
STATUTORY INSTRUMENTS

1996 No. 889

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

PART 3

MAINTENANCE GRANT-COMMON FUNDING FORMULA

Application and interpretation of Part 3

37.—(1) This Part applies for the purpose of determining the amount of maintenance grant payable in respect of—

- (a) 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; or
- (b) a school which is deemed to be a primary school by virtue of the Education (Middle Schools) Regulations 1980(1) but which, in the financial year in question, had, prior to a change in its character, been a secondary school whose maintenance grant was determined under this Part.

(2) In this Part—

“CFF floor” in relation to a school means the amount determined for that school under regulation 43;

“CFF share” in relation to a grant-maintained secondary school or a secondary school maintained by a local education authority means the share determined for that school under regulation 40(1) or, where regulation 40(2) applies, the amount of that share as redetermined in accordance with regulation 40(2)(b) or the aggregate of that amount and the amount added to it in accordance with regulation 40(2)(c), as the case may be;

“existing CFF area” means the area of a relevant authority falling within part (a) of the definition of “relevant authority” in this regulation;

“new CFF area” means the area of a relevant authority falling within part (b) of the definition of “relevant authority” in this regulation;

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

- (a) The London Borough of Barnet
The London Borough of Brent
The London Borough of Bromley
Calderdale Metropolitan Borough Council
Cambridgeshire County Council
The London Borough of Croydon
Cumbria County Council

The London Borough of Ealing
The London Borough of Enfield
Essex County Council
Gloucestershire County Council
Hertfordshire County Council
The London Borough of Hillingdon
Kent County Council
The Royal Borough of Kingston upon Thames
The London Borough of Lambeth
Lincolnshire County Council
Surrey County Council
The London Borough of Sutton
Walsall Metropolitan Borough Council
The London Borough of Wandsworth
Wiltshire County Council

(b) Derbyshire County Council;

“secondary schools total” in relation to any relevant authority means the amount determined by the Secretary of State under regulation 38(1);

references to grant-maintained secondary schools, except in paragraph (1), include schools referred to in paragraph (1)(b);

references to age bands are references to the age bands described in paragraphs 2 to 5 of Schedule 4.

Secondary schools total.

38.—(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 her, 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 6.

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

Determination of amount of maintenance grant.

39.—(1) 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 aggregate of the amount of the CFF share for the school for that year and any amounts determined by the funding authority in respect of the school and that year in accordance with regulations 41(1)(c) and 42(2) to (6).

(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 relevant authority's scheme.

Determination of a school's CFF share.

40.—(1) 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 secondary schools total for that authority and year obtained by dividing that total between those schools in accordance with Schedule 4.

(2) Where the amount of the CFF share for any such school is less than the CFF floor for that school the funding authority shall—

- (a) calculate the amount per pupil (within the meaning of paragraph 16A to D 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 to be redetermined in accordance with that Schedule (but substituting for the amount per pupil referred to in that paragraph in relation to the authority the recalculated amount per pupil), to produce within the 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 of its CFF floor or which would be less than that amount if the amount of the CFF share of each school were to be redetermined as aforesaid, to equal the amount of the school's CFF floor, by adding a share of the supplementary amount to the amount of the school's CFF share;
- (b) 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 paragraph 16A to D of that Schedule the amount calculated in accordance with sub-paragraph (a) above; and
- (c) add to the amount of the CFF share (as so redetermined) of each school which is less than the amount of its CFF floor the amount by which the latter amount exceeds the former amount.

Link to budgets.

41.—(1) Where the amount of the secondary schools budget for any relevant authority for the financial year in question (defined in paragraph (2)) 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 by that percentage.

(2) For the purposes of paragraph (1) the amount of an authority's secondary schools budget for the financial year in question is the sum for that financial year of the amounts specified in sub-paragraphs (a) to (d) below less the amount specified in sub-paragraph (e) below—

- (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 (cash protection) 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;
- (d) the aggregate of the amounts which it appears to the funding authority would be the amounts determined under regulation 11 (school meals) in respect of all secondary schools maintained by the authority if those schools had been grant-maintained schools to which that regulation applies; and
- (e) where under the relevant authority's scheme amounts for—
 - (i) pupils with statements of special educational needs,
 - (ii) in the case of Cumbria County Council only, identified pupils with special educational needs who do not have statements and in respect of whom funding is allocated other than on the basis referred to in paragraph 7(8) of Schedule 4, and
 - (iii) places in schools, other than special schools, for pupils with special educational needs,

are included in the authority's aggregated budget for that financial year, the aggregate of such amounts for all secondary schools in the area of the relevant authority.

Sums to be added to or deducted from the CFF share.

42.—(1) 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 (cash protection) 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 in respect of the school (referred to in paragraph (2) below as "the protected amount").

(2) In any case to which paragraph (1) 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 CFF floor.

(3) 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 9 (Section 11 funding) 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.

(4) 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 the amount determined under regulation 6, if that grant had fallen to be determined under Part 2, would have included an amount representing a comparable maintained school's share of funding treated by the authority under their scheme as funding for—

- (a) pupils with statements of special educational needs allocated in accordance with the allocation formula under the authority's scheme;

- (b) in the case of Cumbria County Council only, identified pupils with special educational needs who do not have statements and in respect of whom funding is allocated other than on the basis referred to in paragraph 7(8) of Schedule 4; or
- (c) places in schools, other than special schools, for pupils with special educational needs, they shall determine that latter amount and add it to the amount of the CFF share for the school.

(5) The funding authority shall add to the amount of the CFF share of any school which became a grant-maintained school on 1st April in the financial year in question, an amount which appears to them to be equal or approximate 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 maintaining 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, had not been spent by the governing body in exercise of their powers under section 36(5) of that Act.

- (a) (6) (a) The funding authority shall deduct from the amount of the CFF share of any school which became a grant-maintained school between 1st April 1995 and 1st April 1996 inclusive an amount determined in accordance with sub-paragraph (b) below.
- (b) The funding authority, having consulted the former maintaining local education authority and the governing body of the school, shall determine such amount, if any, as appears to them to be fair and reasonable, in respect of any deficit incurred by the school in respect of its budget share in any previous financial year, having regard, in particular, to the following matters—
 - (i) the existence and the terms of any agreement in writing between the then governing body of the school and the maintaining local education authority regarding the repayment of such deficit,
 - (ii) the existence in the maintaining local education authority's scheme of provision permitting schools to anticipate their budget shares for the following year in order to finance planned items of expenditure,
 - (iii) evidence that the maintaining local education authority took steps to reduce schools' budget shares where deficits have occurred and did not allow schools to carry over deficits from one year to the other with no planned reduction, and
 - (iv) the amount, if any, previously determined by the funding authority in accordance with regulation 15(3), 16(3) or 30(10) of the 1995 Regulations.

CFF floor.

43.—(1) In the case of a school situated in an existing CFF area its CFF floor shall, subject to the following provisions of this regulation, be the amount determined by the Secretary of State on or before 1st April 1996, for the purposes of section 81(2) of the 1993 Act, as the school's CFF floor for the financial year in question and if no amount is so determined it shall be the amount determined as the school's CFF floor under regulation 31 of the 1995 Regulations.

(2) In the case of a school situated in a new CFF area its CFF floor shall be the amount determined by the funding authority in accordance with the following provisions of this regulation.

(3) In the case of a school situated in a new CFF area, which was a grant-maintained school throughout the preceding financial year, the funding authority shall determine the amount of the maintenance grant determined (or, subject to paragraph (4), if that amount was redetermined in the preceding financial year, the amount as most recently so redetermined) under the 1995 Regulations for the school for that year—

- (i) increased by such amount as appears to the funding authority to be required, where regulation 11(2) or (4) of the 1995 Regulations (cash protection) applied for the purpose of determining (or redetermining) that grant, to reflect the amount which would have been

determined under regulation 10(1) of those Regulations (determination of an amount as a percentage addition) for that purpose if regulation 11(2) or (4) of those Regulations had not so applied, and

- (ii) reduced by an amount equivalent to any 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 included in the relevant authority's aggregated budget under their scheme as it applied in that year.

(4) To the extent that the amount of maintenance grant referred to in paragraph (3) was redetermined as mentioned in that 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 paragraph.

(5) In the case of a school situated in a new CFF area, which was not a grant-maintained school at any time during the preceding financial year, the amount 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, subject to paragraph (6), if that share was revised in the preceding financial year, as most recently so revised)—

- (i) increased by 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 10(1) of the 1995 Regulations (determination of an amount as a percentage addition) 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 determined in accordance with Schedule 1 to these Regulations,

- (ii) reduced by an amount equivalent to any 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 included in the relevant authority's aggregated budget under their scheme as it applied in that year; and

- (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 13 of the 1995 Regulations (determination of an amount in respect of school meals, contingencies, nursery education and expenditure due to ethnic minority population) (disregarding any amount which would have been required to be determined under regulation 13(6) (contingencies) 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,

apportioned, where proposals under section 12 of the Education Act 1980(2) to cease to maintain the school fall to be implemented on a date in the financial year in question, in accordance with the formula

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

where—

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

(2) 1980 c. 20; section 12 was amended by section 31(4) of the Education Reform Act 1988 and section 229 of the Education Act 1993.

(6) To the extent that the amount of the school's budget share referred to above in paragraph (5)(a) was revised as therein mentioned by reason of any increase or decrease in the number of registered pupils at the school, no account shall be taken of that revision for the purposes of that sub-paragraph.

(7) In the case of a school, situated in a new CFF area, which became a grant-maintained school after 1st April in the preceding financial year, the aggregate of the amount referred to in paragraph (3), leaving out of account its apportionment under regulation 21 of the 1995 Regulations, and of the amount referred to in paragraph (5), adjusted in each case pro-rata according to the date in that financial year on which the school became a grant-maintained school.

(a) (8) (a) Where it appears to the funding authority that in the preceding financial year the maintenance grant or budget share of a school, situated in a new CFF area, was determined on the basis of an incorrect estimate of the numbers of registered pupils at the school for any part of that year and the relevant authority's scheme makes provision for adjustments to be made in relation to incorrect estimates of pupil numbers, then the funding authority shall add to the amount determined in accordance with the foregoing provisions of this regulation in respect of that school an amount calculated in accordance with sub-paragraph (b) below.

(b) The amount is an amount arrived at by—

(i) taking the number which appears to the funding authority to be the number of registered pupils at the school in each age band on the date to which the estimate relates less the estimated number of pupils in each age band on that date multiplied by 7/12;

(ii) multiplying the amount for each age band under (i) above by the amount set out in, whichever is appropriate of, column (1), (2), (3) or (4) for that age band and in respect of that relevant authority in the table in Schedule 5; and

(iii) multiplying the sum of the amounts derived from (ii) above by the unit cost for age band 3 as shown in column (5) in the table in Schedule 5.

(9) The funding authority shall add to the amount determined in respect of each school under the preceding provisions of this regulation an amount calculated by—

(a) multiplying the number of registered pupils in each age band on 18th January 1996, less the number of registered pupils which it appears to the funding authority were in each age band on 19th January 1995, by the amount set out in, whichever is appropriate of, column (1), (2), (3) or (4) in the table in Schedule 5 for that age band in respect of that relevant authority; and

(b) multiplying the aggregate of the amounts derived from sub-paragraph (a) above by the unit cost for age band 3 as shown in column (5) in the table in Schedule 5.

(10) The funding authority shall multiply the amount determined in respect of each school in accordance with the preceding provisions of this regulation by a figure which is the aggregate of the amounts determined in respect of all schools to which this regulation applies in the area of the relevant authority in accordance with paragraphs (1) to (7) divided by the sum of the amounts so determined in accordance with paragraphs (1) to (9).

(11) If the aggregate of the amounts determined in respect of each school in the area of a relevant authority by the funding authority in accordance with paragraph (10) is greater than—

(a) the secondary schools total for that authority; or

(b) in the case of the London Borough of Brent, the secondary schools total less the total contingency amount referred to in paragraph 16D(2) of Schedule 4 ("the adjusted secondary schools total"),

then the funding authority shall multiply the amount so determined in respect of each school by a figure which is the secondary schools total for that authority, or, in the case of the London Borough

of Brent, the adjusted secondary schools total, divided by the aggregate of the amounts determined in respect of each school in the area of that authority in accordance with paragraph (10).

(12) In the case of a school situated in a new CFF area, the funding authority shall adjust the amount determined in accordance with the foregoing provisions of this regulation by such amount, if any, as appears to them to be fair and reasonable, having consulted the relevant authority, to take into account any transfer of an amount of funding in respect of a pupil pursuant to section 262 of the 1993 Act.

Relevant date.

44.—(1) Subject to regulation 50, 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 is such date as the funding authority may determine and different dates may be determined for different cases or classes of case.

(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 the relevant date in respect of any school for the financial year in question in accordance with paragraph (2); 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 to 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 this Part of 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.

Adjustments.

45.—(1) Without prejudice to paragraph (10) but subject to paragraph (9) and regulation 49(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 (5) apply, the funding authority may redetermine the amount of maintenance grant payable in respect of the school for that year in accordance with paragraphs (6) to (8).

(2) This paragraph applies where it appears to the funding authority that the number of registered pupils at a school exceeds the number of pupils used for the purposes of determining the amount of its maintenance grant for the financial year in question, and that the relevant authority's scheme makes provision in relation to such increases in pupil numbers at a school.

(3) 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.

(4) 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 41(2)) for the financial year in question.

(5) This paragraph applies where after determining the amount of maintenance grant payable in respect of any school for the financial year in question in accordance with this Part it appears to the funding authority that, by reason of—

- (a) any change in the characteristics of the school,
- (b) any other change affecting the needs of the school, or
- (c) 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 1995(3) in Part 1 of the authority's statement prepared under section 42(6) of the 1988 Act for the financial year beginning in 1995 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.

(6) 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—

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

where

Z is the amount which equals (b) \$JA (a) where (a) is the amount of the CFF share for the school (or, where that amount has been redetermined for the purposes of redetermining the amount of maintenance grant in accordance with regulation 48(1), that amount as so redetermined) less the amount if any, added under regulation 40(2)(c); and (b) is the amount determined in accordance with paragraph (7); 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 (3) fall to be implemented.

(7) For the purposes of paragraph (6) the funding authority shall—

- (a) 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 in the particular age band or bands affected by the change in character 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 in that age band or bands on the date on which the proposals fall to be implemented; and
- (b) multiply the total number of funding units for the school redetermined in accordance with sub-paragraph (a) above 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 paragraph 16A to D of Schedule 4 (or where that amount has been recalculated in accordance with regulation 40(2)(c), that amount as so recalculated) for the purposes of the initial determination of maintenance grant for the school for the financial year in question.

(8) The funding authority may redetermine the amount of maintenance grant payable in respect of the school for the financial year in question—

- (a) in any case to which paragraph (2) applies, by adding such amount as appears to them would have been payable to the school under the relevant authority's scheme, had the school been covered by the scheme, in relation to such increases;
- (b) in any case to which paragraph (4) or (5) applies, 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.

(9) Where, after redetermining the amount of maintenance grant payable in respect of a school for the financial year in question under any of paragraphs (6) to (8), 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.

(10) 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 (11).

(11) Where the funding authority decide to redetermine the amount of maintenance grant by virtue of paragraph (10), 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.

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

Further revisions.

46. A determination which has been revised in accordance with regulation 45, 47 or 48 may be further revised in accordance with those regulations 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.

Deemed primary schools.

47.—(1) This regulation applies in the case of a school referred to in regulation 37(1)(b) (middle school deemed to be a primary school).

(2) Subject to regulation 49(1) and (2), where it appears to the funding authority that the amount of maintenance grant determined in respect of a school to which this regulation applies for the financial year in question is insufficient because of the nature of such a school to enable the governing body of the school adequately to carry out their functions with respect to the conduct of the school, they may after consultation with the local education authority and the governing body of the school redetermine the amount of maintenance grant payable in respect of the school for the year by adding to it such amount as appears to them to be fair and reasonable for the purpose of enabling the governing body adequately to carry out their functions with respect to the conduct of the school.

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

Redetermination because of mistake.

48.—(1) Subject to regulation 49(1) and (2), where the funding authority are satisfied that 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 in respect of that school and, if appropriate, in respect of any or all grant-maintained secondary schools in the area of the relevant authority in question and secondary schools maintained by that authority, accordingly.

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

Transfer of site.

49.—(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 45, 47, 48 and 52 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.

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

50.—(1) In its application for the purposes of any redetermination under regulation 45, 48 or 52 of the amount of maintenance grant payable in respect of a school for the financial year in question, regulation 44 shall have effect subject to the following provisions of this regulation.

(2) Where the redetermination of maintenance grant under regulation 45 is made on one or more of the grounds specified in paragraphs (2) to (5) 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 48 is made on the grounds specified therein 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 45 or 48, they may take that information into account for the purposes of making any further redetermination under that regulation.

(5) Regulation 44 shall not apply where a redetermination is made by the funding authority in accordance with regulation 45(10) and (11).

Requirements which may be attached to payment of maintenance grant.

51. Regulation 36 applies for the purposes of this Part as it applies for the purposes of Part 2.

Pupil number contingencies in the London Borough of Brent.

52.—(1) The funding authority shall, as soon as practicable after 1st October in the financial year in question, redetermine in accordance with, and so far as required by, the following provisions of this regulation the amount of maintenance grant payable in respect of each school situated in the area of the London Borough of Brent (“the authority”) whose maintenance grant falls to be determined under this Part.

(2) If, on 1st October in the financial year in question, it appears to the funding authority that the GM contingency amount is greater than or equal to the aggregate of pupil increase amounts for each school whose maintenance grant falls to be determined under this Part in the area of the authority then the funding authority shall redetermine the amount of maintenance grant payable in respect of each such school (in so far as required by the following provisions of this paragraph) by adding to it—

- (a) the pupil increase amount for that school; and
 - (b) where the GM contingency amount is greater than the aggregate of pupil increase amounts, an amount determined in accordance with paragraph (3).
- (3) (a) The funding authority shall determine in respect of each school whose maintenance grant falls to be determined under this Part in the area of the authority the number appearing to them to be the number of registered pupils at the school on 18th January 1996.
- (b) The funding authority shall determine the aggregate of the numbers determined in accordance with sub-paragraph (a) above.
 - (c) The funding authority shall determine the amount obtained by dividing the GM contingency amount, less the aggregate of pupil increase amounts, by the number determined under sub-paragraph (b) above.
 - (d) The funding authority shall determine, as the amount to be added under paragraph 2(b), the amount obtained by multiplying the amount determined under sub-paragraph (c) above by the number of registered pupils at the school determined under sub-paragraph (a) above.

(4) If, on 1st October in the financial year in question, it appears to the funding authority that the GM contingency amount is less than the aggregate of pupil increase amounts for each school whose maintenance grant falls to be determined under this Part in the area of the authority then the funding authority shall redetermine the amount of maintenance grant payable in respect of each such school (in so far as required by the following provisions of this paragraph) by adding to it the amount which is equal to—

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

where

A is the GM contingency amount;

B is the aggregate of pupil increase amounts for each school whose maintenance grant falls to be determined under this Part in the area of the authority; and

C is the pupil increase amount for the school.

(5) In this regulation—

“GM contingency amount” means the amount referred to in paragraph 16D(7) of Schedule 4;

“pupil increase amount” means the pupil increase credit multiplied by the amount per pupil for the authority calculated under paragraph 16D of Schedule 4 or as recalculated under regulation 40(2)(a); and

“pupil increase credit” means

$$\frac{7}{12} \times (Y \times Z).$$

where

Y is the number by which the number, appearing to the funding authority to be the number of registered pupils at the school on a date in September 1996 determined by the Secretary of State, exceeds the number appearing to them to be the aggregate of—

- (a) the number of registered pupils at the school on 18th January 1996; and
- (b) 5% of that number or 15, whichever is the smaller; and

Z is the number in column (3) opposite the entry for the authority in the table in Part V of Schedule 4.

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