budget for each institution, identifying any funds provided by the Polytechnics and Colleges Funding Council.
- (4) That information is particulars of the following matters relating to the operation of the authority's scheme in the last complete financial year–
- (a) the amount of expenditure actually incurred on the general colleges budget;
  - (b) the amount of expenditure actually incurred on each excepted item;
  - (c) the amount of expenditure actually distributed by the application of factors in the formula other than the student number allocation;
  - (d) the amount of available resources (that is to say, the amount remaining after deducting the actual expenditure on excepted items and other factors in the formula from the amount of expenditure actually incurred on the general colleges budget);
  - (e) the funding weightings applied to each programme area;
  - (f) the amounts–
    - (i) allocated to each institution through the formula, identifying each institution's share of the amount mentioned in sub-paragraph (c); and
    - (ii) incurred by each institution on excepted items;
  - (g) actual enrolments in each programme area, expressed as a ratio (the number of students enrolled divided by the student number allocation, all expressed in full-time equivalent terms); and
  - (h) actual enrolments, by programme area, by institution, expressed as a ratio (the number of students enrolled divided by the student number allocation, all expressed in full-time equivalent terms).
5. The authority shall publish the information required to be published by regulation 4 by making it available for inspection at all reasonable times at the authority's offices by 1st April each year, and by sending a copy to the governing body of each institution covered by the authority's scheme.

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

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7th August 1989

*John MacGregor*  
Secretary of State for Education and Science

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations (which apply to local education authorities in England only) make provision for the publication of local education authorities' schemes for the planning and funding of locally funded further and higher education, and for the publication of information about them.

Regulation 3 requires local education authorities to publish schemes within 30 days of the Secretary of State approving them or determining that a scheme is a minor variation scheme which does not require approval, or within 30 days of the end of the period of 2 months within which the Secretary of State may call in schemes for his approval, if he has not done so. Copies of the scheme are to be made available for inspection at all reasonable times at the local education authority's offices.

Regulation 4(3) requires each local education authority operating a scheme to publish information before the beginning of each financial year relating to their budgetary planning of further and higher education for the forthcoming financial year, and of the values of various factors used in their calculation of the budget to be delegated to the governing body of each institution required to be covered by the scheme.

Authorities are also required to publish similar information about the operation of their scheme in the last complete financial year (regulation 4(4)).

The information is to be made available by 1st April for inspection at all reasonable times at the local education authority's offices and a copy is to be sent to the governing body of every institution concerned (regulation 5).