

---

STATUTORY INSTRUMENTS

---

**2002 No. 906**

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

**Additional Amendments to Schedule 3 to the 1998 Act**

7. In paragraph 5 of that Schedule—
- (a) in sub-paragraph (1)(a) and (b) for “qualifying expenditure incurred” there shall be substituted “capital expenditure incurred or to be incurred”;
  - (b) sub-paragraph (2) shall be omitted;
  - (c) for sub-paragraph (3)(a) there shall be substituted—
    - “(a) shall not exceed 90 per cent of the expenditure or, if the Secretary of State considers that the circumstances are exceptional, shall not exceed 100 per cent of the expenditure, and”;
  - (d) for sub-paragraph (5) there shall be substituted—
    - “(5) Without prejudice to any other duty of his, the Secretary of State shall, in performing functions relating to the exercise of the power under this paragraph to make grants in respect of expenditure on school premises, give priority to paying grants in respect of expenditure which is necessary to make such alterations as may be required by the local education authority for the purpose of securing that the school premises conform to the standards prescribed under section 542 of the Education Act 1996(1) or as may be required for the purpose of securing that the school premises conform to standards specified by or under any other enactment relating to health and safety; and the amount of any grant paid in the exercise of that power in respect of such expenditure on school premises shall be at least 90 per cent of the expenditure.”;
  - (e) in sub-paragraph (12) the definition of “repair” shall be omitted.