
STATUTORY INSTRUMENTS

1994 No. 938

EDUCATION, ENGLAND AND WALES

**The Education (Grant-maintained
Schools) (Finance) Regulations 1994**

| | | |
|-------------------------------|---------|------------------------|
| <i>Made</i> | - - - - | <i>27th March 1994</i> |
| <i>Laid before Parliament</i> | | <i>28th March 1994</i> |
| <i>Coming into force</i> | - - | <i>1st April 1994</i> |

In exercise of the powers conferred on the Secretary of State by sections 81(2), 82, 83(1) and (2), 84(2) and (6), 94 and 301(6) of the Education Act 1993⁽¹⁾ the Secretary of State for Education hereby makes the following Regulations:

PART 1

GENERAL

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Grant-maintained Schools) (Finance) Regulations 1994 and shall come into force on 1st April 1994.

(2) These Regulations apply in relation to the financial year beginning on that date.

Interpretation

2.—(1) In these Regulations, except where the context otherwise requires—

“the 1988 Act” means the Education Reform Act 1988⁽²⁾;

“the 1993 Act” means the Education Act 1993;

“financial year in question” means the financial year beginning in 1994;

“local education authority” in relation to any school and financial year means the local education authority for the area in which the school is situated;

“preceding financial year” means the financial year beginning in 1993;

(1) 1993 c. 35. For the meaning of “regulations” see section 305(1).

(2) 1988 c. 40.

Status: This is the original version (as it was originally made).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

“pupils with statements of special educational needs” means pupils for whom statements of their special educational needs are maintained under section 168 of the 1993 Act or, before that section comes into force, section 7 of the Education Act 1981(3);

“the 1993 Regulations” means the Education (Grant-maintained Schools) (Finance) Regulations 1993(4);

“school” means a grant-maintained school situated in England the governing body of which was incorporated under Chapter II or IX of Part II of the 1993 Act.

(2) The following table shows provisions defining or otherwise explaining expressions used in these Regulations (other than provisions defining or explaining an expression used only in the same regulation or Schedule), references in the second column thereof to regulations being references to regulations of these Regulations—

| | |
|---|-------------------------------------|
| aggregated budget | section 33(4)(b) of the 1988 Act |
| allocation formula | section 38(2) of the 1988 Act |
| capital grants | section 83(1) of the 1993 Act |
| change in the characteristics of the school | regulation 6(10) |
| date of implementation of the proposals | section 37(2) of the 1993 Act |
| delegated budget | section 33(6)(b) of the 1988 Act |
| financial year | section 305(1) of the 1993 Act |
| general schools budget | section 33(4)(a) of the 1988 Act |
| maintenance grant | section 81(1) of the 1993 Act |
| relevant authority | regulation 22(2) |
| relevant date | regulation 17(7) |
| relevant expenditure | regulation 15(3) |
| relevant percentage | regulation 9(2) |
| scheme | section 51(2)(a) of the 1988 Act(5) |
| school’s budget share | section 51(2)(b) of the 1988 Act |
| secondary schools total | regulation 22(2) |
| special purpose grants | section 82(1) of the 1993 Act. |

(3) In these Regulations references to a school becoming grant-maintained are references to a school acquiring grant-maintained status under Chapter II or IX of Part II of the 1993 Act.

(4) For the purposes of these Regulations, a school becomes a grant-maintained school on the date of implementation of the proposals in respect of the school under Chapter II or IX of Part II of the 1993 Act.

(5) Unless the context otherwise requires, any reference in these Regulations to—

- (a) a numbered Part, regulation or Schedule is a reference to the Part, regulation or Schedule in these Regulations so numbered, and

(3) 1981 c. 60.

(4) S.I. 1993/568, amended by S.I. 1993/843.

(5) Section 51(2)(a) is amended by section 274(4) of the Education Act 1993.

- (b) a numbered paragraph is a reference to the paragraph so numbered in the regulation or Schedule in which the reference appears.

Revocation and transitional provisions

3.—(1) The 1993 Regulations are revoked.

(2) Notwithstanding the provisions of these Regulations—

- (a) the Education (Grant-maintained Schools) (Finance) Regulations 1989⁽⁶⁾ (“the 1989 Regulations”) shall continue to apply for the purposes of—
 - (i) determining, apportioning and redetermining the amount of maintenance grant payable in respect of a school for the financial year ending on 31st March 1990, and
 - (ii) determining (and revising) the total amount of maintenance grant which the Secretary of State may recover from the former maintaining authority (within the meaning of those Regulations) of a school in respect of that year;
- (b) the Education (Grant-maintained Schools) (Finance) Regulations 1990⁽⁷⁾ (“the 1990 Regulations”) shall continue to apply for the purposes of—
 - (i) determining, apportioning and redetermining the amount of maintenance grant payable in respect of a school for the financial year ending on 31st March 1991, and
 - (ii) determining (and revising) the total amount of maintenance grant which the Secretary of State may recover from the former maintaining authority (within the meaning of those Regulations) of a school in respect of that year;
- (c) the Education (Grant-maintained Schools) (Finance) Regulations 1991⁽⁸⁾ (“the 1991 Regulations”) shall continue to apply for the purposes of—
 - (i) determining, apportioning and redetermining the amount of maintenance grant payable in respect of a school for the financial year ending on 31st March 1992, and
 - (ii) determining (and revising) the total amount of maintenance grant which the Secretary of State may recover from the former maintaining authority (within the meaning of those Regulations) of a school in respect of that year;
- (d) the Education (Grant-maintained Schools) (Finance) Regulations 1992⁽⁹⁾ (“the 1992 Regulations”) shall continue to apply for the purposes of—
 - (i) determining, apportioning and redetermining the amount of maintenance grant payable in respect of a school for the financial year ending on 31st March 1993, and
 - (ii) determining (and revising) the total amount of maintenance grant which the Secretary of State may recover from the former maintaining authority (within the meaning of those Regulations) of a school in respect of that year;
- (e) the 1993 Regulations shall continue to apply for the purposes of—
 - (i) determining, apportioning and redetermining the amount of maintenance grant payable in respect of a school for the financial year ending on 31st March 1994, and
 - (ii) determining (and revising) the total amount of maintenance grant which the Secretary of State may recover from the former maintaining authority (within the meaning of those Regulations) of a school in respect of that year.

(3) Paragraph (1) is without prejudice to the continued operation after 31st March 1994 of any requirements imposed by the Secretary of State on a governing body to whom payments in respect

⁽⁶⁾ S.I. 1989/1287.

⁽⁷⁾ S.I. 1990/549, amended by S.I. 1990/2279 and S.I. 1991/353.

⁽⁸⁾ S.I. 1991/353.

⁽⁹⁾ S.I. 1992/555, amended by S.I. 1992/1095.

of maintenance grant, capital grant and special purpose grant have been made under one or more of (as the case may be) the 1989, 1990, 1991, 1992 and 1993 Regulations.

PART 2

MAINTENANCE GRANT — SCHEME REPLICATION

Application of Part 2

4. This Part applies for the purpose of determining the amount of maintenance grant payable in respect of—

- (i) a primary school;
- (ii) a secondary school which is not situated in the area of a relevant authority within the meaning of Part 3; or
- (iii) a secondary school situated in such an area which becomes a grant— maintained school after 1st April in the financial year in question.

Determination of amount of maintenance grant

5.—(1) Subject to regulation 14, the amount of maintenance grant payable in respect of a school for the financial year in question shall be the sum of the following amounts—

- (a) an amount determined in accordance with (as the case may be) regulation 6, 7 or 8;
- (b) an amount determined in accordance with regulation 9 (or that regulation as it has effect in accordance with regulation 10 or 11);
- (c) an amount determined in accordance with regulation 12(1); and
- (d) (where applicable) an amount determined in accordance with regulation 13.

(2) Where in the opinion of the funding authority precise calculation for the purpose of determining any of the amounts referred to in paragraph (1)—

- (a) would be impracticable;
- (b) would not significantly affect the amount; or
- (c) would be disproportionately costly having regard to the complexity of the calculation and the likely effect on the amount,

paragraph (1) shall have effect as if it required the funding authority to determine as the amount of maintenance grant payable for the financial year in question such amount as appears to them to be fair and reasonable having regard in particular to the local education authority's scheme.

Determination of an amount in respect of a comparable maintained school's budget share

6.—(1) Subject to regulation 7, this regulation applies in the case of a school which became a grant-maintained school on or before 1st April in the financial year in question.

(2) The funding authority shall determine an amount which they are satisfied is or approximates to an amount which the local education authority could have determined, by the application (subject to the following provisions of this regulation) of the allocation formula in their scheme in relation to a comparable maintained school covered by the scheme, as such a school's budget share for the financial year in question.

(3) Where—

- (a) at any time before the beginning of the financial year in question the allocation formula included provision for taking into account a particular characteristic of a school which will affect the needs of the school as distinct from those of other schools which do not share that characteristic; and
- (b) the scheme has been revised, varied or replaced under section 35 of the 1988 Act⁽¹⁰⁾ at any time before the relevant date in relation to the school as initially determined (whether that is the date specified in regulation 17(2) or such other date as may be determined in accordance with that regulation), and for the financial year in question—
 - (i) no such provision is included in the allocation formula; or
 - (ii) the proportion of a comparable maintained school's budget share derived from the application of that provision would be less than it would have been had the scheme not been so revised, varied or replaced;

the allocation formula shall be deemed, for the purposes of determining the amount under paragraph (2), to include such provision as it had effect immediately before the scheme was so revised, varied or replaced:

Provided that the funding authority shall add to, or subtract from, any sum derived from the application of the said provision such amount as appears to them to be fair and reasonable having regard to any increase or decrease in the actual or planned level of spending of the local education authority in respect of schools maintained by them occurring during or since the preceding financial year.

(4) Where—

- (a) by the application of the allocation formula a part of a school's budget share is determined by reference to—
 - (i) an amount of expenditure attributable to each registered pupil of each relevant age or falling within each relevant age group;
 - (ii) an amount or amounts (as the case may be) of expenditure attributable to any unit of measurement adopted for any factor included in the allocation formula; or
 - (iii) the amount or amounts (as the case may be) of expenditure attributable to any other such factor; and
- (b) the proportion that any such amount is of a comparable maintained school's budget share is less in the financial year in question than it would have been in a previous financial year,

the amount or amounts of expenditure so attributable shall be deemed by the funding authority, in applying the allocation formula for the purpose of determining the amount under paragraph (2), to be the amount or amounts determined in accordance with paragraph (5).

(5) For the purposes of paragraph (4), the funding authority shall determine as the amount or amounts of expenditure so attributable for the purposes of the allocation formula the amount or amounts so attributable in such previous financial year as the funding authority shall decide, adjusted by such amount or amounts as appears or appear to them to be fair and reasonable having regard, in particular, to—

- (a) any increase or decrease in the actual or planned level of spending of the local education authority in respect of schools maintained by them occurring during or since that year; and
- (b) any significant change in the characteristics of the school occurring as aforesaid or which it appears to the funding authority will be likely to occur before the end of the financial year in question.

(6) Subject to paragraphs (7), (8) and (9), references in this Part to a maintained school are references to a school maintained by the local education authority, and references to a comparable

⁽¹⁰⁾ A new section 35 is substituted by section 274(2) of the Education Act 1993.

maintained school are references to a maintained county school, any characteristics of which relevant for the purposes of any formula of a kind referred to in paragraph (2) are identical to any such characteristics of the grant-maintained school and are references (in particular) to a school—

- (a) the number of registered pupils in each age group at which is identical to the number of such pupils in each age group at the grant-maintained school; and
- (b) any other factors affecting the needs of which (including, in particular, the number of registered pupils at the school who have special educational needs and the nature of the special educational provision required to be made for them) are identical to any other factors affecting the needs of the grant-maintained school.

(7) Where the allocation formula includes provision for taking into account the amount of any non-domestic rate payable in respect of a school, the funding authority shall, in applying the allocation formula for the purpose of determining the amount under paragraph (2), apply the provision as if the amount of the non-domestic rate payable was—

- (a) in the case of a school which was a charity before becoming a grant-maintained school, that payable in respect of a comparable maintained school which is a charity; and
- (b) in the case of a school which was not a charity before becoming a grant-maintained school, that payable in respect of a comparable maintained school which is not a charity.

(8) For the purposes of this regulation, it is to be assumed that there is a comparable maintained school covered by the local education authority's scheme whether or not there is in fact such a school; and, for the purposes of paragraph (7), it is to be further assumed that a comparable maintained school is capable of being a charity.

(9) In this regulation—

“charity” means an institution established for charitable purposes only;

“factor” means, in relation to the allocation formula, any circumstance, fact or matter affecting the needs of individual schools and subject to variation from school to school which is to be taken into account in accordance with the allocation formula; and

“relevant” in relation to “age” and “age group” means an age group separately treated in the allocation formula for the purposes of determining that part of each school's budget share which is to be determined by reference to numbers of registered pupils.

(10) References in these Regulations to any change in the characteristics of the school include, in particular, references to any change in the number of registered pupils thereat.

7.—(1) In any case where the school became a grant-maintained school before 1st April in the financial year in question, the funding authority may if they think fit, and after consulting the local education authority and the governing body of the school, instead of determining an amount under regulation 6(2), determine an amount in accordance with paragraph (2).

(2) Where the funding authority decide to determine an amount in accordance with this paragraph they shall determine an amount by—

- (a) taking the amount which was determined under the 1993 Regulations as the amount of maintenance grant payable in respect of the school for the preceding financial year; and
- (b) adjusting that amount by such amount as appears to them to be fair and reasonable having regard, in particular, to—
 - (i) any increase or decrease in the actual or planned level of spending of the local authority in respect of the schools maintained by them occurring since that financial year; and

- (ii) any significant change in the characteristics of the school occurring as aforesaid or which it appears to them is likely to occur before the end of the financial year in question.

8.—(1) This regulation applies in the case of a school which becomes a grant-maintained school after 1st April in the financial year in question.

(2) In any case to which this regulation applies the funding authority shall determine an amount in accordance with paragraph (3).

(3) The funding authority shall determine an amount which appears to them to be equal to that amount of the school's budget share for the financial year in question in respect of which, immediately before the school became grant-maintained, sums had neither been deducted by the local education authority in accordance with their scheme nor made available pursuant to section 36(2) and (3)(**11**) of the 1988 Act, or, if made available, had not been spent by the governing body of the school in exercise of their powers under section 36(5) of the 1988 Act.

Determination of an amount as a percentage addition

9.—(1) Subject to regulations 10 and 11, the funding authority shall determine an amount which is equal to the relevant percentage of the amount determined in respect of the school in accordance with, as the case may be, regulation 6, 7 or 8.

(2) In these Regulations the relevant percentage is the percentage determined in accordance with Schedule 1.

10.—(1) This regulation applies in the case of a school which became a grant-maintained school before 1st April in the financial year in question and in respect of which the amount first referred to in regulation 9(1) or, where the funding authority determine an amount under regulation 12(7) in respect of the school, the sum of those amounts is less than nine-tenths of the amount which was determined in respect of the school for the preceding financial year under (as the case may be) regulation 8 (or that regulation as it had effect in accordance with regulation 9) or regulation 13(4) of the 1993 Regulations.

(2) In any case to which this regulation applies, regulation 9 shall have effect as if it required the funding authority to determine an amount equal to nine-tenths of the amount which was determined in respect of the school for the preceding financial year under the aforementioned regulations of the 1993 Regulations.

11.—(1) This regulation applies in the case of a school which becomes a grant-maintained school after 1st April in the financial year in question.

(2) Where this regulation applies, regulation 9 shall have effect as if it required the funding authority to determine the relevant percentage of the amount determined in accordance with the following formula—

$$\frac{A \times J}{B}$$

where

J is the amount of the school's budget share for the financial year in question, and

A and B represent the matters respectively denoted by those letters in regulation 18(2).

(11) Section 36 is amended by section 12(6) of the Further and Higher Education Act 1992 (c. 13) and section 307 of, and paragraph 125 of Schedule 19 to, the Education Act 1993.

Determination of an amount in respect of school meals, contingencies, nursery education and expenditure due to ethnic minority population

12.—(1) Subject to paragraph (2), the funding authority shall determine the amount which is the sum of the amounts determined in accordance with paragraphs (3) to (7).

(2) In any case where the funding authority determine an amount under regulation 7, paragraph (1) shall have effect as if it required them to determine an amount equal to the amount referred to in paragraph (3).

(3) The funding authority shall determine an amount in respect of the provision of school meals calculated by the application of the following formula—

$$\frac{(M \times F)}{(P)} + \frac{(S \times G)}{(B)}$$

where

M is the number of registered pupils in receipt of free school meals at the school;

F is the total of the local education authority's planned expenditure for the financial year in question in providing meals to pupils in receipt of free school meals at relevant schools;

P is the number of registered pupils in receipt of free school meals at relevant schools;

S is the number of registered pupils at the school who bought meals at the school on a date in the preceding financial year determined by the funding authority;

G is the total of the local education authority's planned expenditure for the financial year in question on school meals, other than free school meals, at relevant schools and excluding expenditure to be met from any charges for such meals; and

B is the number of registered pupils at relevant schools who bought meals at those schools on a date in the preceding financial year determined by the funding authority.

(4) In paragraph (3)—

“number of registered pupils” means the number of pupils on a school's register on a date determined by the funding authority;

“planned expenditure” means the initial amount appropriated by the local education authority for meeting expenditure at all relevant schools excluding any such expenditure falling within their aggregated budget; and

“relevant schools” means all primary or all secondary schools maintained or formerly maintained by the authority required to be covered by a statement for the year under section 42 of the 1988 Act(12), according as to whether the school is a primary school or a secondary school.

(5) The funding authority shall determine the amount which it appears to them, were the school maintained by the local education authority, could have been allocated for the purposes of the school in accordance with the authority's scheme in respect of contingencies.

(6) Where the school provides education for junior pupils who have not attained the age of five years, the funding authority shall determine an amount in respect of such provision which they are satisfied is fair and reasonable having regard in particular to the extent to which, in their opinion, the cost of such provision ought to be met from the amount determined in accordance with (as the case may be) regulation 6 or 8.

(7) The funding authority shall determine the amount (if any) which it appears to them, were the school maintained by the local education authority, could have been allocated for the purposes of the school in accordance with the authority's scheme in support of expenditure of the kind referred to in

(12) Section 42 is amended by sections 275(1) and 307(3) of, and Schedule 21 to, the Education Act 1993.

section 11 of the Local Government Act 1966(13) in respect of posts approved by the Secretary of State for the purpose of making grants in respect of such expenditure, not being expenditure expected to be offset by income received as central government grants.

Determination of an amount representing the unspent sum of a previous financial year's budget share

13.—(1) This regulation applies where—

- (a) the school becomes a grant-maintained school on or after 1st April in the financial year in question; and
- (b) in a previous financial year the school had a delegated budget under a scheme made by the local education authority.

(2) In any case to which this regulation applies the amounts to be added together for the purpose of determining the amount of maintenance grant payable in respect of the school under regulation 5 shall include an amount determined in accordance with paragraph (3).

(3) The funding authority shall determine the amount which it appears to them is equal to that amount of the school's budget share for any financial year prior to the financial year in question in respect of which sums had neither been deducted by the local education authority in accordance with their scheme nor made available pursuant to section 36(2) or (3) of the 1988 Act, or if made available, were not spent by the governing body in exercise of their powers under section 36(5) of that Act.

Determination of amount of maintenance grant otherwise than under regulation 5

14.—(1) Notwithstanding the provisions of regulation 5, the funding authority may, in the case of a school which becomes a grant-maintained school in the financial year in question, determine the amount of maintenance grant payable in respect of the school for that year in accordance with the following provisions of this regulation.

(2) In any case to which this regulation applies, the amount of maintenance grant payable in respect of the school for the financial year in question shall be the sum of the amounts determined in accordance with regulations 15(1) and 16.

(3) The funding authority shall consult the local education authority and the governing body of the school before determining the amount of maintenance grant payable in respect of the school for the financial year in question in accordance with this regulation.

15.—(1) The funding authority shall determine an amount which is the sum of the amounts determined in accordance with paragraphs (2), (4) and (5), subject to any adjustment made in accordance with paragraph (6).

(2) The funding authority shall determine an amount which they are satisfied is equal to the amount of relevant expenditure incurred by the local education authority in respect of the school in the preceding financial year.

(3) Schedule 2 shall have effect for the purposes of determining the amount of relevant expenditure incurred by the authority in that year.

(4) The funding authority shall determine an amount which is equal to the relevant percentage of the amount determined in accordance with paragraph (2).

(5) The funding authority shall determine an amount in respect of the local education authority's planned expenditure on the provision of school meals calculated by the application of the following formula—

(13) 1966 c. 42 as substituted by section 1(1) of the Local Government (Amendment) Act 1993 (c. 27). Section 11 is extended by section 211 of the Education Reform Act 1988 to which there are amendments not relevant to these Regulations.

$$\begin{pmatrix} \mathbf{M} \times \mathbf{F} \\ \mathbf{P} \end{pmatrix} + \begin{pmatrix} \mathbf{S} \times \mathbf{G} \\ \mathbf{B} \end{pmatrix},$$

where

M, F, P, S, G and B represent the matters respectively denoted by those letters in regulation 12(3); and for the purposes of this paragraph the expressions used in regulation 12(3) shall have the meanings assigned to them by regulation 12(4).

(6) The sum of the amounts determined in accordance with paragraphs (2), (4) and (5) may be adjusted by such amount as the funding authority are satisfied is fair and reasonable having regard, in particular, to—

- (a) any increase or decrease in the actual or planned level of spending of the local education authority in respect of the schools maintained by them occurring during or since the end of the preceding financial year, and
- (b) any significant change in the characteristics of the school occurring as aforesaid or which it appears to the funding authority will be likely to occur before the end of the financial year in question.

16. The funding authority shall determine—

- (a) an amount equal to the amount which would have been determined in respect of the school in accordance with regulation 13 if the amount of maintenance grant for the school were to be determined under regulation 5; and
- (b) where, if the amount of maintenance grant for the school were to be so determined, an amount would have been determined in respect of the school in accordance with regulation 12(7), that amount.

Relevant date

17.—(1) Subject to paragraphs (2) and (3) and regulation 20, any amount required to be determined by the funding authority under this Part shall be determined on the information available to them on the relevant date.

(2) In paragraph (1), the relevant date means 5th April 1994 or, for the purposes of determining the amount of maintenance grant payable in respect of any school for the financial year in question, such other date as the funding authority may determine.

(3) The funding authority may, in any case where they consider it appropriate to do so, redetermine the relevant date.

(4) Where—

- (a) the funding authority determine in accordance with paragraph (2) that, in respect of any school for the financial year in question, the relevant date should be a date other than 5th April 1994, or
- (b) they redetermine the relevant date in accordance with paragraph (3),

they shall notify the governing body of the school and the local education authority in writing of that fact.

(5) Where there is not available to the funding authority on the relevant date sufficient information as will, in their opinion, allow them to determine any amount referred in paragraph (1) they may determine the amount of maintenance grant payable in respect of the school on such basis as appears to them to be fair and reasonable having regard to the information available to them on the relevant date.

(6) The funding authority shall not take into account any information made available to them after the relevant date (but before the date of their determination) for the purposes of determining the amount of maintenance grant payable in respect of a school for the financial year in question.

(7) References in these Regulations to the relevant date are references to the date referred to in paragraph (2) unless the relevant date has been redetermined in accordance with paragraph (3) in which case it is a reference to that date as redetermined.

Apportionment of maintenance grant

18.—(1) This regulation applies in the case of a school which becomes a grant-maintained school after 1st April in the financial year in question.

(2) Where in respect of any such school the amount of maintenance grant is determined in accordance with regulation 5, the amount of maintenance grant payable in respect of the school for the financial year in question shall be apportioned in accordance with the following formula—

$$\frac{A \times C \times F}{B} + D,$$

where

A is the number of days in the financial year falling on or after the date on which the school becomes a grant-maintained school;

B is 365;

C is the amount determined in accordance with regulation 12(3);

D is the sum of the amounts determined in accordance with regulations 8, 9 (or that regulation as it has effect in accordance with regulation 10 or 11) and regulations 12(5) to (7) and 13; and

F bears the value ascribed to it in the Table below according to the date on which the proposals in respect of the school were implemented—

| | |
|--|---------|
| date of implementation of the proposals 1st April — 31st July | F=1.0 |
| date of implementation of the proposals 1st August — 31st December | F=1.015 |
| date of implementation of the proposals 1st January — 31st March | F=1.02. |

(3) Where in respect of any such school the amount of maintenance grant is determined in accordance with regulation 14, the amount of maintenance grant payable in respect of the school for the financial year in question shall be apportioned in accordance with the following formula—

$$\frac{A \times C \times F}{B} + G,$$

where

C is the amount determined in respect of the school in accordance with regulation 15(1);

G is the amount or amounts determined in respect of the school in accordance with regulation 16; and

A, B and F represent the matters respectively denoted by those letters in paragraph (2).

Adjustments

19.—(1) Without prejudice to paragraph (5) but subject to paragraphs (9) and (10), this paragraph applies where—

- (a) after determining the amount of maintenance grant payable in respect of any school for the financial year in question in accordance with these Regulations it appears to the funding authority that, by reason of—
 - (i) any change in the characteristics of the school,
 - (ii) any change in the level of spending by the local education authority,
 - (iii) any other change affecting the needs of the school, or
 - (iv) the level of spending by the local education authority on any matter included in accordance with regulation 4(a) of the Education (School Financial Statements) (Prescribed Particulars etc.) Regulations 1993(14) in Part 1 of the authority's statement prepared under section 42(6) of the 1988 Act for the financial year beginning in 1993 exceeding the planned level of spending on that matter included in accordance with Schedule 1 to those Regulations in Part 1 of the authority's statement prepared under section 42(3) of that Act for that year,

the amount so payable should be revised; or

- (b) the funding authority are satisfied that their determination of the amount of maintenance grant payable in respect of any school for the financial year in question was made in ignorance of, or was based on a mistake as to, some material fact, or was not in accordance with these Regulations.

(2) In any case to which paragraph (1) applies, the funding authority may redetermine the amount of maintenance grant payable in respect of the school for that year in accordance with these Regulations and, if the amount so redetermined is different from the amount previously determined, revise their determination accordingly.

(3) Subject to paragraph (4), paragraph (2) shall not enable the funding authority to revise their determination of maintenance grant so as to reduce the amount of grant payable in respect of the school concerned for the financial year in question.

(4) The funding authority may revise their determination of maintenance grant so as to reduce the amount payable where—

- (a) that determination was made in ignorance of, or was based on a mistake as to, some material fact; and
- (b) such ignorance or mistake was not attributable to an act or omission of the local education authority.

(5) Where it appears to the funding authority that, by reason of any extraordinary circumstances, the amount of maintenance grant determined in respect of a school for the financial year in question is insufficient to enable the governing body of the school adequately to carry out their functions with respect to the conduct of the school, they may redetermine the amount of maintenance grant payable in respect of the school for that year in accordance with paragraph (6), and revise their determination accordingly.

(6) Where the funding authority decide to redetermine the amount of maintenance grant by virtue of paragraph (5), they shall redetermine that amount by adding to it such amount as appears to them to be necessary for the purpose of enabling the governing body adequately to carry out their functions with respect to the conduct of the school.

(7) Where in accordance with this regulation the funding authority revise the amount of maintenance grant payable in respect of any school for the financial year in question they shall give notice thereof to the governing body of the school and to the local education authority.

(8) A determination which has been revised in accordance with this regulation may be further revised in accordance with this regulation and may be so further revised notwithstanding that the funding authority are satisfied that the revised determination was not made in accordance with these Regulations.

(9) Where, after the funding authority have determined under this Part the amount of maintenance grant payable in respect of any school for the financial year in question, the school is transferred to a new site in the area of another local education authority (not being a relevant authority within the meaning of Part 3), the provisions of this Part shall apply for the purposes of redetermining the amount of maintenance grant payable in respect of the school for that year as if the school had not been so transferred.

(10) Where, after the funding authority have determined under Part 3 the amount of maintenance grant payable in respect of any school for the financial year in question, the school is transferred to a new site in the area of another local education authority (not being a relevant authority within the meaning of Part 3), the provisions of that Part shall continue to apply for the purposes of redetermining the amount of maintenance grant payable in respect of the school for that year as if the school had not been so transferred.

Application of relevant date provisions to a redetermination of the amount of maintenance grant

20.—(1) In its application for the purposes of any redetermination under regulation 19 of the amount of maintenance grant payable in respect of a school for the financial year in question, regulation 17 shall have effect subject to the following provisions of this regulation.

(2) Where the redetermination of maintenance grant under regulation 19(2) is made on one or more of the grounds specified in paragraph (1)(a) of that regulation the funding authority may take into account for the purposes of the redetermination any information received by them after the relevant date which relates to any of the reasons for making the redetermination.

(3) Where the redetermination of maintenance grant under regulation 19(2) is made on the grounds, specified in paragraph (1)(b) of that regulation, that the funding authority are satisfied that their determination was made in ignorance of, or was based on a mistake as to, some material fact, they may take into account any information received by them after the relevant date which relates to that fact.

(4) Where in accordance with paragraphs (2) and (3) any additional information is taken into account by the funding authority for the purposes of redetermining grant under regulation 19(2), they may take that information into account for the purposes of making any further redetermination under that regulation.

(5) Regulation 17 shall not apply where a redetermination is made by the funding authority in accordance with regulation 19(5) and (6).

Requirements which may be attached to payment of maintenance grant

21.—(1) The requirement set out in paragraph 1 of Schedule 3 is specified as a requirement which may be imposed by the funding authority on governing bodies to whom payments of maintenance grant are or have been made.

(2) The funding authority may determine, for the purposes of the application of section 84(1) and (2) of the 1993 Act to such governing bodies, any requirement referred to in paragraphs 2 to 4 of Schedule 3.

PART 3

MAINTENANCE GRANT — COMMON FUNDING FORMULA

Application and interpretation of Part 3

22.—(1) This Part applies for the purpose of determining the amount of maintenance grant payable in respect of a secondary school situated in the area of a relevant authority which became a grant-maintained school on or before 1st April in the financial year in question.

(2) In this Part—

“CFF share” in relation to any school means the share determined for that school under regulation 25(2);

“relevant authority” means any of the following local education authorities—

Calderdale Metropolitan Borough Council

Essex County Council

Gloucestershire County Council

The London Borough of Bromley

The London Borough of Hillingdon; and

“secondary schools total” in relation to any relevant authority means the amount determined by the Secretary of State under regulation 23(1).

Secondary schools total

23.—(1) For the purposes of section 81(2) of the 1993 Act the Secretary of State shall determine for each relevant authority and in respect of the financial year in question the amount which appears to him, after consultation with the authority, to be the appropriate amount of expenditure of a recurrent nature to be incurred on grant-maintained secondary schools situated in the area of the authority and secondary schools maintained by the authority.

(2) For the purposes of paragraph (1) expenditure is “of a recurrent nature” if it is not of a class or description specified in Schedule 8.

(3) The Secretary of State shall notify the funding authority and the relevant authority of the secondary schools total determined by him in respect of that authority.

Determination of amount of maintenance grant

24. The amount of maintenance grant payable for the financial year in question in respect of a school whose maintenance grant falls to be determined under this Part shall be the sum of the amount determined by the funding authority in accordance with regulation 25(2) or, where regulation 25(3) applies, regulation 25(3)(ii) in respect of the school and the year and any amounts determined by them in respect of the school and the year in accordance with regulation 25(3)(iii), (6)(c) and (9) to (11).

25.—(1) The funding authority shall determine for each relevant authority the amount which remains (referred to below in this regulation and in Schedule 4 as the “adjusted secondary schools total”) after deducting from the secondary schools total for the authority for that year such amount approximating to 0.2% of that total as appears to the funding authority to be appropriate for the purpose of making provision within that total for redetermining amounts of maintenance grant in respect of secondary schools situated in the area of the authority and the amounts of the CFF shares of secondary schools maintained by the authority on the grounds referred to in regulation 27(1).

(2) Subject to paragraph (13), the funding authority shall determine for each grant-maintained secondary school situated in the area of a relevant authority and each secondary school maintained by that authority the amount of the school's share of the adjusted secondary schools total for that authority and year obtained by dividing that total between those schools in accordance with Schedule 4.

- (3) Where the amount of the CFF share for any such school is less than—
- (a) in the case of a school which was a grant-maintained school throughout the preceding financial year, the amount referred to in paragraph (4);
 - (b) in the case of a school which became a grant-maintained school after 1st April in that financial year, the amount referred to in paragraph (4) leaving out of account its apportionment under regulation 16 of the 1993 Regulations; or
 - (c) in the case of a school other than one referred to in regulation 4(iii) which was not a grant-maintained school at any time during that financial year, the amount referred to in paragraph (5);

the funding authority shall—

- (i) calculate the amount per pupil (within the meaning of Schedule 4) which would be required, if the amount of the CFF share of each grant-maintained secondary school situated in the area of the relevant authority concerned and each secondary school maintained by them were redetermined in accordance with that Schedule (but substituting for the amount per pupil referred to in that Schedule in relation to the authority the recalculated amount per pupil), to produce within the adjusted secondary schools total for the authority for the financial year in question the amount (referred to below as the "supplementary amount") required to permit the amount of the CFF share of each school which is less than the amount referred to in sub-paragraph (a), (b) or (c) above (as the case may be) or which would be less than that amount if the amount of the CFF share of each school were redetermined as aforesaid, to equal the amount referred to in sub-paragraph (a), (b) or (c) (as the case may be), by adding a share of the supplementary amount to the amount of the school's CFF share;
- (ii) redetermine the amount of the CFF share of each grant-maintained secondary school situated in the area of the relevant authority concerned and each secondary school maintained by them in accordance with Schedule 4 but substituting for the amount per pupil referred to in that Schedule the amount calculated in accordance with sub-paragraph (i) above; and
- (iii) add to the amount of the CFF share (as so redetermined) of each school which is less than the amount referred to in sub-paragraph (a), (b) or (c) (as the case may be) the amount by which the latter amount exceeds the former amount.
 - (a) (4) (a) The amount referred to in sub-paragraph (3)(a) above is the amount of the maintenance grant determined (or, subject to sub-paragraph (b) below, if that amount was redetermined in the preceding financial year, the amount as most recently so redetermined) under the 1993 Regulations for the school for that year, adjusted by such amount as appears to the funding authority to be required—
 - (i) where regulation 9(1) of the 1993 Regulations applied for the purpose of determining (or redetermining) that grant, to reflect the amount which would have been determined under regulation 8(1) of those Regulations for that purpose if regulation 9(1) of those Regulations had not so applied;
 - (ii) where under the relevant authority's scheme as it applied in that year amounts for pupils with statements of special educational needs or for places in schools other than special schools for pupils who have special educational needs were included in the authority's aggregated budget, to reflect the amount which would have been determined for the school under regulation 5 of the 1993 Regulations if the scheme had not so provided (and assuming, where it was not the case, that that regulation

- applied for the purpose of determining maintenance grant in respect of the school for that year);
- (iii) in the case of the schools situated in the area of Essex County Council known as Colchester Royal Grammar School and the Ursuline Convent High School, to reflect the amount which would have been determined for the school under regulation 5 of those Regulations if the school had not provided any boarding accommodation; and
- (iv) by Schedule 5.
- (b) To the extent that the amount of maintenance grant referred to in sub-paragraph (a) above was redetermined as mentioned in that sub-paragraph by reason of any increase or decrease in the number of registered pupils at the school, no account shall be taken of that redetermination for the purposes of that sub-paragraph.
- (5) The amount referred to in paragraph (3)(c) is the aggregate of the following amounts—
- (a) the amount of the school's budget share for the preceding financial year as initially determined (or, if that share was revised in the preceding financial year, as most recently so revised), adjusted by such amount as appears to the funding authority to be required—
- (i) where under the relevant authority's scheme as it applied in that year amounts for pupils with statements of special educational needs or for places in schools other than special schools for pupils who have special educational needs were included in the authority's aggregated budget, to reflect the amount which would have been the amount of the school's budget share for that year if the scheme has not so provided;
- (ii) in the case of the schools maintained by Essex County Council known as Elmbridge Secondary Boarding School and Hockerill Secondary Boarding School, to reflect the amount which would have been the amount of the school's budget share for that year if the school had not provided any boarding accommodation; and
- (iii) by Schedule 5;
- (b) the amount which it appears to the funding authority would have been the amount required to be determined for the school and that financial year under regulation 10 of the 1993 Regulations (disregarding any amount which would have been required to be determined under regulation 10(5) of those Regulations in respect of changes in the number of registered pupils at the school), if the school had been a grant-maintained school throughout that year; and
- (c) the amount which it appears to the funding authority would have been the amount required to be determined for the school and that year under regulation 8(1) of those Regulations if the school had been a grant-maintained school and the relevant percentage for the purposes of that regulation (instead of the percentage determined in accordance with Schedule 1 to those Regulations) had been the percentage referred to in relation to the relevant authority in Schedule 6; 1980

apportioned, where proposals under section 12 of the Education Act 1980(15) to cease to maintain the school fall to be implemented on a date in the financial year beginning in 1994, in accordance with the formula—

$$R \times \frac{Q}{365}$$

where—

R is the aggregate amount determined in accordance with sub-paragraphs (a) to (c) above; and

(15) 1980 c. 20. Section 12 is amended by section 31(4) of the Education Reform Act 1988 and sections 229 and 307(3) of, and Schedule 21 to, the Education Act 1993.

Q is the number of days in that year which precede the date on which the authority are to cease to maintain the school.

(6) Where the amount of the secondary schools budget for any relevant authority for the financial year in question exceeds the secondary schools total for that authority and year, the funding authority shall—

- (a) determine the amount (referred to in sub-paragraph (b) below as “the increased amount”) by which that budget exceeds that total;
- (b) determine to two decimal places the percentage which the increased amount is of the secondary schools total for the authority; and
- (c) add to the amount of the CFF share for each grant-maintained secondary school situated in the area of the authority the amount obtained by multiplying the amount of that share (or, in the case of a school referred to in paragraph (11), the sum of that amount and any amount added to it in accordance with that paragraph) by that percentage.

(7) For the purposes of paragraph (6) the amount of an authority’s secondary schools budget for the financial year in question is the sum of the following amounts for that financial year—

- (a) the aggregate of the amounts which the funding authority determine would be the amounts of maintenance grant in respect of all grant-maintained secondary schools situated in the area of the authority if those amounts were determined in accordance with Part 2 and regulation 10 did not apply in the case of any school;
- (b) the aggregate of the budget shares (as initially determined before the beginning of the financial year) of all secondary schools maintained by the authority;
- (c) the aggregate of the amounts which equal the relevant percentage of the budget shares referred to in sub-paragraph (b) above; and
- (d) the aggregate of the amounts which it appears to the funding authority would be the amounts determined under regulation 12(3) in respect of all secondary schools maintained by the authority if those schools had been grant-maintained schools to which that regulation applied,

save that, where under the relevant authority’s scheme amounts for pupils with statements of special educational needs or for places in schools other than special schools for pupils with special educational needs are included in the authority’s aggregated budget for that year, the amounts referred to above shall be determined as if the scheme had not so provided.

(8) Where, in the case of any school whose maintenance grant for the financial year in question falls to be determined under this Part, it appears to the funding authority that regulation 10 would have applied if that grant had fallen to be determined under Part 2, they shall determine the amount which would have been determined in accordance with regulation 10(2) in respect of the school (referred to in paragraph (9) as “the protected amount”).

(9) In any case to which paragraph (8) applies the funding authority shall add to the amount of the CFF share for the school the amount by which the protected amount exceeds the difference between the amount of that share and the amount referred to in paragraph (3)(a).

(10) Where, in the case of any school whose maintenance grant for the financial year in question falls to be determined under this Part, it appears to the funding authority that an amount would have been determined under regulation 12(7) if that grant had fallen to be determined under Part 2, they shall determine that amount and add it to the amount of the CFF share for the school.

(11) The funding authority shall add to the amount of the CFF share for each of the following schools (being schools situated in the area of, or maintained by, Essex County Council) the amount indicated in respect of the school—

| | |
|---------------------------------|----------|
| Colchester Royal Grammar School | £107,517 |
|---------------------------------|----------|

| | |
|-------------------------------------|-------------|
| Elmbridge Secondary Boarding School | £43,260 |
| Hockerill Secondary Boarding School | £1,307,383. |

(12) References in paragraphs (6)(c), (9) to (11) and (13) and regulations 26(10) and 27(1) and (3)(b) to the amount of the CFF share for any school include references, where paragraph (3) applies, to the amount of that share as redetermined in accordance with paragraph (3)(ii) or to the sum of that amount and the amount added to it in accordance with paragraph (3)(iii), as the case may be.

(13) The funding authority shall determine as the amount of the CFF share for the secondary school to be established by Calderdale Metropolitan Borough Council on 1st January 1995 in accordance with the proposals for the establishment of that school approved by the Secretary of State under section 12 of the Education Act 1980 on 16th February 1994 the amount appearing to them to be equal to the sum of the amounts of the CFF shares for the schools maintained by them known as Ovenden School and Holmfield High School, determined in each case in accordance with paragraph (2) (but disregarding the apportionment required by paragraph 4 of Schedule 4 to be made), multiplied by 90/365.

Adjustments

26.—(1) Without prejudice to paragraph (14) but subject to paragraph (13) and regulation 28(1) and (2), where, after the funding authority have determined the amount of maintenance grant payable in respect of any school for the financial year in question, any of paragraphs (2) to (6) apply, the funding authority may redetermine the amount of maintenance grant payable in respect of the school for that year in accordance with paragraphs (7) to (12).

(2) This paragraph applies where the school is situated in the area of Calderdale Metropolitan Borough Council, Gloucestershire County Council or the London Borough of Bromley and it appears to the funding authority that the number of registered pupils at the school on 19th January 1995 exceeds the estimated number of such pupils determined by them for the purposes of the determination of the amount of the school's CFF share under regulation 25(2) by 20 or by 5% of that estimated number, whichever is the smaller.

(3) This paragraph applies where the school is situated in the area of Essex County Council and it appears to the funding authority that the number of registered pupils at the school on 15th September 1994 exceeds the number of such pupils on 20th January 1994 by 20 or by 5% of the second-mentioned number of pupils, whichever is the smaller.

(4) This paragraph applies where the school is situated in the area of the London Borough of Hillingdon and it appears to the funding authority that the number of registered pupils at the school on 15th September 1994 exceeds the estimated number of such pupils determined by them for the purposes of the determination of the amount of the school's CFF share under regulation 25(2) by 20 or by 5% of that estimated number, whichever is the smaller.

(5) This paragraph applies where proposals published under section 96 or 97 of the 1993 Act to make a significant change in the character of the school fall to be implemented in the financial year in question.

(6) This paragraph applies where it appears to the funding authority that the relevant authority in whose area the school is situated have increased the amount of their secondary schools budget (within the meaning of regulation 25(7)) for the financial year in question.

(7) In any case to which paragraph (2) applies, the funding authority may redetermine the amount of maintenance grant payable in respect of the school for the financial year in question by adding to it the amount calculated by the formula—

$$\frac{(S \times T) \times 7}{12}$$

where

S is the amount determined in accordance with paragraph 6, 19 or 25 of Schedule 4, as the case may be (or, where that amount has been recalculated in accordance with regulation 25(3)(i), that amount as so recalculated) multiplied by 1.22 (in the case of Calderdale Metropolitan Borough Council and the London Borough of Bromley) and by 1.28 (in the case of Gloucestershire County Council); and

T is the number by which the number of registered pupils at the school on 19th January 1995 exceeds the aggregate of the estimated number referred to in paragraph (2) and 20 or the number which equals 5% of that estimated number, whichever is the smaller.

(8) In any case to which paragraph (3) applies, the funding authority may redetermine the amount of maintenance grant payable in respect of the school for the financial year in question by adding to it the amount calculated by the formula—

$$(U \times V) \times \frac{7}{12}$$

where

U is the amount determined in accordance with paragraph 13 of Schedule 4 (or, where that amount has been recalculated in accordance with regulation 25(3)(i), that amount as so recalculated) multiplied by 1.22; and

V is the number by which the number of registered pupils at the school on 15th September 1994 exceeds the aggregate of the number of such pupils on 20th January 1994 and 20 or the number which equals 5% of the last-mentioned number of pupils, whichever is the smaller.

(9) In any case to which paragraph (4) applies, the funding authority may redetermine the amount of maintenance grant payable in respect of the school for the financial year in question by adding to it the amount calculated by the formula—

$$(W \times Y) \times \frac{7}{12}$$

where

W is the amount determined in accordance with paragraph 31 of Schedule 4 (or, where that amount has been recalculated in accordance with regulation 25(3)(i), that amount as so recalculated) multiplied by 1.05; and

Y is the number by which the number of registered pupils at the school on 15th September 1994 exceeds the aggregate of the estimated number referred to in paragraph (4) and 20 or the number which equals 5% of that estimated number, whichever is the smaller.

(10) In any case to which paragraph (5) applies, the funding authority may redetermine the amount of maintenance grant payable in respect of the school for the financial year in question by adding to it the amount calculated by the formula—

$$Z \times \frac{A}{365}$$

where

Z is the amount which equals the difference between the amount of the CFF share for the school as determined in accordance with regulation 25(2) (or, where that amount has been redetermined for the purposes of redetermining the amount of maintenance grant in accordance with regulation 27(1), that amount as so redetermined) and the amount determined in accordance with paragraph (11); and

A is the number of days in the financial year falling on or after the date on which the proposals referred to in paragraph (5) fall to be implemented.

(11) For the purposes of paragraph (10) the funding authority shall—

- (a) except where the school is situated in the area of Essex County Council, redetermine the total number of funding units for the school in accordance with Schedule 4, substituting, where the proposals referred to in paragraph (5) fall to be implemented after 19th January 1995, for the estimated number of registered pupils at the school required to be determined in accordance with that Schedule the number which the funding authority estimate will be the number of registered pupils at the school on the date on which the proposals fall to be implemented;
 - (b) where the school is situated in the area of Essex County Council, redetermine the total number of funding units for the school in accordance with Schedule 4, substituting for the number of registered pupils at the school required to be determined in accordance with paragraph 10 of that Schedule the number of such pupils which the funding authority estimate will be the number of registered pupils at the school on the date on which the proposals fall to be implemented; and
 - (c) multiply the total number of funding units for the school redetermined in accordance with sub-paragraph (a) or (b) above (as the case may be) by the amount per pupil for the relevant authority in whose area the school is situated determined in relation to that authority in accordance with Schedule 4 (or, where that amount has been recalculated in accordance with regulation 25(3)(i), that amount as so recalculated) for the purposes of the initial determination of maintenance grant for the school for the financial year in question.
- (12) In any case to which paragraph (6) applies, the funding authority may redetermine the amount of maintenance grant payable in respect of the school for the financial year in question in accordance with the provisions of this Part and, if the amount so redetermined is different from the amount previously determined, revise their determination accordingly.
- (13) Where, after redetermining the amount of maintenance grant payable in respect of a school for the financial year in question under any of paragraphs (7) to (10), the funding authority further so redetermine that amount, they shall reduce that amount (as so redetermined) by such amount (if any) as seems to them to be appropriate, having regard to any redetermination of the amount of maintenance grant payable in respect of the school for the financial year in question previously made by them under any of those paragraphs.
- (14) Where it appears to the funding authority that, by reason of any extraordinary circumstances, the amount of maintenance grant determined in respect of a school for the financial year in question is insufficient to enable the governing body of the school adequately to carry out their functions with respect to the conduct of the school, they may redetermine the amount of maintenance grant payable in respect of the school for that year in accordance with paragraph (15).
- (15) Where the funding authority decide to redetermine the amount of maintenance grant by virtue of paragraph (14), they shall redetermine that amount by adding to it such amount as appears to them to be necessary for the purpose of enabling the governing body adequately to carry out their functions with respect to the conduct of the school.
- (16) A determination which has been revised in accordance with this regulation or regulation 27(1) may be further revised in accordance with this regulation or regulation 27(1) and may be so further revised notwithstanding that the funding authority are satisfied that the revised determination was not made in accordance with these Regulations.

27.—(1) Subject to regulation 28(1) and (2), where, before 1st October in the financial year in question, the funding authority are satisfied that their determination of the amount of maintenance grant payable in respect of any school for that year or their determination of the amount of the CFF share for any school for that year was made in ignorance of, or was based on a mistake as to, some material fact, or was not in accordance with these Regulations, they may redetermine that amount in accordance with the provisions of this Part and, if the amount so redetermined is different from the amount previously determined, revise their determination accordingly.

(2) Subject to regulation 28(1) and (2), where, in the case of any relevant authority, paragraph (3) applies, the funding authority shall, as soon as practicable after 1st October in the financial year in question, redetermine the amount of maintenance grant payable in respect of each school situated in the area of the authority by adding to it the amount determined in respect of the school in accordance with paragraph (5).

(3) This paragraph applies where on 1st October in the financial year in question—

(a) it appears to the funding authority that the available amount in respect of the relevant authority is less than the contingency amount in respect of that authority; or

(b) the funding authority have not redetermined—

(i) the amount of maintenance grant payable in respect of any school situated in the area of the relevant authority for that year on the grounds referred to in paragraph (1); or

(ii) the amount of the CFF share for any secondary school maintained by that authority for that year (or the sum of that amount and any amounts to be added to it in accordance with the preceding provisions of these Regulations, as the case may be) on those grounds.

(4) For the purposes of this regulation and Schedule 7—

the “available amount” means the amount which equals the difference between the contingency amount for that year and the aggregate of any amounts referred to in paragraph (3)(b) which have been redetermined on the grounds referred to in that paragraph; and

the “contingency amount” means the amount deducted from the secondary schools total for the authority for that year under regulation 25(1).

(5) For the purposes of paragraph (2) the funding authority shall determine for each grant-maintained secondary school situated in the area of the relevant authority and each secondary school maintained by that authority the amount of the school’s share of, where paragraph (3)(a) applies, the available amount, or, where paragraph (3)(b) applies, the contingency amount obtained by dividing that amount between those schools in accordance with Schedule 7.

28.—(1) Where, after the funding authority have determined under this Part the amount of maintenance grant payable in respect of any school for the financial year in question, the school is transferred to a new site in the area of another relevant authority, regulations 26 and 27 and paragraph (3) shall apply as if the school had not been so transferred.

(2) Where, after the funding authority have determined under Part 2 the amount of maintenance grant payable in respect of any school for the financial year in question, the school is transferred to a new site in the area of a relevant authority, the provisions of that Part shall continue to apply for the purposes of redetermining the amount of maintenance grant payable in respect of the school for that year as if the school had not been so transferred.

(3) Where in accordance with regulation 26 or 27 the funding authority revise the amount of maintenance grant payable in respect of any school for the financial year in question they shall give notice thereof to the governing body of the school and to the local education authority.

Requirements which may be attached to payment of maintenance grant

29. Regulation 21 applies for the purposes of this Part as it applies for the purposes of Part 2.

PART 4

CAPITAL AND SPECIAL PURPOSE GRANTS

Capital grants

30. The funding authority may pay capital grants in respect of expenditure of a capital nature of a class or description specified in Schedule 8 incurred or to be incurred by the governing body of a school.

Special purpose grants

31.—(1) The funding authority may pay special purpose grants in respect of expenditure of any class or description specified in Schedule 9 incurred or to be incurred by the governing body of a school—

- (a) for or in connection with the educational purposes so specified; or
- (b) in respect of any expenses so specified being expenses which it appears to the funding authority the governing bodies of schools cannot reasonably be expected to meet from maintenance grant.

(2) Special purpose grants may be paid on a regular basis in respect of expenditure of a recurrent kind or by reference to expenditure incurred or to be incurred on particular occasions or during any particular period.

Requirements which may be attached to payment of capital or special purpose grants

32.—(1) The requirements set out in paragraph 1 of Schedule 3 and paragraph (2) below are specified as requirements which may be imposed by the funding authority on governing bodies to whom payments of capital or special purpose grants are or have been made.

- (2) The requirements referred to in paragraph (1) are—
 - (a) a requirement that any such payment shall be applied for the purpose of defraying expenditure in respect of which it was made and for no other purpose; and
 - (b) a requirement that such a payment shall be so applied before a date specified by the funding authority.
- (3) The funding authority may determine for the purposes of the application of section 84(1) and (2) of the 1993 Act to such governing bodies as are referred to in paragraph (1)—
 - (a) any requirement referred to in paragraphs 2 to 4 of Schedule 3;
 - (b) any requirement formulated for the purpose of assisting the funding authority to be satisfied that a requirement imposed in accordance with paragraph (2) is being, or has been, complied with including, in particular, requirements as to the furnishing by the governing body of audited statements relating to expenditure in respect of which the grant has been paid together with such accounts, receipts, invoices and other information as the funding authority may require in order to verify the same; and
 - (c) any requirement as to the repayment, in whole or in part, of payments made to the governing body in respect of such grant if any other requirement imposed by the funding authority in accordance with this regulation subject to which the payments were made is not complied with.
- (4) The funding authority may determine for the purposes of the application of that section to governing bodies to whom payments of special purpose grants are or have been made requirements as to the payment to the funding authority, if any conditions specified in the requirements are satisfied, of the whole or any part of the amount referred to in section 84(7) of the 1993 Act.

PART 5

RECOVERY OF AMOUNTS IN RESPECT OF MAINTENANCE GRANT FROM LOCAL EDUCATION AUTHORITY

Determination of amount to be recovered

33.—(1) Subject to paragraph (2) below, the total amount which the Secretary of State may recover by virtue of section 93 of the 1993 Act from a local education authority named in a determination under that section applying that section in respect of any school in relation to the financial year in question is the amount determined in accordance with these Regulations as the amount of the maintenance grant payable in respect of the school and financial year in question (as from time to time revised).

(2) The amount which would otherwise fall to be determined in accordance with paragraph (1) above as the total amount recoverable from a local education authority by virtue of section 93 of the 1993 Act in respect of any school for the financial year in question may be reduced by an amount not exceeding the amount outstanding in respect of any excess amount recovered from the authority under that section in respect of the school in relation to any previous financial year.

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

SCHEDULE 1

Regulation 9(2)

DETERMINATION OF THE RELEVANT PERCENTAGE

1. This Schedule applies for the purposes of determining the relevant percentage under regulation 9(1), 15(4) or 25(7)(c).

2. For the purposes of regulation 9(1), the relevant percentage in respect of any school is whichever is the greater of the percentages determined for the school in accordance with paragraphs 5 and 6.

3. For the purposes of regulation 15(4), the relevant percentage in respect of any school is the percentage determined in accordance with paragraph 5.

4. For the purposes of regulation 25(7)(c), the relevant percentage is the percentage determined in accordance with paragraph 6.

5. For the purposes of this paragraph, the percentage is that specified—

- (a) where the school is a primary school, in the second column of the table, or
- (b) where the school is a secondary school, in the third column of the table,

opposite the reference in the first column of the table to the local education authority in whose area the school is situated.

| Local Education Authority | Primary | Secondary |
|---|---------|-----------|
| Avon County Council | 14.0 | 9.7 |
| London Borough of Barking and Dagenham | 11.0 | 8.4 |
| London Borough of Barnet | 13.6 | 9.8 |
| Barnsley Metropolitan Borough Council | 15.2 | 9.8 |
| Bedfordshire County Council | 15.3 | 11.6 |
| Berkshire County Council | 10.6 | 7.2 |
| London Borough of Bexley | 11.9 | 8.0 |
| Birmingham City Council | 14.5 | 10.2 |
| Bolton Metropolitan Borough Council | 14.4 | 9.8 |
| Bradford City Council | 11.8 | 9.4 |
| London Borough of Brent | 9.4 | 6.7 |
| London Borough of Bromley | 13.6 | 9.5 |
| Buckinghamshire County Council | 16.1 | 11.3 |
| Bury Metropolitan Borough Council | 12.5 | 9.1 |
| Calderdale Metropolitan Borough Council | 12.0 | 8.4 |
| London Borough of Camden | 13.6 | 10.1 |

| Local Education Authority | Primary | Secondary |
|--|---------|-----------|
| Cambridgeshire County Council | 11.4 | 7.9 |
| Cheshire County Council | 12.3 | 8.4 |
| Common Council of the City of London | 17.2 | N/A |
| Cleveland County Council | 18.0 | 11.7 |
| Cornwall County Council | 10.6 | 7.4 |
| Coventry City Council | 15.5 | 10.3 |
| London Borough of Croydon | 10.4 | 8.3 |
| Cumbria County Council | 10.4 | 7.5 |
| Derbyshire County Council | 14.1 | 8.9 |
| Devon County Council | 10.9 | 7.5 |
| Doncaster Metropolitan Borough Council | 15.9 | 10.5 |
| Dorset County Council | 13.7 | 9.6 |
| Dudley Metropolitan Borough Council | 9.1 | 6.6 |
| Durham County Council | 13.5 | 9.4 |
| London Borough of Ealing | 9.2 | 6.9 |
| East Sussex County Council | 15.4 | 10.2 |
| London Borough of Enfield | 11.9 | 8.4 |
| Essex County Council | 13.3 | 8.7 |
| Gateshead Metropolitan Borough Council | 16.8 | 11.9 |
| Gloucestershire County Council | 13.7 | 10.8 |
| London Borough of Greenwich | 18.1 | 13.9 |
| London Borough of Hackney | 19.8 | 13.5 |
| London Borough of Hammersmith and Fulham | 22.1 | 16.5 |
| Hampshire County Council | 14.0 | 9.8 |
| London Borough of Haringey | 16.5 | 12.0 |
| London Borough of Harrow | 13.5 | 9.8 |
| London Borough of Havering | 12.5 | 8.0 |
| Hereford and Worcester County Council | 11.5 | 8.8 |
| Hertfordshire County Council | 7.8 | 5.3 |

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| Local Education Authority | Primary | Secondary |
|---|---------|-----------|
| London Borough of Hillingdon | 13.4 | 9.9 |
| London Borough of Hounslow | 11.6 | 8.7 |
| Humberside County Council | 15.1 | 10.7 |
| The Council of the Isles of Scilly | 15.0 | 7.5 |
| Isle of Wight County Council | 17.2 | 13.0 |
| London Borough of Islington | 5.9 | 4.7 |
| The Royal Borough of Kensington and Chelsea | 18.8 | 13.1 |
| Kent County Council | 15.6 | 10.4 |
| The Royal Borough of Kingston upon Thames | 12.7 | 8.7 |
| Kirklees Metropolitan Borough Council | 14.9 | 10.2 |
| Knowsley Metropolitan Borough Council | 13.7 | 9.6 |
| London Borough of Lambeth | 16.4 | 11.1 |
| Lancashire County Council | 12.9 | 8.6 |
| Leeds City Council | 10.8 | 8.2 |
| Leicestershire County Council | 12.7 | 8.9 |
| London Borough of Lewisham | 15.3 | 11.2 |
| Lincolnshire County Council | 11.6 | 7.6 |
| Liverpool City Council | 17.1 | 10.3 |
| Manchester City Council | 11.3 | 7.1 |
| London Borough of Merton | 12.5 | 9.0 |
| Newcastle upon Tyne City Council | 14.1 | 9.5 |
| London Borough of Newham | 11.2 | 7.3 |
| Norfolk County Council | 13.6 | 9.2 |
| North Tyneside Metropolitan Borough Council | 12.4 | 8.9 |
| Northamptonshire County Council | 11.0 | 7.7 |
| Northumberland County Council | 10.2 | 7.8 |
| North Yorkshire County Council | 15.8 | 10.6 |

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| Local Education Authority | Primary | Secondary |
|---|---------|-----------|
| Nottinghamshire County Council | 16.2 | 12.0 |
| Oldham Metropolitan Borough Council | 17.4 | 11.3 |
| Oxfordshire County Council | 10.8 | 8.1 |
| London Borough of Redbridge | 17.2 | 10.7 |
| London Borough of Richmond upon Thames | 15.1 | 11.9 |
| Rochdale Metropolitan Borough Council | 11.7 | 7.6 |
| Rotherham Metropolitan Borough Council | 15.9 | 11.3 |
| St. Helens Metropolitan Borough Council | 12.6 | 8.5 |
| Salford City Council | 10.9 | 7.3 |
| Sandwell Metropolitan Borough Council | 17.2 | 11.7 |
| Sefton Metropolitan Borough Council | 13.7 | 8.8 |
| Sheffield City Council | 11.3 | 8.1 |
| Shropshire County Council | 12.1 | 7.8 |
| Solihull Metropolitan Borough Council | 7.0 | 5.1 |
| Somerset County Council | 13.5 | 9.3 |
| South Tyneside Metropolitan Borough Council | 15.0 | 11.1 |
| London Borough of Southwark | 13.5 | 10.0 |
| Staffordshire County Council | 13.3 | 9.7 |
| Stockport Metropolitan Borough Council | 12.2 | 8.4 |
| Suffolk County Council | 11.9 | 8.7 |
| Sunderland Metropolitan Borough Council | 13.3 | 9.6 |
| Surrey County Council | 14.6 | 10.8 |
| London Borough of Sutton | 13.5 | 9.4 |
| Tameside Metropolitan Borough Council | 13.8 | 9.7 |
| London Borough of Tower Hamlets | 12.4 | 9.2 |

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| Local Education Authority | Primary | Secondary |
|--|---------|-----------|
| Trafford Metropolitan Borough Council | 15.3 | 8.7 |
| Wakefield Metropolitan District Council | 16.1 | 9.9 |
| Walsall Metropolitan Borough Council | 13.5 | 9.6 |
| London Borough of Waltham Forest | 15.6 | 10.6 |
| London Borough of Wandsworth | 17.0 | 10.0 |
| Warwickshire County Council | 13.7 | 9.4 |
| Westminster City Council | 9.6 | 7.5 |
| West Sussex County Council | 14.0 | 9.9 |
| Wigan Metropolitan Borough Council | 17.6 | 11.7 |
| Wiltshire County Council | 13.8 | 8.8 |
| Wirral Metropolitan Borough Council | 11.6 | 8.0 |
| Wolverhampton Metropolitan Borough Council | 12.0 | 7.7 |

6.—(1) For the purposes of this paragraph, the funding authority shall determine the percentage which the amount determined in accordance with sub-paragraph (2) below is of the amount determined in accordance with sub-paragraph (4) below.

(2) The funding authority shall determine an amount by the application of the following formula—

$$A \times \frac{B}{C},$$

where

A is the amount of the local education authority's general schools budget for the financial year in question which, in the opinion of the funding authority, would remain after deducting from it—

- (a) their aggregated budget for the year;
- (b) subject to sub-paragraph (3) below, the authority's planned expenditure on those descriptions of expenditure listed in paragraph 2 of Schedule 2;
- (c) the authority's planned expenditure on the provision of school meals; and
- (d) any amount appropriated for meeting expenditure in respect of contingencies:

Provided that in determining the amounts under paragraphs (b) to (d) the funding authority shall exclude any such expenditure, or, in the case of expenditure in respect of contingencies, any amount appropriated by the authority for meeting such expenditure, falling within their aggregated budget;

B is the number of registered pupils on a date determined by the funding authority at all primary schools or all secondary schools maintained or formerly maintained by the local education

authority (according as to whether the school is a primary school or a secondary school) which are required to be covered by a statement for the financial year in question under section 42 of the Act; and

C is the number of registered pupils on that date at all such schools whether primary or secondary.

(3) For the purposes of sub-paragraph (2)(b) above the reference in paragraph 2(d) of Schedule 2 to “the preceding financial year” shall be read as a reference to “the financial year in question”, and the reference to section 56 of the Education Act 1944 shall be read as including a reference to section 298 of the 1993 Act(16) .

(4) The funding authority shall determine an amount which appears to them to be equal to the amount of the local education authority’s aggregated budget which is available for allocation to all primary schools or all secondary schools maintained or formerly maintained by them which are required to be covered by the authority’s scheme for the financial year in question, according as to whether the school is a primary school or a secondary school.

SCHEDULE 2

Regulation 15(3)

RELEVANT EXPENDITURE

1. Subject to paragraph 2, the following heads or items of expenditure are to be included for the purposes of determining in accordance with regulation 15(2) the amount of relevant expenditure incurred by the local education authority in the preceding financial year:

- (a) salaries of, and other costs attributable to, staff employed to work wholly or partly at the school other than staff employed in the provision of school meals;
- (b) expenditure on books, stationery and other educational equipment for use at the school;
- (c) expenditure on telephones and postage for the purposes of the school;
- (d) examination fees incurred in relation to registered pupils at the school;
- (e) expenditure relating to the school premises, including in particular—
 - (i) heating and lighting;
 - (ii) caretaking and cleaning; and
 - (iii) rent, non-domestic rates, water rates and charges for the supply of water or the provision of sewerage services; and
- (f) any other expenditure treated by the authority as forming part of the direct costs of the school.

2. The heads or items of expenditure referred to in paragraph 1 are not to be included for the purposes of determining the amount of relevant expenditure to the extent that they fall within any of the following descriptions of expenditure, namely—

- (a) expenditure treated by the local education authority as expenditure of a capital nature;
- (b) expenditure in respect of the repayment of the principal of, the payment of interest on and the discharge of any financial obligation in connection with, any loan raised to meet expenditure of a capital nature;
- (c) expenditure which is offset by income received as central government grant in support of specific expenditure;

(16) Section 298 is not in force at the date of these Regulations.

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- (d) expenditure required to meet the liabilities of the local education authority in respect of compensation for premature retirement of—
 - (i) persons formerly employed by them to work at a school maintained by them; or
 - (ii) persons formerly employed by the governing body of a school maintained by them, where the decision to credit a person with a period of service for the purposes of payment of compensation for premature retirement was made before 1st April in the preceding financial year; and
- (e) expenditure on the following items and on any necessary administrative costs associated therewith—
 - (i) transport of pupils between home and school;
 - (ii) the provision of clothing for pupils;
 - (iii) the granting of scholarships, exhibitions, bursaries or other allowances to pupils over compulsory school age, to enable pupils to take advantage of educational facilities without hardship to themselves or their parents;
 - (iv) education welfare officers and educational psychologists where the expenditure is incurred in connection with the performance of a duty or the exercise of a power by the local education authority which is to be performed or exercised by them both in relation to pupils at schools maintained by them and in relation to pupils at grant-maintained schools; and
 - (v) additional support provided to schools specifically for pupils with statements of special educational needs in accordance with those statements;
- (f) expenditure in respect of the provision of education in special schools;
- (g) expenditure in respect of the provision of education under section 56 of the Education Act 1944(17) ;
- (h) expenditure offset by income received from Her Majesty’s Chief Inspector of Schools in England;
- (i) expenditure of the kind referred to in section 11 of the Local Government Act 1966 in respect of posts approved by the Secretary of State for the purpose of making grants in respect of such expenditure, not being expenditure expected to be offset by income received as central government grants.

SCHEDULE 3

Regulations 21 and 32

REQUIREMENTS WHICH MAY BE ATTACHED TO PAYMENT OF MAINTENANCE GRANTS AND SPECIAL PURPOSE GRANTS

1. A requirement that the governing body shall secure, so far as their powers extend, that the school is conducted in accordance with any requirements imposed by or under any enactment including, in particular, any imposed by or under the 1988 Act or the 1993 Act or the instrument or articles of government for the school.

2. Requirements with respect to the maintenance of proper accounts including, in particular, requirements as to—

(17) 1944(c. 31); section 56 was amended by section 11(1) of, and Part I of Schedule 1 to, the Education (Miscellaneous Provisions) Act 1948 (c. 40) and by section 93 of, and paragraph 6 of Schedule 8 to, the Further and Higher Education Act 1992 (c. 13).

- (a) the appointment by the governing body of a person who will be responsible to them for the administration of their financial affairs;
 - (b) the accounting systems and methods to be adopted by the governing body and the form of their accounts and supporting records;
 - (c) internal financial controls including, in particular, requirements as to the procedures to be adopted with respect to the receipt and disbursement of money by the governing body; and
 - (d) the publication of the governing body's accounts.
3. Requirements as to audit and inspection of the governing body's accounts, including, in particular, requirements as to—
- (a) the procedure to be adopted in appointing and replacing auditors;
 - (b) any qualifications the auditors are to possess;
 - (c) the duration of auditors' appointments;
 - (d) the frequency of audits;
 - (e) the functions which are to be performed by the auditors in respect of the school;
 - (f) the inspection of accounts and supporting records on request by any person authorised by the funding authority; and
 - (g) examinations by persons authorised by the funding authority or the Comptroller and Auditor General into the economy, efficiency and effectiveness with which the governing body of the school have used their resources in discharging their functions.
4. Such further requirements relating to the conduct of the school's financial affairs as the funding authority think fit.

SCHEDULE 4

Regulation 25(2)

PART I

CALDERDALE METROPOLITAN BOROUGH COUNCIL

1. In this Part—
- “the authority” means Calderdale Metropolitan Borough Council; and
- “school” means a grant-maintained secondary school situated in the area of the authority or a secondary school maintained by the authority.
2. The funding authority shall determine for each school the aggregate number referred to in paragraph 3(l) (referred to below in this Part of this Schedule as the “total number of funding units for the school”), as follows.
3. The funding authority shall determine in respect of each school—
- (a) the number appearing to them to be the number of registered pupils at the school on 20th January 1994 who had not attained the age of 14 on 31st August 1993 multiplied by 5/12;
 - (b) the number which the funding authority estimate will be the number of registered pupils at the school on 19th January 1995 who will not have attained the age of 14 on 31st August 1994 multiplied by 7/12;
 - (c) the aggregate of the numbers calculated in accordance with sub-paragraphs (a) and (b) above;

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- (d) the number appearing to them to be the number of registered pupils at the school on 20th January 1994 aged 14 or 15 on 31st August 1993 multiplied by 5/12;
- (e) the number which the funding authority estimate will be the number of registered pupils at the school on 19th January 1995 aged 14 or 15 on 31st August 1994 multiplied by 7/12;
- (f) the aggregate of the numbers calculated in accordance with sub-paragraphs (d) and (e) above multiplied by 1.22;
- (g) the number appearing to them to be the number of registered pupils at the school on 20th January 1994 aged 16 or over on 31st August 1993 multiplied by 5/12;
- (h) the number which the funding authority estimate will be the number of registered pupils at the school on 19th January 1995 aged 16 or over on 31st August 1994 multiplied by 7/12;
- (i) the aggregate of the numbers calculated in accordance with sub-paragraphs (g) and (h) above multiplied by 1.25;
- (j) the number appearing to them to be the number of registered pupils at the school who on 20th January 1994 were provided with free school meals under section 22(3) or (3A) of the Education Act 1980(18) multiplied by 0.1091;
- (k) the number (expressed as a percentage) appearing to them to represent the share treated by the authority under its scheme (or, where the school is a grant-maintained school, the share which would have been so treated had the school been covered by the scheme) as the school's share of funding allocated in accordance with the allocation formula under the authority's scheme for pupils who have special educational needs multiplied by 4.8065; and
- (l) the aggregate of—
 - (i) the numbers calculated in accordance with sub-paragraphs (c), (f) and (i) to (k) above;
 - (ii) 54.5331; and
 - (iii) where it appears to the funding authority that the school is treated by the authority in accordance with its scheme (or, in the case of a grant-maintained school, would have been so treated had the school been covered by the scheme) as having a split site, 21.8132.

4. In the case of the schools maintained by the authority known as Ovenden School and Holmfield High School (in respect of which proposals under section 12 of the Education Act 1980 to cease to maintain the school fall to be implemented on a date in the financial year in question) the funding authority shall determine the number calculated in accordance with the formula—

$$P \times \frac{Q}{365}$$

where

P is the total number of funding units for the school; and

Q is the number of days in that year which precede the date on which the authority are to cease to maintain the school.

5. The funding authority shall determine the number which is the aggregate of the aggregate numbers determined in accordance with paragraph 3(l) or, where paragraph 4 applies, that paragraph (referred to in paragraph 6 as the “total number of funding units for the authority”).

(18) Section 22 was amended by section 77 of the Social Security Act 1986 (c. 50), section 237(1) of, and paragraph 24 of Schedule 12 to, the Education Reform Act 1988, section 93(1) of, and paragraph 17 of Schedule 8 to, the Further and Higher Education Act 1992 and section 307(1) of, and paragraph 79 of Schedule 19 to, the Education Act 1993.

6. The funding authority shall determine the amount (referred to in paragraph 7 as the “amount per pupil”) obtained by dividing the adjusted secondary schools total for the authority by the total number of funding units for the authority.

7. The funding authority shall determine as the amount of each school’s CFF share the amount obtained by multiplying the amount per pupil by the total number of funding units for the school (or, where paragraph 4 applies, by the number determined in accordance with that paragraph).

PART II

ESSEX COUNTY COUNCIL

8. In this Part—

“the authority” means Essex County Council; and

“school” means a grant-maintained secondary school situated in the area of the authority or a secondary school maintained by the authority.

9. The funding authority shall determine for each school the aggregate number referred to in paragraph 10(i) (referred to in paragraph 14 as the “total number of funding units for the school”), as follows.

10. The funding authority shall determine in respect of each school—

- (a) the number appearing to them to be the number of registered pupils at the school on 20th January 1994 who had not attained the age of 14 on 31st August 1993;
- (b) the number appearing to them to be the number of registered pupils at the school on 20th January 1994 aged 14 or 15 on 31st August 1993 multiplied by 1.22;
- (c) the number appearing to them to be the number of registered pupils at the school on 20th January 1994 aged 16 or over on 31st August 1993 multiplied by 1.57;
- (d) the number appearing to them to be the number of registered pupils at the school who on 20th January 1994 were provided with free school meals under section 22(3) or (3A) of the Education Act 1980 multiplied by 0.1815;
- (e) the number appearing to them to be the number of registered pupils at the school on that date who were entitled to be provided with such meals multiplied by 0.0726;
- (f) the number (expressed as a percentage) appearing to them to represent the school’s share (or, where the school is a grant-maintained school, the share which would have been the school’s share had the school been covered by the scheme) of funding treated by the authority under its scheme as funding for pupils who have special educational needs and allocated in accordance with the allocation formula under the authority’s scheme multiplied by 7.5626;
- (g) where it appears to the funding authority that the school is treated by the authority in accordance with its scheme (or, in the case of a grant-maintained school, would have been so treated had the school been covered by the scheme) as in the London Weighting area, the number appearing to the funding authority to be the aggregate of the number referred to in sub-paragraph (a) above and the numbers calculated in accordance with sub-paragraphs (b) and (c) above multiplied by 0.0230;
- (h) in the case of The Alderman Blaxill School the number appearing to them to be the aggregate of the number referred to in sub-paragraph (a) above and the numbers which would be those calculated in accordance with sub-paragraphs (b) and (c) above if, in each case, the multiplier referred to in those sub-paragraphs were 1, multiplied by 0.0315; and
- (i) the aggregate of—

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- (i) the numbers calculated in accordance with sub-paragraphs (a) to (h) above;
- (ii) 108.9008; and
- (iii) where it appears to the funding authority that the school is treated by the authority in accordance with its scheme (or, in the case of a grant-maintained school, would have been so treated had the school been covered by the scheme) as having a split site, 21.1752, 42.3504 or 84.7008 according to the weighting (as 1, 2 or 4 respectively) applicable to the school for this factor under the authority’s scheme.

11. In the case of the school maintained by the authority known as Elmbridge Secondary Boarding School (in respect of which proposals under section 12 of the Education Act 1980 to cease to maintain the school fall to be implemented on a date in the financial year in question) the funding authority shall determine the number calculated in accordance with the formula—

$$P \times \frac{Q}{365}$$

where

P is the total number of funding units for the school; and

Q is the number of days in that year which precede the date on which the authority are to cease to maintain the school.

12. The funding authority shall determine the number which is the aggregate of the aggregate numbers determined in accordance with paragraph 10(i) or, where paragraph 11 applies, that paragraph (referred to in paragraph 13 as the “total number of funding units for the authority”).

13. The funding authority shall determine the amount (referred to in paragraph 14 as the “amount per pupil”) obtained by dividing the adjusted secondaryschools total for the authority by the total number of funding units for the authority.

14. The funding authority shall determine as the amount of each school’s CFF share the amount obtained by multiplying the amount per pupil by the total number of funding units for the school (or, where paragraph 11 applies, by the number determined in accordance with that paragraph).

PART III

GLOUCESTERSHIRE COUNTY COUNCIL

15. In this Part—

“the authority” means Gloucestershire County Council; and

“school” means a grant-maintained secondary school situated in the area of the authority or a secondary school maintained by the authority.

16. The funding authority shall determine for each school the aggregate number referred to in paragraph 17(l) (referred to in paragraph 20 as the “total number of funding units for the school”), as follows.

17. The funding authority shall determine in respect of each school—

- (a) the number appearing to them to be the number of registered pupils at the school on 20th January 1994 who had not attained the age of 14 on 31st August 1993 multiplied by 5/12;
- (b) the number which the funding authority estimate will be the number of registered pupils at the school on 19th January 1995 who will not have attained the age of 14 on 31st August 1994 multiplied by 7/12;
- (c) the aggregate of the numbers calculated in accordance with sub-paragraphs (a) and (b) above;

- (d) the number appearing to them to be the number of registered pupils at the school on 20th January 1994 aged 14 or 15 on 31st August 1993 multiplied by 5/12;
- (e) the number which the funding authority estimate will be the number of registered pupils at the school on 19th January 1995 aged 14 or 15 on 31st August 1994 multiplied by 7/12;
- (f) the aggregate of the numbers calculated in accordance with sub-paragraphs (d) and (e) above multiplied by 1.28;
- (g) the number appearing to them to be the number of registered pupils at the school on 20th January 1994 aged 16 or over on 31st August 1993 multiplied by 5/12;
- (h) the number which the funding authority estimate will be the number of registered pupils at the school on 19th January 1995 aged 16 or over on 31st August 1994 multiplied by 7/12;
- (i) the aggregate of the numbers calculated in accordance with sub-paragraphs (g) and (h) above multiplied by 1.73;
- (j) the number appearing to them to be the number of registered pupils at the school who on 20th January 1994 were provided with free school meals under section 22(3) or (3A) of the Education Act 1980 multiplied by 0.2139;
- (k) the number appearing to them to be the number treated by the authority under its scheme (or, where the school is a grant-maintained school, the number which would have been so treated had the school been covered by the scheme) for the purposes of determining the budget share of the school for the financial year beginning in 1994 as the number of registered pupils at the school having special educational needs multiplied by 0.1283; and
- (l) the aggregate of—
 - (i) the numbers calculated in accordance with sub-paragraphs (c), (f) and (i) to (k) above; and
 - (ii) 142.5842.

18. The funding authority shall determine the number which is the aggregate of the aggregate numbers determined in accordance with paragraph 17(l) (referred to in paragraph 19 as the “total number of funding units for the authority”).

19. The funding authority shall determine the amount (referred to in paragraph 20 as the “amount per pupil”) obtained by dividing the adjusted secondary schools total for the authority by the total number of funding units for the authority.

20. The funding authority shall determine as the amount of each school’s CFF share the amount obtained by multiplying the amount per pupil by the total number of funding units for the school.

PART IV

LONDON BOROUGH OF BROMLEY

21. In this Part—

“the authority” means the London Borough of Bromley; and

“school” means a grant-maintained secondary school situated in the area of the authority or a secondary school maintained by the authority.

22. The funding authority shall determine for each school the aggregate number referred to in paragraph 23(m) (referred to in paragraph 26 as the “total number of funding units for the school”), as follows.

23. The funding authority shall determine in respect of each school—

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- (a) the number appearing to them to be the number of registered pupils at the school on 20th January 1994 who had not attained the age of 14 on 31st August 1993 multiplied by 5/12;
- (b) the number which the funding authority estimate will be the number of registered pupils at the school on 19th January 1995 who will not have attained the age of 14 on 31st August 1994 multiplied by 7/12;
- (c) the aggregate of the numbers calculated in accordance with sub-paragraphs (a) and (b) above;
- (d) the number appearing to them to be the number of registered pupils at the school on 20th January 1994 aged 14 or 15 on 31st August 1993 multiplied by 5/12;
- (e) the number which the funding authority estimate will be the number of registered pupils at the school on 19th January 1995 aged 14 or 15 on 31st August 1994 multiplied by 7/12;
- (f) the aggregate of the numbers calculated in accordance with sub-paragraphs (d) and (e) above multiplied by 1.22;
- (g) the number appearing to them to be the number of registered pupils at the school on 20th January 1994 aged 16 or over on 31st August 1993 multiplied by 5/12;
- (h) the number which the funding authority estimate will be the number of registered pupils at the school on 19th January 1995 aged 16 or over on 31st August 1994 multiplied by 7/12;
- (i) the aggregate of the numbers calculated in accordance with sub-paragraphs (g) and (h) above multiplied by 1.94;
- (j) the number appearing to them to be the number of registered pupils at the school who on 20th January 1994 were provided with free school meals under section 22(3) or (3A) of the Education Act 1980 multiplied by 0.1709;
- (k) the number appearing to them to be the number of registered pupils at the school who on that date were entitled to be provided with free school meals under that section of the Education Act 1980 multiplied by 0.3126;
- (l) the number appearing to them to be the number (expressed in thousands of square feet) which reflects the floor area of the school buildings multiplied by 0.5657; and
- (m) the aggregate of—
 - (i) the numbers calculated in accordance with sub-paragraphs (c), (f) and (i) to (l) above; and
 - (ii) 74.4329.

24. The funding authority shall determine the number which is the aggregate of the aggregate numbers determined in accordance with paragraph 23(m) (referred to in paragraph 25 as the “total number of funding units for the authority”).

25. The funding authority shall determine the amount (referred to in paragraph 26 as the “amount per pupil”) obtained by dividing the adjusted secondary schools total for the authority by the total number of funding units for the authority.

26. The funding authority shall determine as the amount of each school’s CFF share the amount obtained by multiplying the amount per pupil by the total number of funding units for the school.

PART V

LONDON BOROUGH OF HILLINGDON

27. In this Part—

“the authority” means the London Borough of Hillingdon; and

“school” means a grant-maintained secondary school situated in the area of the authority or a secondary school maintained by the authority.

28. The funding authority shall determine for each school the aggregate number referred to in paragraph 29(m) (referred to in paragraph 32 as the “total number of funding units for the school”), as follows.

29. The funding authority shall determine in respect of each school—

- (a) the number appearing to them to be the number of registered pupils at the school on 20th January 1994 who had not attained the age of 14 on 31st August 1993 multiplied by 5/12;
- (b) the number which the funding authority estimate will be the number of registered pupils at the school on 15th September 1994 who will not have attained the age of 14 on 31st August 1994 multiplied by 7/12;
- (c) the aggregate of the numbers calculated in accordance with sub-paragraphs (a) and (b) above;
- (d) the number appearing to them to be the number of registered pupils at the school on 20th January 1994 aged 14 or 15 on 31st August 1993 multiplied by 5/12;
- (e) the number which the funding authority estimate will be the number of registered pupils at the school on 15th September 1994 aged 14 or 15 on 31st August 1994 multiplied by 7/12;
- (f) the aggregate of the numbers calculated in accordance with sub-paragraphs (d) and (e) above multiplied by 1.05;
- (g) the number appearing to them to be the number of registered pupils at the school on 20th January 1994 aged 16 or over on 31st August 1993 multiplied by 5/12;
- (h) the number which the funding authority estimate will be the number of registered pupils at the school on 15th September 1994 aged 16 or over on 31st August 1994 multiplied by 7/12;
- (i) the aggregate of the numbers calculated in accordance with sub-paragraphs (g) and (h) above multiplied by 1.42;
- (j) the number appearing to them to be the number of registered pupils at the school who on 20th January 1994 were provided with free school meals under section 22(3) or (3A) of the Education Act 1980 multiplied by 0.1157;
- (k) the number appearing to them to be the number treated by the authority under its scheme (or, where the school is a grant-maintained school, the number which would have been so treated had the school been covered by the scheme) as the number of points allocated to the school in accordance with the allocation formula under the authority’s scheme for pupils having special educational needs multiplied by 0.0220;
- (l) where in the case of any school it appears to the funding authority that the school’s budget share for the financial year in question determined in accordance with the authority’s scheme includes (or, in the the case of a grant-maintained school, the amount which would have been that school’s budget share so determined had the school been covered by the scheme would have included) an amount by reason of the small number of registered pupils at the school, the number appearing to them to be the number applicable (or, in the case of a grant-maintained school, which would have been applicable) to the school in accordance with the authority’s scheme in respect of that matter multiplied by 0.0937; and
- (m) the aggregate of—
 - (i) the numbers calculated in accordance with sub-paragraphs (c), (f) and (i) to (l) above;
 - (ii) 55.1119;
 - (iii) in the case of Bishop Ramsey School 66.1342; and

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(iv) in the case of The Douay Martyrs School 33.0671.

30. The funding authority shall determine the number which is the aggregate of the aggregate numbers determined in accordance with paragraph 29(m) (referred to in paragraph 31 as the “total number of funding units for the authority”).

31. The funding authority shall determine the amount (referred to in paragraph 32 as the “amount per pupil”) obtained by dividing the adjusted secondary schools total for the authority by the total number of funding units for the authority.

32. The funding authority shall determine as the amount of each school’s CFF share the amount obtained by multiplying the amount per pupil by the total number of funding units for the school.

SCHEDULE 5

Regulation 25(4)(a)(iv) and (5)(a)(iv)

PUPIL ADJUSTMENT AMOUNT

1. In this Schedule—

“trigger number” in relation to the school means the number appearing to the funding authority to be the number determined in accordance with the formula—

$$K \times L,$$

where

K is the number, expressed as a percentage of the second total number mentioned below, by which the total number of registered pupils at all secondary schools, being schools which are maintained by the relevant authority or are grant-maintained schools situated in the area of the authority, on 20th January 1994 is greater or smaller (as the case may be) than the total number of such pupils required to be used in accordance with the authority’s scheme for the purpose of initially determining, in the case of secondary schools covered by the scheme, their budget shares for the financial year beginning in 1993 and, in the case of grant-maintained secondary schools situated in the area of the authority, amounts in respect of those schools for that year determined under regulation 5 of the 1993 Regulations; and

L is the number of registered pupils at the school required to be so used; and

“pupil adjustment amount” means the amount determined in accordance with the formula—

$$M \times N,$$

where

M is the amount of funding attributable in accordance with the allocation formula in the authority’s scheme, as it applied in that financial year, to each registered pupil aged 14 or 15; and

N is the number by which the number of registered pupils at the school on 20th January 1994 differs from the trigger number.

2. Where the number of registered pupils at the school on 20th January 1994 is greater than the trigger number there shall be added to the amount of maintenance grant referred to in regulation 25(4) (a) or the amount of the school’s budget share referred to in regulation 25(5)(a) (as the case may be) the pupil adjustment amount, and where that number is smaller than the trigger number the pupil adjustment amount shall be deducted from that amount.

SCHEDULE 6

Regulation 25(5)(c)

RELEVANT PERCENTAGE FOR THE PURPOSES OF REGULATION 25(5)(c)

The relevant percentage to be applied for the purposes of regulation 25(5)(c) is—

| | |
|---|-------|
| Calderdale Metropolitan Borough Council | 8.4% |
| Essex County Council | 8.7% |
| Gloucestershire County Council | 14.9% |
| The London Borough of Bromley | 9.5% |
| The London Borough of Hillingdon | 9.9% |

SCHEDULE 7

Regulation 27(5)

SCHOOLS' SHARES OF AVAILABLE OR CONTINGENCY AMOUNT

1. In this Schedule “school” means a grant-maintained secondary school situated in the area of the relevant authority concerned or a secondary school maintained by that authority.
2. The funding authority shall determine in respect of each school—
 - (a) where the relevant authority is Calderdale Metropolitan Borough Council, Gloucestershire County Council or the London Borough of Bromley, the number appearing to them to be the aggregate of the number of registered pupils at the school on 20th January 1994 multiplied by 5/12 and the number which the funding authority estimate will be the number of such pupils on 19th January 1995 multiplied by 7/12;
 - (b) where the relevant authority is Essex County Council, the number appearing to them to be the number of registered pupils at the school on 20th January 1994; and
 - (c) where the relevant authority is the London Borough of Hillingdon, the number appearing to them to be the aggregate of the number of registered pupils at the school on 20th January 1994 multiplied by 5/12 and the number which the funding authority estimate will be the number of such pupils on 15th September 1994 multiplied by 7/12.
3. The funding authority shall determine in respect of the relevant authority concerned the number which is the aggregate of the numbers determined in accordance with paragraph 2 for each school.
4. The funding authority shall determine the amount obtained by dividing the available amount or the contingency amount (whichever is applicable in accordance with regulation 27(5)) by the number determined under paragraph 3.
5. The funding authority shall determine as the amount to be added to the amount of the maintenance grant for each grant-maintained secondary school in the area of the relevant authority the amount obtained by multiplying the amount determined under paragraph 4 by the number of registered pupils at the school determined in accordance with paragraph 2.

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SCHEDULE 8

Regulation 30

EXPENDITURE OF A CAPITAL NATURE

1. Expenditure of a capital nature is expenditure on, or in connection with—
 - (a) the acquisition, reclamation, improvement or laying out of any land;
 - (b) the acquisition, construction, enlargement, improvement, repair or demolition of any building, wall, fence or other structure, or any playground or other hard-standing;
 - (c) the laying out of playing fields and other facilities for social activities and physical recreation; or
 - (d) the provision of any furniture, plant, machinery, apparatus, vehicles, vessels and equipment;

used or intended to be used for the purposes of a school.
2. In paragraph 1 above “building” includes any fixtures and fittings affixed to a building.

SCHEDULE 9

Regulation 31(1)

EXPENDITURE IN RESPECT OF WHICH SPECIAL PURPOSE GRANTS MAY BE PAID

1. In this Schedule—

“eligible training” means—

 - (a) the training or further training as teachers of persons other than qualified teachers who are employed by the governing body of a school; and
 - (b) the further training of any qualified teacher who is employed by the governing body of a school; and

“trainee” means a person undergoing eligible training in respect of whom special purpose grant is being paid under these Regulations.
2. The expenditure in respect of which special purpose grants may be paid is—
 - (a) expenditure for or in connection with any of the purposes relevant to schools for which grants for education support and training are for the time being payable to local education authorities by virtue of regulations made under section 1 of the Education (Grants and Awards) Act 1984⁽¹⁹⁾;
 - (b) expenditure for or in connection with the training of any teacher or other member of the staff of a school including, in particular, expenditure on—
 - (i) tuition fees, examination fees and residential and other charges payable in respect of eligible training;
 - (ii) travelling, subsistence and other incidental expenses of a trainee;
 - (iii) that part of the remuneration of persons whose employment is necessary to free the trainees for training which relates to the period during which their employment is so necessary; and
 - (iv) the cost of providing (including the provision of premises), planning, co-ordinating, monitoring and evaluating eligible training;

⁽¹⁹⁾ 1984 c. 11. Section 1 is amended by section 278 of the Education Act 1993. The current Regulations are the Education (Grants for Education Support and Training) Regulations 1994 (S.I. 1994/612).

- provided that where such costs are incurred for such purposes and for other purposes special purpose grant shall be payable only in respect of such proportion of those costs as is attributable to the provision, planning, co-ordinating, monitoring or evaluation of eligible training;
- (c) expenditure in respect of expenses which it appears to the funding authority the governing bodies of schools cannot reasonably be expected to meet from maintenance grant being expenses incurred or to be incurred for or in connection with—
- (i) any structural survey which the funding authority has required to be carried out in respect of any building used for the purposes of the school;
 - (ii) the dismissal (whether by reason of redundancy or otherwise) or for the purpose of securing the resignation of any person who is or was a member of the staff of the school, and the premature retirement of such a person;
 - (iii) any costs incurred by the school in respect of Value Added Tax;
 - (iv) insurance of the school premises;
 - (v) meeting any urgent need of the school which in the opinion of the funding authority was occasioned by circumstances outside the control of the governing body;
 - (vi) the acquisition by the school of grant-maintained status, and the transfer to the governing body of the responsibility for the conduct of the school, where those expenses are incurred within 12 months of the date of implementation of the proposals in respect of the school; and
 - (vii) the implementation of that part of the curriculum for the school falling outside the curriculum referred to in section 2(1) of the 1988 Act; and
- (d) expenditure of a class or description relevant to schools and for or in connection with the purpose for which grants are for the time being payable by virtue of regulations made under section 210 of the 1988 Act⁽²⁰⁾.

27th March 1994

John Patten
Secretary of State for Education

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which are made under sections 81 to 84 and 94 of the Education Act 1993, replace with modifications the Education (Grant-Maintained Schools) (Finance) Regulations 1993, which are revoked. The Regulations apply to schools situated in England which have acquired grant-maintained status and in relation to the 1994-95 financial year. The main changes to the provision made by the 1993 Regulations are set out below.

Consequent on sections 81 to 84 of the 1993 Act, the Regulations confer on the Funding Agency for Schools (to be established on 1st April 1994 under section 3 of the 1993 Act) the functions

⁽²⁰⁾ The current Regulations are the Education (Grants) (Travellers and Displaced Persons) Regulations 1993 (S.I. 1993/569).

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conferred under the 1993 Regulations on the Secretary of State regarding the determination and redetermination of amounts of maintenance grant payable to schools, the payment of capital and special purpose grants to schools and the imposition of requirements to be observed by governing bodies in receipt of grant.

Part 2 of the Regulations provides for the determination and redetermination of the amount of maintenance grant to be paid to the governing bodies of primary schools, secondary schools situated outside the areas of Calderdale Metropolitan Borough Council, Essex County Council, Gloucestershire County Council and the London Boroughs of Bromley and Hillingdon, and secondary schools situated in those areas which acquire grant-maintained status after 1st April 1994 on a similar basis to that provided for under Part 2 of the 1993 Regulations, save that—

(1) the percentages specified in Schedule 1 are revised;

(2) the amount to be included in maintenance grant in place of the amount calculated by reference to the relevant percentage in Schedule 1, where that is less than the corresponding amount included in the maintenance grant for the school for the preceding year, is reduced to nine-tenths of that corresponding amount (*regulation 10(2)*);

(3) where a school acquires grant-maintained status after 1st April 1994, the amount the relevant percentage (under Schedule 1) of which is to be included in its maintenance grant is the proportion of the amount of its budget share for the year (determined under the local education authorities' scheme of local management of schools) corresponding to the proportion of the financial year for which the school is a grant-maintained school (*regulation 11*);

(4) in addition to the amounts to be included in maintenance grant for school meals, contingencies and nursery education, there is to be included an amount in respect of expenditure on employment of staff to make special provision for pupils belonging to ethnic minorities (*regulation 12(7)*);

(5) where a grant is determined by reference to amounts of expenditure incurred by the local education authority in respect of the school in the preceding financial year, the items of expenditure to be left out of account in accordance with Schedule 2 are extended so as to exclude expenditure on insurance, repairs and maintenance, the provision of education in special schools, the provision of education otherwise than at school, the provision of school inspection services paid for by OFSTED and expenditure on employment of staff to make special provision for pupils belong to ethnic minorities;

(6) the grounds on which amounts of maintenance grant may be redetermined are extended to include circumstances in which the level of expenditure by the local education authority (as shown in its financial statement under section 42(6) of the Education Reform Act 1988) on matters not delegated to schools covered by its scheme of local management in the 1993-94 financial year exceeds the planned level of such expenditure (as shown in the authority's statement under section 42(3) of that Act for that year) (*regulation 19(1)(a)(iv)*); and

(7) where a school is transferred to a new site in the area of another local education authority, any redetermination of maintenance grant for the school is to be made in accordance with the provisions of the Regulations under which grant was initially determined for the year (*regulation 19(9) and (10)*).

Part 3 of the Regulations makes provision with respect to the determination and redetermination of the amount of maintenance grant payable in respect of a secondary school situated in the area of any of the five local education authorities named above which became a grant-maintained school on or before 1st April 1994. Under this Part the amount of maintenance grant is to be determined in accordance with the following methodology:

(1) the Secretary of State is to determine the total amount to be spent on all grant-maintained secondary schools in the area of the local education authority concerned and all secondary schools maintained by them (*regulation 23*);

(2) the funding authority are to deduct from that total an amount approximating to 0.2% of that total to provide a contingency amount for the correction of any errors in the calculations required to be made by them (*regulation 25(1)*);

(3) the funding authority are to determine each school's share (its "CFF share") of the remaining amount in accordance with the methodology laid down in Schedule 4, adjusting that amount, where necessary, to ensure that it is not less than the amount of the school's maintenance grant (or, if the school is maintained by the local education authority, its budget share) for the 1993-94 financial year (this amount constitutes the initial element of the maintenance grant for a grant-maintained school) (*regulations 24 and 25(2) to (5) and Schedules 5 and 6*);

(4) where the planned level of expenditure by the local education authority on secondary schools in its area for the 1994-95 financial year exceeds the amount determined in respect of that authority by the Secretary of State under regulation 23, the amount of maintenance grant for grant-maintained schools in the area is increased proportionally (*regulation 25(6) and (7)*);

(5) where, if the maintenance grant for a school had fallen to be determined under Part 2 of the Regulations, an amount would have been included in the school's maintenance grant in accordance with regulation 10(2), the excess of that amount over the difference between the school's CFF share and the amount of the maintenance grant determined for the school for the financial year 1993-94 is added (*regulation 25(8) and (9)*); and

(6) where, if the school's maintenance grant had fallen to be determined under Part 2 an amount would have been included in respect of expenditure on employment of staff to make special provision for pupils belonging to ethnic minorities, that amount is added (*regulation 25(10)*).

Further provision is made in respect of particular schools in the areas of Essex County Council and Calderdale Metropolitan Borough Council (*regulation 25(11) and (13)*).

Part 3 of the Regulations also makes provision for the redetermination of maintenance grant where during the financial year a significant increase in the number of registered pupils at a school occurs, a school undergoes a significant change of character or the local education authority increase their level of spending on secondary schools maintained by them (*regulation 26*). Provision is also made for the redetermination of maintenance grant before 1st October 1994 to correct errors and, after that date, the funding authority are required to redistribute any unused portion of the amount for correcting errors deducted from the total secondary schools amount for the area determined by the Secretary of State (*regulation 27 and Schedule 7*).

Part 4 of the Regulations provides for the payment of capital and special purpose grants to grant-maintained schools on a similar basis to that provided for under Part 3 of the 1993 Regulations, save that special purpose grants may also be paid to meet expenditure which it appears to the funding authority the governing bodies of schools cannot reasonably be expected to meet from maintenance grant incurred for or in connection with the implementation of the curriculum of the school falling outside religious education and the national curriculum *Schedule 9, paragraph 2(c)(vii)*.

The requirements which may be imposed where payments of special purpose grants are made are extended to include requirements as to the payment to the funding authority of the amount of grant, or that part of the value of premises or equipment purchased or improved with grant which is properly attributable to the grant, if conditions specified by the funding authority are satisfied (*regulation 32(4)*).

Consequent on section 93 of the 1993 Act, Part 5 of the Regulations prescribes the total amount of maintenance grant which may be recovered by the Secretary of State from the local education authority named in a determination under that section.