
STATUTORY INSTRUMENTS

2002 No. 906

**The Regulatory Reform (Voluntary Aided Schools
Liabilities and Funding) (England) Order 2002**

Transitional Provisions

15.—(1) The following provisions have effect despite the provisions of this Order—

(2) The local education authority are responsible for meeting all expenses incurred in effecting any works such as are described in paragraph 3(3) of Schedule 3 to the 1998 Act as originally enacted where a supplementary credit approval under section 54 of the Local Government and Housing Act 1989⁽¹⁾ has been issued by the Secretary of State before the commencement date in respect of expenditure on those works.

(3) The governing body are responsible for meeting all expenses in effecting any works such as are described in paragraph 3(2) of Schedule 3 to the 1998 Act as originally enacted which form part of the same project for which a supplementary credit approval has been issued in respect of works under paragraph (2) and—

- (a) where the Secretary of State has three years preceding the commencement date or earlier notified the governing body of her decision to pay grant under paragraph 5 of Schedule 3 in respect of such expenses, paragraph 5 of Schedule 3 to the 1998 Act as originally enacted shall continue to apply.
- (b) where the Secretary of State has within three years preceding the commencement date so notified the governing body and subject to paragraph (8), paragraph 5(3)(a) of Schedule 3 to the 1998 Act as amended by this Order shall apply in relation to such expenses as it applies to capital expenditure.

(4) The local education authority are responsible for meeting all expenses incurred in effecting any works such as are described in paragraph 3(3) of Schedule 3 to the 1998 Act as originally enacted where they have been paid grant under section 484 of the Education Act 1996 before the commencement date in respect of expenditure on those works.

(5) The governing body are responsible for meeting all expenses in effecting any works such as are described in paragraph 3(2) of Schedule 3 to the 1998 Act as originally enacted which form part of the same project for which grant under section 484 of the Education Act 1996 has been paid in respect of those works under paragraph (4) and, subject to paragraph (8), paragraph 5(3)(a) of Schedule 3 to the 1998 Act as amended by this Order shall apply in relation to such expenses as it applies in relation to capital expenditure.

(6) The local authority are responsible for meeting all expenses incurred in effecting any works such as are described in paragraph 3(3) of Schedule 3 to the 1998 Act as originally enacted, where such works are included in a programme known as the local authority co-ordinated voluntary aided programme which had effect in relation to that authority before the commencement date.

(7) The governing body are responsible for meeting all expenses incurred in effecting any works such as are described in paragraph 3(2) of Schedule 3 to the 1998 Act as originally enacted, which relate to the local authority co-ordinated voluntary aided programme referred to in paragraph (6), and

(1) 1989 c. 42.

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- (a) subject to paragraph (8), where such works were commenced within one year preceding the commencement date, paragraph 5(3)(a) of Schedule 3 to the 1998 Act as amended by this Order shall apply in relation to such expenses as it applies in relation to capital expenditure, and
 - (b) where such works were commenced one year preceding the commencement date or earlier paragraph 5 of Schedule 3 to the 1998 Act as originally enacted shall apply accordingly.
- (8) In relation to expenses under paragraphs (3)(b), (5) or (7)(a) where all grant which the Secretary of State has notified to the governing body is to be paid under paragraph 5 of Schedule 3 to the 1998 Act, has been paid before the commencement date, paragraph 5 of Schedule 3 to the 1998 Act as originally enacted shall apply accordingly.