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STATUTORY INSTRUMENTS

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**1996 No. 889**

**The Education (Grant-maintained and Grant-maintained Special Schools) (Finance) Regulations 1996**

**PART 1**

**GENERAL**

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Education (Grant-maintained and Grant-maintained Special Schools) (Finance) Regulations 1996 and shall come into force on 1st April 1996.

(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<sup>(1)</sup>;

“the 1993 Act” means the Education Act 1993;

“Central AMG” means the amount determined under regulation 8 or under that regulation as it has effect by virtue of regulation 10 or 13, as the context may require;

“Direct AMG” means the amount determined under regulation 6, 7, 12 or 19;

“financial year in question” means the financial year beginning in 1996;

“local education authority” means—

(a) in relation to any primary or secondary school and any financial year relating to such a school, the local education authority for the area in which the school is situated; and

(b) in relation to any special school and any financial year relating to such a school, the local education authority by which the school was maintained immediately before it became a grant-maintained special school;

“preceding financial year” means the financial year beginning in 1995;

“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;

“the 1995 Regulations” means the Education (Grant-maintained and Grant-maintained Special Schools) (Finance) Regulations 1995<sup>(2)</sup>;

“school”, except in Schedule 4, means a grant-maintained school situated in England the governing body of which was incorporated under Chapter II, Chapter IV pursuant to proposals published by promoters under section 49, or Chapter IX of Part II of the 1993 Act or a grant-

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(1) 1988 c. 40.

(2) S.I. 1995/936; amended by S.I. 1995/1554.

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*Status: This is the original version (as it was originally made).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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maintained special school situated in England not being such a school established in pursuance of proposals made by the funding authority under section 183 of the 1993 Act.

(2) Expressions used in these Regulations set out in the first column of the following table shall have the meanings attributed to them by the provisions set out opposite thereto in the second column, references 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(13)
comparable maintained school	regulation 6(9)
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
maintained school	regulation 6(9)
maintenance grant	section 81(1) of the 1993 Act
relevant authority	regulation 37(2)
relevant date	regulations 27(7) and 44(7)
relevant expenditure	regulation 16(3)
relevant percentage	regulation 8(3)
scheme	section 51(2)(a) of the 1988 Act(3)
school's budget share	section 51(2)(b) of the 1988 Act
special purpose grants	section 82(1) of the 1993 Act.

(3) In these Regulations references to a school becoming a grant-maintained school are references to a school acquiring grant-maintained status under Chapter II, Chapter IV pursuant to proposals published under section 49 or Chapter IX of Part II of the 1993 Act or becoming a grant-maintained special school in pursuance of Part 2 of the Education (Grant-maintained Special Schools) Regulations 1994(4).

(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, IV or IX of Part II of the 1993 Act.

(5) In these Regulations references to primary or secondary schools do not include such schools which are special schools.

(6) 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

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

(4) S.I. 1994/653; amended by S.I. 1994/1231.

- (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 1995 Regulations are revoked.

(2) Notwithstanding the provisions of these Regulations—

- (a) the Education (Grant-maintained Schools) (Finance) Regulations 1989<sup>(5)</sup> (“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 primary or secondary 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 primary or secondary school in respect of that year;
- (b) the Education (Grant-maintained Schools) (Finance) Regulations 1990<sup>(6)</sup> (“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 primary or secondary 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 primary or secondary school in respect of that year;
- (c) the Education (Grant-maintained Schools) (Finance) Regulations 1991<sup>(7)</sup> (“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 primary or secondary 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 primary or secondary school in respect of that year;
- (d) the Education (Grant-maintained Schools) (Finance) Regulations 1992<sup>(8)</sup> (“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 primary or secondary 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 primary or secondary school in respect of that year;

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<sup>(5)</sup> S.I. 1989/1287.

<sup>(6)</sup> S.I. 990/549, amended by S.I. 1990/2279, 1991/353.

<sup>(7)</sup> S.I. 1991/353.

<sup>(8)</sup> S.I. 992/555; amended by S.I. 1992/1095.

- (e) the Education (Grant-maintained Schools) Finance Regulations 1993<sup>(9)</sup> (“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 primary or secondary 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 primary or secondary school in respect of that year;
  - (f) the Education (Grant-maintained Schools) (Finance) Regulations 1994<sup>(10)</sup> (“the 1994 Regulations”) shall continue to apply for the purposes of—
    - (i) determining, apportioning and redetermining the amount of maintenance grant payable in respect of a primary or secondary school for the financial year ending on 31st March 1995, and
    - (ii) determining (and revising) the total amount of maintenance grant which the Secretary of State may recover from the local education authority (within the meaning of those Regulations) of a primary or secondary school in respect of that year;
  - (g) the Education (Grant-maintained Special Schools) (Finance) Regulations 1994<sup>(11)</sup> (“the 1994 Special Schools Regulations”) shall continue to apply for the purposes of—
    - (i) determining, apportioning and redetermining the amount of maintenance grant payable in respect of a special school for the financial year ending on 31st March 1995, 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 special school in respect of that year;
  - (h) the 1995 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 1996, and
    - (ii) determining (and revising) the total amount of maintenance grant which the Secretary of State may recover from the local education 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 1996 of any requirements imposed by the Secretary of State or the funding authority on a governing body to whom payments in respect 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, 1993 and 1994 Regulations, the 1994 Special Schools Regulations and the 1995 Regulations.

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<sup>(9)</sup> S.I. 1993/568; amended by S.I. 1993/843.

<sup>(10)</sup> S.I.1994/938.

<sup>(11)</sup> S.I. 1994/2111.