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STATUTORY INSTRUMENTS

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**1996 No. 235**

**EDUCATION, ENGLAND AND WALES**

**The Education (Grants for Education Support and Training: Nursery Education) (England) Regulations 1996**

<i>Made</i>	- - - -	<i>15th February 1996</i>
<i>Laid before Parliament</i>		<i>26th February 1996</i>
<i>Coming into force</i>	- -	<i>18th March 1996</i>

In exercise of the powers conferred upon the Secretary of State by sections 1 and 3(4) of the Education (Grants and Awards) Act 1984(1), the Secretary of State for Education and Employment hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Education (Grants for Education Support and Training: Nursery Education) (England) Regulations 1996 and shall come into force on 18th March 1996.

**Interpretation**

2. In these Regulations, unless the context otherwise requires—
- “the Act” means the Education (Grants and Awards) Act 1984;
  - “approved expenditure” means any expenditure which is approved as provided in regulation 3 below;
  - “financial year” means a period of twelve months ending with 31st March;
  - “grant” means a grant in pursuance of these Regulations; and
  - “the Principal Regulations” means the Education (Grants for Education Support and Training) (England) Regulations 1995(2).

**Expenditure in respect of which grants are payable**

3.—(1) Subject to paragraph (4) below grant shall be payable under the Act in respect of expenditure incurred or to be incurred during the financial year ending in 1996 or in 1997 by a local

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(1) 1984 c. 11; section 1 is amended section 278 of the Education Act 1993 (c. 35).  
(2) S.I.1995/605 to which there are amendments not relevant to these regulations.

education authority mentioned in paragraph (2) below for or in connection with the provision of nursery education during the financial year ending in 1997.

(2) The local education authorities referred to in paragraph (1) above are—

- Norfolk County Council;
- The Council of the Royal Borough of Kensington and Chelsea;
- The Council of the London Borough of Wandsworth;
- Westminster City Council.

(3) For the purposes of paragraph (1) above “nursery education” is education which is provided for a child who has attained the age of four and is provided at any time preceding his first school term starting after his fifth birthday (or, if he does not attend school, before the latest time at which he might reasonably have been expected to have begun to attend school if he had attended school).

(4) Grants shall only be payable in respect of expenditure incurred or to be incurred in either of the financial years referred to above to the extent that the expenditure is approved for that year for the purposes of these Regulations.

#### **Grants in respect of payments to third parties**

4. Where—

(a) a local education authority referred to in regulation 3(2) above incurs expenditure in making payments, whether by way of maintenance, assistance or otherwise, to any other body or persons who incur expenditure for or in connection with educational purposes, and

(b) that expenditure of the recipient of the payments or any part thereof would fall within regulation 3(1) above if it were expenditure of the authority,

such payments shall to that extent be treated as falling within regulation 3(1) above for the purposes of these Regulations.

#### **Rate of Grant**

5. Grants in respect of approved expenditure shall be at the rate of 100 per cent of such expenditure.

#### **Conditions for and time and manner of payment of grant**

6.—(1) For the purposes of this regulation a main period is one of the following periods—

- (a) 1st April to 31st July 1996;
- (b) 1st August to 31st December 1996;
- (c) 1st January to 31st March 1997.

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

(3) Subject to paragraph (6) below applications for the payment of grant shall relate to expenditure which the local education authority estimate will be incurred during such period as is specified in the application.

(4) A period specified in an application for a grant under paragraph (3) above must be such that—

- (a) no period falls within more than one main period; and
- (b) there are no more than two periods in any one main period.

(5) Where expenditure incurred during any main period differs from the estimated expenditure specified in the application for grant in respect of that period an adjustment shall be made—

- (a) where the difference between the estimated and actual expenditure arose in respect of the main period starting on 1st April 1996 or 1st August 1996, by an adjustment to the grant payable in respect of any application in the next main period; and
- (b) where the difference between the estimated and actual expenditure arose in respect of the main period starting on 1st January 1997, by payment by the Secretary of State to the local education authority or by re-payment of grant by the local education authority to the Secretary of State in each case before 1st April 1997.

(6) The first application for grant under paragraph (3) above may relate (in addition to expenditure as described in paragraph (3) above) to expenditure incurred during the financial year ending in 1996 in defraying administration expenses in connection with the provision of nursery education mentioned in regulation 3 above.

(7) The statement referred to in regulation 6(5) of the Principal Regulations required to be submitted to the Secretary of State for the financial year ending in 1997 shall specify the approved expenditure under these Regulations (in addition to the approved expenditure under the Principal Regulations).

(8) Any further under-payment or over-payment of grant which remains outstanding following receipt of the auditor's certificate referred to in regulation 6(5)(b) of the Principal Regulations shall, (without prejudice to any right of recovery of any over-payment from any subsequent payment of grant under the Principal Regulations), be adjusted by payment between the local education authority and the Secretary of State.

7. No grant shall be paid before 1st April 1996.

8. Regulation 8 of the Principal Regulations shall apply in relation to payment of grant under these Regulations as if these Regulations were the Principal Regulations.

#### **Requirements to be complied with**

9. Regulation 9 of the Principal Regulations shall apply in relation to payment of grant under these Regulations as if these Regulations were the Principal Regulations.

10.—(1) Any local education authority to whom a payment of grant has been made shall comply with such requirements as may be determined by the Secretary of State in the case in question.

(2) Requirements determined under this regulation may include requirements as to—

- (a) the repayment of grant;
- (b) the payment to the Secretary of State of other sums related to the value of assets acquired, provided or improved—
  - (i) with the aid of grant; or
  - (ii) by any other body or persons referred to in regulation 4(a) above with the aid of payments made by the authority in respect of which grant has been paid; or
- (c) the payment of interest on sums due to the Secretary of State.

Department for Education and Employment  
15th February 1996

*Robin Squire*  
Parliamentary Under Secretary of State,

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

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## EXPLANATORY NOTE

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

These Regulations make provision to enable grant to be paid to the local education authorities listed in regulation 3(2) under the Education (Grants and Awards) Act 1984 in respect of expenditure incurred or to be incurred for or in connection with nursery education provided during the financial year 1996–7. The local education authorities to which these Regulations apply have chosen to participate in funding arrangements relating to nursery education for 4 year olds which do not apply to other local education authorities.