
STATUTORY INSTRUMENTS

1997 No. 678

EDUCATION, ENGLAND AND WALES

The Education (Grant) (Amendment) Regulations 1997

Made - - - - *10th March 1997*
Laid before Parliament *10th March 1997*
Coming into force - - *1st April 1997*

In exercise of the powers conferred by sections 485 and 489(1) of the Education Act 1996⁽¹⁾, the Secretary of State for Education and Employment hereby makes the following Regulations:—

1. These Regulations may be cited as the Education (Grant) (Amendment) Regulations 1997 and shall come into force on 1st April 1997.
2. The Education (Grant) Regulations 1990⁽²⁾ shall be amended as follows.
3. After regulation 6 there shall be inserted the following regulation:—

“Independent Schools

6A.—(1) Subject to paragraph (2) the Secretary of State may pay grants to proprietors of—

- (a) independent schools to whom the Secretary of State has given notice of final registration of the school under section 465(3) of the Education Act 1996; and
- (b) independent schools the registration of which is provisional, being schools providing education for children with statements of special educational needs with the consent of the Secretary of State under section 347(5)(b) of that Act or with the approval of the local education authority by which the statements are maintained,

in respect of approved expenditure incurred or to be incurred by them for the purposes of or in connection with the provision of education for relevant five year old children during the relevant term.

(2) No grant shall be paid under this regulation to the proprietor of any school in Wales unless it is paid in respect of expenditure incurred or to be incurred for the purposes of or in connection with the provision of education for a child who is for the time being resident in England.

(1) 1996 c. 56; see section 579(1) for the definition of “regulations”.

(2) S.I.1990/1989 to which there are amendments not relevant to these Regulations.

- (3) For the purposes of this regulation—
- (a) a child is a “relevant five year old child” if his fifth birthday falls before the start of the relevant term;
 - (b) the “relevant term” in relation to any child is the first school term at the school which the child attends, starting after the date which is the relevant date in relation to that child;
 - (c) the “relevant date” in relation to any child is the most recent applicable day before the child’s fifth birthday; and
 - (d) the applicable days are 31st March, 31st August and 31st December in any year.”.
4. In Regulation 18 (Requirements to be observed):—
- (a) after paragraph (2) there shall be inserted the following paragraph:—

“(2A) Without prejudice to the generality of paragraph (1), the persons to whom payments of grant are made under regulation 6A shall secure that no child for whom funded education is provided is given corporal punishment by any person employed in, or in connection with, the provision of such education.”.
 - (b) after paragraph (3) there shall be inserted the following paragraphs:—

“(4) In paragraph (2A) “funded education” means education in respect of which payments of grant are made under regulation 6A.

(5) Subject to paragraph (6), the reference in paragraph (2A) to giving corporal punishment is a reference to doing anything for the purposes of punishing the child concerned (whether or not there are also other reasons for doing it) which, apart from any justification, would constitute battery.

(6) A person is not to be taken for the purposes of paragraph (2A) as giving corporal punishment by virtue of anything done for reasons that include averting an immediate danger of personal injury to, or an immediate danger to property of, any person (including the child concerned).”.

10th March 1997

Robin Squire
Parliamentary Under Secretary of State,
Department of Education and Employment

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Grant) Regulations 1990 so as to enable the Secretary of State to pay grants to the proprietors of independent schools in respect of education provided to certain five year old children. Such grants are to be subject to an additional requirement to secure that no child in respect of whose education grant is made is given corporal punishment.