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STATUTORY INSTRUMENTS

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**1998 No. 2670**

**The School Standards and Framework Act  
1998 (Modification) Regulations 1998**

**Capital grants for grant-maintained and grant-maintained special schools**

7.—(1) Section 246 of the 1996 Act<sup>(1)</sup> (capital grants) shall apply in relation to the payment of capital grant in respect of the financial year commencing on 1st April 1999 as if—

- (a) in subsection (1) for “the funding authority” there were substituted “the Secretary of State”; and
- (b) subsections (3) to (5) were omitted.

(2) Section 247 of the 1996 Act (imposition of requirements on governing body in receipt of grant) shall apply in relation to payment of capital grant in respect of the financial year commencing on 1st April 1999 as if—

- (a) for subsections (1) to (5) there were substituted—
  - “(1) A governing body to whom any payments in respect of capital grant are made shall comply with such requirements determined by the Secretary of State as he may from time to time impose.
  - (2) Requirements imposed under subsection (1)—
    - (a) may be imposed on or at any time after the making of any payment by reference to which they were imposed; and
    - (b) may at any time be waived, removed or varied by the Secretary of State.”;
- (b) for subsection (6) there were substituted—

“(6) The requirements which may be imposed by the Secretary of State on a governing body to whom payments in respect of capital grant are made may, in particular, if any conditions specified in the requirements are satisfied, require the payment to the Secretary of State of the whole or any part of the following amount.”; and

- (c) subsection (9) were omitted.

(3) Section 248(1) to (4) of the 1996 Act (further provisions about grants) shall apply in relation to payment of capital grant in respect of the financial year commencing on 1st April 1999 as if for the references to “the funding authority” there were substituted references to “the Secretary of State”.

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(1) Sections 246, 247 and 248 apply to grant-maintained special schools and their governing bodies by virtue of regulation 23 of S.I. 1994/653, as substituted by regulation 11 of S.I. 1994/1231 and read with paragraph 1(4) of Schedule 39 to the 1996 Act.