
STATUTORY INSTRUMENTS

1992 No. 3275

EDUCATION, ENGLAND AND WALES

The Education Support Grants Regulations 1992

Made - - - - 16th December 1992

Coming into force - - 17th December 1992

In exercise of the powers conferred upon the Secretary of State by sections 1 and 3(4) of the Education (Grants and Awards) Act 1984⁽¹⁾, and after consulting, in accordance with section 3(5) of that Act, such bodies representing local education authorities as appear to them to be appropriate, the Secretary of State for Education, as respects England, and the Secretary of State for Wales, as respects Wales, hereby make the following Regulations, a draft of which has been laid before Parliament pursuant to section 3(2) of that Act and has been approved by resolution of each House of Parliament:

Citation and commencement

1. These Regulations may be cited as the Education Support Grants Regulations 1992 and shall come into force on the day after the day on which they are made.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Education (Grants and Awards) Act 1984;

“approved expenditure” means any expenditure which is approved as provided in regulation 3;

“education authority” means a local education authority;

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

“prescribed expenditure” means expenditure by an education authority for or in connection with any of the purposes specified in the Schedule hereto;

“primary school”, “pupil” and “school” have the meanings assigned to them by section 114 of the Education Act 1944⁽²⁾;

(1) 1984 c. 11.

(2) 1944 c. 31; the definition of school in section 114 was amended by Schedule 7 to the Education Act 1980 (c. 20); the definition of by section 24(3) of the Education Act 1980; and the definition of by section 34(1) of the Education Act 1980 and by paragraph 7(3) of Schedule 12 to the Education Reform Act 1988 (c. 40). With effect from 1st April 1993, a new definition of school is substituted by paragraph 13(2)(c) of Schedule 8 to the Further and Higher Education Act 1992 (c. 13) and the definitions of and in section 114 are deleted and replaced by new definitions in section 14(6) and 14(5) respectively of the Further and Higher Education Act 1992.

“racial group” has the meaning assigned to it by section 3(1) of the Race Relations Act 1976(3); and

“special school” has the meaning assigned to it by section 9(5) of the Education Act 1944(4).

(2) In these Regulations a reference to a regulation is a reference to a regulation contained therein and a reference in a regulation to a paragraph is a reference to a paragraph of that regulation.

Expenditure in respect of which grants are payable

3. Grants shall only be payable in respect of prescribed expenditure incurred or to be incurred in a financial year to the extent to which that expenditure is approved for that year by the Secretary of State for the purposes of these Regulations.

Grants in respect of payments to third parties

4. Where—

- (a) an education authority incurs expenditure in making payments, whether by way of maintenance, assistance or otherwise, to any other body or persons (including another education authority) who incur expenditure for or in connection with educational purposes, and
- (b) that expenditure of the recipient of the payments or any part thereof would be prescribed expenditure if it were expenditure of the authority,

such payments shall to that extent be treated as prescribed expenditure for the purposes of these Regulations.

Rate of grant

5.—(1) Subject to paragraph (2), grants in respect of approved expenditure incurred on or after 1st April 1993 shall be payable at the rate of 60 per cent of such expenditure.

(2) Grants in respect of approved expenditure incurred on or after 1st April 1993 in respect of item 16 in the Schedule hereto shall be payable at the rate of 70 per cent of such expenditure.

Conditions for payment of grant

6.—(1) No payment of grant shall be made except in response to an application in writing from an education 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) Applications for the payment of grant which relate to expenditure incurred on or after 1st April 1993 shall relate to expenditure over one or more of the periods specified in paragraph (3) and shall specify the approved expenditure in respect of which grant is applied for which has been or which it is estimated will be incurred by the education authority during each such period.

(3) The periods referred to in paragraph (2) are—

- (a) 1st April to 31st July;
- (b) 1st August to 31st December;
- (c) 1st January to 31st March.

(4) Where an application relating to approved expenditure which has been or which it is estimated will be incurred during the period commencing on 1st January in 1994 and any subsequent year is submitted on or before 5th March in that year, such payment as the Secretary of State may determine

(3) 1976 c. 74.

(4) Subsection (5) of section 9 was substituted by section 11(1) of the Education Act 1981 (c. 60).

but not exceeding three-quarters of 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 (5)(a).

(5) Each education authority that has received or seeks to receive a payment of grant in respect of expenditure incurred during the year ending on 31st March shall, during the period 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 which has been incurred by the education authority during that year; and
- (b) secure the submission to the Secretary of State of a certificate signed by the auditor appointed by the Audit Commission for Local Authorities and the National Health Service in England and Wales to audit the accounts of the authority or any auditor qualified for such appointment by virtue of section 13(5), (5A) and (6) of the Local Government Finance Act 1982⁽⁵⁾ certifying that in his opinion the particulars stated in the application submitted by the authority pursuant to this paragraph are fairly stated and that the expenditure incurred was approved for the purposes of section 1 of the Act.

(6) No payment of grant shall be made after 31st March 1993 in respect of expenditure incurred by an education authority in the period beginning on 1st August in any year or any subsequent period 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 yet received the auditor's certificate referred to in paragraph (5)(b) for that year.

(7) Any under-payment or over-payment of grant which remains outstanding following receipt of the auditor's certificate referred to in paragraph (5)(b) shall, without prejudice to the recovery of any over-payment from any subsequent payment of grant to the education authority, be adjusted by payment between the authority and the Secretary of State.

7. Where at the time of approving expenditure for the purpose of these Regulations, the Secretary of State requests information in respect of any purpose listed in the Schedule hereto, payment of grant in respect of that purpose shall be conditional on that information being included in the education authority's application for payment of grant.

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 the Regulations shall be dependent.

(2) Where conditions have been determined in pursuance of this regulation no grant shall be payable unless such conditions have either been fulfilled or been withdrawn in pursuance of paragraph (3).

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

Requirements to be complied with

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

10. Any education authority to whom a payment of grant has been made shall comply with such requirements (including requirements as to the repayment of grant or the payment to the Secretary of State of other sums related to the value of assets acquired, provided or improved with the aid of grant or interest on sums due to him) as may be determined by the Secretary of State in the case in question.

(5) 1982 c. 32; subsection (5) of section 13 was amended by and subsection (5A) was inserted by, section 20 of, and paragraph 3 of Schedule 4 to, the National Health Service and Community Care Act 1990 (c. 19).

Revocation and transitional provisions

11. The Education Support Grants Regulations 1990(6) and the Education Support Grants (Amendment) Regulations 1991(7) are hereby revoked, but nothing in this regulation shall prevent the Secretary of State making payments of grant authorised by those Regulations in respect of expenditure incurred on or before 31st March 1993, or affect any condition or requirement determined by or in accordance with any of the Regulations so revoked.

16th December 1992

John Patten
Secretary of State for Education

16th December 1992

David Hunt
Secretary of State for Wales

(6) S.I.1990/2518.
(7) S.I. 1991/2943.

SCHEDULE

Regulations 2 and 5

FOR OR IN CONNECTION WITH WHICH GRANTS ARE PAYABLE

1. The management and appraisal of school teachers, including training for the appraisal of school teachers.
2. Projects in England to meet the educational needs of persons from ethnic minorities, to promote harmony between different racial groups or in other ways to prepare persons for life in a multi-ethnic society.
3. Projects in Wales to promote social responsibility in persons under the age of 19 years.
4. The development, provision and appraisal of support and training for school governors.
5. The provision in Wales of health education related in particular to the risks associated with alcohol, smoking, drug and solvent misuse, human immunodeficiency virus and acquired immune deficiency syndrome.
6. The development of the use of information technology for teaching and learning in schools by the provision of information technology equipment, staff and support for training.
7. The preparation and implementation of schemes for financing county and voluntary schools made under section 33 of the Education Reform Act 1988⁽⁸⁾.
8. The development and improvement of the inspection and advisory services provided by education authorities in Wales with a view to—
 - (a) monitoring the quality of education provided by the authority in schools, and
 - (b) providing advice in relation to the National Curriculum (as defined in section 2 of the Education Reform Act 1988) and the delegation of financial management pursuant to schemes made under section 33 of that Act.
9. Helping schools to implement the requirements of Chapter I of Part I of the Education Reform Act 1988 relating to the basic curriculum (as defined in section 2 of that Act) and collective worship.
10. The training of teachers in Wales to teach Welsh as part of the National Curriculum (as defined in item 8(b) above).
11. The provision in urban areas of England of training to enable young persons to qualify as youth workers, being training designed primarily for those between the ages of 18 and 25.
12. The provision in Wales of open learning centres to provide tuition for adults in literacy, numeracy and related communication skills.
13. The improvement of provision for pupils whose behaviour poses difficulties for schools, and of support services for schools in dealing with such pupils.
14. Action to improve rates of attendance in schools.
15. The development of schemes for the local recruitment of teachers in Wales.
16. The provision of support for the English Districts of the Workers' Educational Association.
17. The improvement of the planning and co-ordination of educational provision for children aged under 5 made by education authorities and other bodies in Wales.
18. The provision of support for initiatives to raise standards in schools in urban areas of special social need in England.

⁽⁸⁾ 1988 c. 40; section 33 is amended by section 12(5) of the Further and Higher Education Act 1992 with effect from 1st August 1993.

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

19. Promoting co-operation in the education of pupils who are both blind and deaf between education authorities, schools and other interested bodies.

20. Helping schools in Wales to offer courses leading to vocational qualifications to pupils of the age of 16 years and above.

21. The provision of support to help young persons in England aged between 13 and 17 who risk becoming involved in criminal activity to plan, organise and participate in activities designed to encourage them to develop self-esteem and a sense of responsibility towards themselves and the community.

22. Projects to improve the quality or range of the curriculum provided in primary schools in Wales.

23. Projects in Wales to encourage the integration of pupils with special educational needs into schools that are not special schools.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations consolidate, with amendments, the Education Support Grants Regulations 1990, as amended. In addition to minor and drafting amendments, the following changes of substance are made.

Applications relating to estimated approved expenditure for a period commencing on 1st January in any year from 1st January 1994 should be submitted on or before 5th March not 15th March as previously.

Grant is no longer payable to local education authorities in Wales in respect of periods of three months, but termly, as in England.

The purposes for or in connection with which grants are payable set out in the Schedule have been revised. A number of purposes have been deleted or amended and items 21 to 23 have been added.