
STATUTORY INSTRUMENTS

1996 No. 395

EDUCATION, ENGLAND AND WALES

The Education (Financial Delegation to Schools) (Mandatory Exceptions) (Revocation and Amendment) Regulations 1996

<i>Made</i>	- - - -	<i>20th February 1996</i>
<i>Laid before Parliament</i>		<i>28th February 1996</i>
<i>Coming into force</i>	- -	<i>22nd March 1996</i>

In exercise of the powers conferred on the Secretary of State by sections 38(4)(c) and (d) and 232(5) and (6) of the Education Reform Act 1988⁽¹⁾, the Secretary of State for Education and Employment, in respect of England, and the Secretary of State for Wales, in respect of Wales, hereby make the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Education (Financial Delegation to Schools) (Mandatory Exceptions) (Revocation and Amendment) Regulations 1996 and shall come into force on 22nd March 1996.

Amendment

2.—(1) The Education (Financial Delegation to Schools) (Mandatory Exceptions) Regulations 1995⁽²⁾ shall be amended in accordance with the following provisions of this regulation.

(2) After paragraph (2) of regulation 1 there shall be inserted the following paragraph—

“(2A) These Regulations apply for the purpose of determining the aggregated budget of a local education authority in Wales for a financial year beginning on or after 1st April 1996.”.

(3) In regulation 3(2)(a)(i) there shall be inserted at the end the words—
“other than such grants in pursuance of the Education (Grants for Education Support and Training: Nursery Education) (England) Regulations 1996⁽³⁾”

(4) At the end of regulation 3(2)(a) there shall be added the following—

(1) 1988 c. 40. For the definition of “prescribed” see section 235(7) of this Act and section 114(1) of the Education Act 1944 (c. 31), and for the transfer of that function to the Secretary of State see S.I. 1964/490, 1970/1536 and 1978/274. Section 232(6) was amended by section 14(4) of the Education Act 1994 (c. 30).
(2) S.I. 1995/178.
(3) S.I. 1996/235.

“(vii) grants under section 169 of the Criminal Justice and Public Order Act 1994(4) (grants relating to crime prevention);”.

Revocation

3.—(1) The Education (Financial Delegation to Schools) (Mandatory Exceptions) Regulations 1994(5) are revoked in so far as they apply to local education authorities in Wales.

(2) Notwithstanding paragraph (1) above, the said Regulations shall continue to apply for the purpose of determining (or redetermining) the aggregated budget of a local education authority in Wales for the financial years beginning on 1st April 1994 and 1st April 1995 and the Education (Financial Delegation to Schools) (Mandatory Exceptions) Regulations 1989(6) shall continue to apply for such a purpose for a financial year beginning on or before 1st April 1993.

19th February 1996

Gillian Shephard
Secretary of State for Education and
Employment

20th February 1996

William Hague
Secretary of State for Wales

(4) 1994 c. 33.

(5) S.I. 1994/277. These Regulations were revoked (with savings) in so far as they applied to local education authorities in England by S.I. 1995/178.

(6) S.I. 1989/1352.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Financial Delegation to Schools) (Mandatory Exceptions) Regulations 1995 (“the 1995 Regulations”) which prescribe expenditure to be left out of account (in addition to that expenditure already set out in section 38(4)(a) and (b) of the Education Reform Act 1988) in determining the part of the general schools budget of any local education authority in England which is available for allocation to individual schools under a scheme under section 33 of the Education Reform Act 1988 (known as the authority’s aggregated budget for the year).

The 1995 Regulations, as amended by these Regulations, will, for a financial year beginning on or after 1st April 1996, also apply to local education authorities in Wales. The Education (Financial Delegation to Schools) (Mandatory Exceptions) Regulations 1994, which remained in force in so far as they applied to local education authorities in Wales, are now revoked (with savings) in their entirety.

In addition these Regulations also amend the 1995 Regulations to provide that—

- (a) expenditure falling to be taken into account in determining grants under the Education (Grants for Education Support and Training: Nursery Education) (England) Regulations 1996 is not to be left out of account in determining an authority’s aggregated budget; and
- (b) expenditure falling to be taken into account in determining grants for crime prevention under the section 169 of the Criminal Justice and Public Order Act 1994 is so to be left out of account.