

1990 No. 306

EDUCATION, ENGLAND AND WALES

**The Education (Grants) (Travellers and Displaced
Persons) Regulations 1990**

Made - - - - - *19th February 1990*

Laid before Parliament *22nd February 1990*

Coming into force *15th March 1990*

In exercise of the powers conferred on the Secretary of State by sections 210 and 232(5) of the Education Reform Act 1988(a), the Secretary of State for Education and Science, as respects England, and the Secretary of State for Wales, as respects Wales, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Education (Grants) (Travellers and Displaced Persons) Regulations 1990 and shall come into force on 15th March 1990.

Interpretation

2.—(1) In these Regulations—

“authority” means a local education authority;

“determine” means determine by notice in writing;

“expenditure” means expenditure for the purpose described in regulation 3;

“grant” means a grant in pursuance of these Regulations.

(2) In these Regulations, unless the context otherwise requires, any reference to a numbered regulation is a reference to the regulation bearing that number in these Regulations and any reference in a regulation to a numbered paragraph is a reference to the paragraph of that regulation bearing that number.

Grants by the Secretary of State

3.—(1) The Secretary of State may pay grants to authorities in respect of expenditure, the classes or descriptions of which are specified in the Schedule to these Regulations, incurred or to be incurred by them in making provision the purpose (or main purpose) of which is to promote and facilitate the education of persons to whom these Regulations apply, which expenditure is, subject to paragraph (4), for the time being approved by the Secretary of State for the purposes of these Regulations.

(2) Except as provided by paragraph (3), the classes or descriptions of expenditure specified in the Schedule to these Regulations relate to provision in respect of such persons to whom these Regulations apply as are referred to in paragraphs (a), (b) and (c) of regulation 4: provided that, in respect of such persons as are referred to in paragraph (c) of that regulation, such expenditure is not eligible for grant under section 11 of the Local Government Act 1966(b).

(a) 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.

(b) 1966 c.42.

(3) The classes or descriptions of expenditure specified in paragraphs 3 and 4 of that Schedule relate to provision in respect of such persons to whom these Regulations apply as are referred to in paragraphs (a) and (b) of regulation 4.

(4) Where any authority—

- (a) have incurred expenditure other than that approved as provided in paragraph (1), no grant shall be payable in respect of such expenditure;
- (b) have incurred expenditure which has been so approved but have done so in a way which appears to the Secretary of State to be inefficient or ineffective, he may, after consultation with the authority, by notice in writing to that authority—
 - (i) withdraw his approval in respect of any expenditure which he has so approved and which has not been incurred by them before the date of such notice; and
 - (ii) specify a period, reasonable in the circumstances, up to the end of which grant will be payable in respect of any expenditure incurred by them before the end of that period in consequence of contractual obligations arising before the date of such notice.

Persons to whom Regulations apply

4. These Regulations apply to a person if—

- (a) by reason of his way of life or, in the case of a child, his parent's way of life he either has no fixed abode or leaves his main abode to live elsewhere for significant periods in each year;
- (b) he fell within paragraph (a) above within a period of two years immediately preceding the making of the provision in question; or
- (c) he is for the time being resident in a camp or other accommodation or establishment provided for refugees or for displaced or similar persons.

Rate of grant

5. Grants paid in respect of any expenditure which is approved as provided in regulation 3 shall be payable at the rate of 75 per cent. of the expenditure so approved.

Conditions for payment of grant

6.—(1) It shall be a condition for the payment of grant to any authority that the authority shall have submitted to the Secretary of State for his approval proposals for expenditure to be incurred by them—

- (a) in such form,
- (b) at such time, and
- (c) containing such particulars of expenditure which the authority propose to incur, as the Secretary of State may determine.

(2) The said proposals shall contain such particulars of any expenditure which the authority propose to incur but on which the authority do not propose to apply for grant, as the Secretary of State may determine.

7.—(1) No payment of grant shall be made except in response to an application in writing from an authority to the Secretary of State, authenticated by the officer of the authority responsible for the administration of their financial affairs or his deputy.

(2) Application for the payment of grant shall relate to expenditure over one or more quarters and shall specify the approved expenditure in respect of which grant is applied for which it is estimated has been or will be incurred by the authority during each quarter.

(3) Where an application relating to approved expenditure which it is estimated has been or will be incurred during the quarter commencing on 1st January in any year is submitted on or before 15th March in that year a payment equal to half the grant applied for in respect of that expenditure may be made forthwith but no further payment of grant shall be made in respect of that expenditure until an application has been submitted in accordance with paragraph (4)(a).

(4) Each authority that have received or seek to receive a payment of grant in respect of expenditure incurred during the year ending on 31st March shall, during the quarter commencing on 1st April or as soon as practicable thereafter—

- (a) submit to the Secretary of State an application which shall specify the approved expenditure in respect of which grant has been or is being applied for and which has been incurred by the authority during that year; and
- (b) secure the submission to the Secretary of State of an unqualified certificate, signed by the auditor appointed by the Audit Commission to audit the accounts of the authority or any auditor qualified for such appointment by virtue of section 13(5) and (6) of the Local Government Finance Act 1982(a), certifying that in his opinion the particulars stated in the application submitted by the authority pursuant to this paragraph are fairly stated and that grant applied for is properly payable pursuant to these Regulations.

(5) No payment of grant shall be made in respect of expenditure by an authority incurred in the quarter beginning on 1st October in any year or any subsequent quarter, if grant was paid to the authority in respect of expenditure in the year ending on the preceding 31st March but the Secretary of State has not received the auditor's certificate referred to in paragraph (4) for that year.

(6) Any under-payment or over-payment of grant which remains outstanding following receipt of the auditor's certificate referred to in paragraph (4) shall, without prejudice to the recovery of any over-payment from any subsequent payment of grant to the authority, be adjusted by payment between the authority and the Secretary of State.

(7) In this regulation, a "quarter" means a period of three calendar months commencing on 1st January, 1st April, 1st July or 1st October in any year.

Further conditions

8.—(1) The Secretary of State may from time to time determine further conditions on the fulfilment of which the making of any payment in pursuance of these Regulations respectively shall be dependent.

(2) Where conditions have been determined in pursuance of this regulation, then, unless such conditions have either been fulfilled or been withdrawn in pursuance of paragraph (3), no grant shall be payable; and, in addition, where such conditions have neither been so fulfilled nor withdrawn, the Secretary of State, by notice in writing to the authority concerned, may withdraw his approval in respect of any expenditure which he has approved and which has not yet been incurred by them.

(3) The Secretary of State may determine to withdraw or, after consulting the authority, vary conditions determined in pursuance of this regulation.

Requirement as to information

9. Any authority to whom a payment of grant has been made shall, if so requested by the Secretary of State, furnish him with such information as may be determined by him to enable him to verify that any grant paid has been properly paid pursuant to these Regulations.

SCHEDULE

Regulation 3(1)

EXPENDITURE IN RESPECT OF WHICH GRANTS ARE PAYABLE

1. Expenditure on pre-school educational provision.
2. Expenditure on additional educational provision for children who are of school age designed to improve their attendance at school, enhance their educational achievement or meet any particular educational needs they may have.
3. Expenditure on the establishment and maintenance of record referencing systems to help meet the need for continuity of educational experience for children of school age.

(a) 1982 c.32.

4. Expenditure for distance learning and outreach work with such children who are highly mobile, including circus and fairground children, for boarding education for such children and for mobile educational provision, including the schools which accompany circuses.
5. Expenditure on transport and uniform grants for such children.
6. Expenditure on curriculum development and staff training.
7. Expenditure on the establishment and maintenance of resource centres.
8. Expenditure on youth service provision.
9. Expenditure on access, vocational and other further education courses and on youth and adult literacy and numeracy classes.
10. Expenditure on guidance and counselling on educational and career opportunities.

19th February 1990

John MacGregor
Secretary of State for Education and Science

19th February 1990

Peter Walker
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the Secretary of State to pay grants to local education authorities in England and Wales in respect of expenditure for the time being approved by him and incurred or to be incurred by them in making provision the purpose (or main purpose) of which is to promote and facilitate the education of Travellers, refugees and displaced or similar persons who fall within the provisions of regulation 4 (regulations 3 and 4).

Grants are payable to cover 75 per cent. of an education authority's approved expenditure in making such provision (regulation 5).

Authorities wishing to apply for grant are required to submit proposals for expenditure in such form and containing such particulars as the Secretary of State may determine (regulation 6). The manner of making applications for grant and other conditions relating thereto are set out in regulation 7.

The Secretary of State may determine further conditions on the fulfilment of which the payment of grant shall be dependent (regulation 8).

Authorities are required to furnish the Secretary of State with such information as he may determine to enable him to verify that grant has been properly paid (regulation 9).

The Schedule specifies the classes or descriptions of expenditure in respect of which grants are payable.

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