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STATUTORY INSTRUMENTS

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**1990 No. 2551 (S. 216)**

**EDUCATION, SCOTLAND**

**The Special Schools (Scotland) Grant Regulations 1990**

*Made - - - - 11th December 1990*

*Laid before Parliament 21st December 1990*

*Coming into force - - 11th January 1991*

The Secretary of State, in exercise of the powers conferred on him by sections 73(c) and 74(1) of the Education (Scotland) Act 1980(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Special Schools (Scotland) Grant Regulations 1990 and shall come into force on 11th January 1991.

**Interpretation**

2. In these Regulations, “financial year” means the 12 month period ending on 31st March each year.

**Making of grants**

3. Subject to the provisions of these Regulations, the Secretary of State may pay to the managers of a special school—

- (a) non-recurrent grants, being grants in aid of their expenditure on—
  - (i) the acquisition of land, or rights therein, and buildings;
  - (ii) the erection, enlargement and improvement of buildings;
  - (iii) the supply of equipment and furnishings;
  - (iv) the provision and laying out of premises, including playing fields and other facilities for social activity and physical recreation; and
  - (v) any other works of a permanent character; and
- (b) recurrent grants, being grants in aid of their expenditure on -

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(1) 1980 c. 44; section 74(1) was amended by paragraph 8(17) of Schedule 10 to the Self-Governing Schools etc. (Scotland) Act 1989 (c. 39).

- (i) administration;
  - (ii) the maintenance of the school;
  - (iii) the maintenance of the pupils at the school;
  - (iv) the employment, education or training of staff;
  - (v) advisory services provided, or research carried out, by staff employed at the school;
- and for other purposes connected with such administration, maintenance, employment, education, training, services or research, including works of a permanent but minor character.

#### **Determination and payment of grants**

4.—(1) Grants under these Regulations shall be of such amount or at such rate and in respect of such period as the Secretary of State may determine.

(2) Grants under these Regulations may be paid as single payments or by instalments of such amounts and at such times as the Secretary of State may determine.

#### **Conditions of all grants**

5.—(1) The following conditions shall apply to the payment of all grants under these Regulations:—

- (a) the managers shall furnish such estimates of income and expenditure and shall give such other information to the Secretary of State as he may require;
- (b) the managers shall keep proper accounts;
- (c) the accounts shall be prepared and audited to the satisfaction of the Secretary of State;
- (d) the managers shall submit audited accounts to the Secretary of State as soon as possible after the end of each financial year;
- (e) the books and other documents relating to the managers' accounts shall be open to inspection by the Secretary of State and by the Comptroller and Auditor General; and
- (f) the managers shall comply with any requirements imposed by these Regulations.

(2) Payment of all grants shall also be subject to such further conditions as the Secretary of State may determine in the particular case.

#### **Additional conditions of recurrent grants**

6. The following shall be additional conditions of the payment of recurrent grants under these Regulations:—

- (a) the scales of fees charged to pupils attending the school shall be approved by the Secretary of State;
- (b) the total number of staff employed in the school for the purpose of teaching or caring for the pupils shall be such as the Secretary of State may approve;
- (c) the salaries of all staff employed in the school for the purpose of teaching or caring for the pupils shall be approved by the Secretary of State.

#### **Requirement relating to all grants**

7. When any grant has been paid under these Regulations, the managers shall, at the request of the Secretary of State, repay to him so much of any grant as has not been used for the purposes for which it was given.

### **Additional requirements relating to non-recurrent grants**

8.—(1) The requirements set out in paragraphs (2) and (3) below shall be additional requirements when non-recurrent grant has been paid under these Regulations.

(2) Where the managers propose to—

- (a) dispose of any land, buildings or other property which have been acquired or improved with the assistance of non-recurrent grant; or
- (b) discontinue using as part of the special school any land or buildings which have been so acquired or improved;

they shall notify the Secretary of State of their proposal and shall after the disposal or discontinuance has taken place pay to him such sum as, after consultation with them, he may determine, regard being had by him to the proportion which the grant paid bore to the total cost of acquisition or improvement, to the amount of the free proceeds of the disposal or the value of the land or buildings at the time of discontinuance, as the case may be, and to such other considerations as appear to him appropriate.

(3) The managers shall give to the Secretary of State such security over their assets as he may require in respect of their obligation to make payment under paragraph (2) above.

### **Revocations and saving**

9.—(1) The Regulations specified in the Schedule hereto are revoked to the extent set out therein.

(2) Notwithstanding the revocation of the Residential Special Schools and Orphanages (Scotland) Grant Regulations 1948<sup>(2)</sup> effected by the said Schedule, regulation 6A of those Regulations shall continue to apply where managers dispose of any property in respect of the provision, enlargement, improvement or supply of which grant was paid under regulation 4 of those Regulations after 5th July 1977.

St Andrew's House,  
Edinburgh  
11th December 1990

*Michael B. Forsyth*  
Minister of State, Scottish Office

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(2) S.I. 1948/2768, as amended by S.I. 1959/476, 1975/1135, 1976/1431 and 1977/953.

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

## SCHEDULE

Regulation 9

## REVOCATIONS

(1) Regulations revoked	(2) References	(3) Extent of revocation
The Residential Special Schools and Orphanages (Scotland) Grant Regulations 1948	S.I. <a href="#">1948/2768</a>	The whole Regulations
The Abolition of the Education (Scotland) Fund (Consequential Provisions) Regulations 1959	S.I. <a href="#">1959/476</a>	Regulation 8
The Schools General (Scotland) Regulations 1975	S.I. <a href="#">1975/1135</a>	Paragraph 1 of Schedule 2
The Residential Special Schools and Orphanages (Scotland) Grant Amendment Regulations 1976	S.I. <a href="#">1976/1431</a>	The whole Regulations
The Residential Special Schools and Orphanages (Scotland) Grant Amendment Regulations 1977	S.I. <a href="#">1977/953</a>	The whole Regulations

**EXPLANATORY NOTE**

(The note is not part of the Regulations)

These Regulations enable the Secretary of State to pay recurrent and non-recurrent grants to the managers of special schools in Scotland. The conditions subject to which the grants may be paid are set out (regulations 5 and 6) as are the requirements relating to the grants (regulations 7 and 8).

The Regulations which previously empowered the Secretary of State to pay grants to residential special schools are revoked by these Regulations (regulation 9).