
WELSH STATUTORY INSTRUMENTS

2002 No. 679 (W.76)

EDUCATION, WALES

The Education (Capital Grants) (Wales) Regulations 2002

Made - - - - *12th March 2002*

Coming into force - - *1st April 2002*

In exercise of the powers conferred upon the Secretary of State by sections 484, 489 and 569(4) of the Education Act 1996⁽¹⁾ and now vested in the National Assembly for Wales⁽²⁾, the National Assembly for Wales makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Capital Grants) (Wales) Regulations 2002 and shall come into force on 1st April 2002.

(2) These Regulations apply in relation to local education authorities in Wales only.

Interpretation

2.—(1) In these Regulations—

“the 1996 Act” (“*Deddf 1996*”) means the Education Act 1996⁽³⁾;

“approved expenditure” (“*gwariant a gymeradwywyd*”) means any expenditure which is approved as provided in regulation 3;

“determine” (“*penderfynu*”) means determine by notice in writing;

“education authority” (“*awdurdod addysg*”) means a local education authority in Wales;

“financial year” (“*blwyddyn ariannol*”) means a period of twelve months ending with 31st March;

“grant” (“*grant*”) means a grant payable under section 484 of the 1996 Act in pursuance of these Regulations;

“the National Assembly” (“*y Cynulliad Cenedlaethol*”) means the National Assembly for Wales;

(1) 1996 c. 56; sections 484 and 489 are amended by section 140(1) of, and paragraphs 125 and 126 of Schedule 30 to, the School Standards and Framework Act 1998. For the meaning of regulations *see* section 579(1).
(2) *See* the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672).
(3) 1996 c. 56.

“prescribed expenditure” (“*gwariant a ragnodwyd*”) means expenditure by an education authority for or in connection with any of the purposes specified in the Schedule;

“school site” (“*safle ysgol*”) has the meaning given to it in paragraph 2(11) of Schedule 3 to the School Standards and Framework Act 1998⁽⁴⁾.

(2) In these Regulations a reference to a regulation is a reference to a regulation contained herein, a reference in a regulation to a paragraph is a reference to a paragraph of that regulation, and a reference to the Schedule is a reference to the Schedule to these Regulations.

Expenditure in respect of which grants are payable

3. Grants shall be payable only in respect of prescribed expenditure incurred or to be incurred in a financial year and only to the extent to which that expenditure is approved for that year by the National Assembly for the purposes of these Regulations.

Rate of Grant

4. Grants in respect of approved expenditure incurred on or after 1st April 2002 of the kind referred to in the Schedule shall be payable at the rate of 100 per cent of such approved expenditure.

Conditions for payment of grant

5.—(1) No payment of grant shall be made except in response to an application in writing from an education authority to the National Assembly, authenticated by the officer of the authority responsible for the administration of their financial affairs or that person’s deputy.

(2) Applications for the payment of grant shall relate to expenditure over one or more of the periods specified in paragraph (3) following the coming into force of these Regulations and shall specify the approved expenditure in respect of which grant is applied for, which has been or which it is estimated will be incurred by the education authority during each such period.

(3) The periods referred to in paragraph (2) are—

- (a) 1st April to 31st July;
- (b) 1st August to 30th November;
- (c) 1st December to 31st March.

(4) Each education authority which has received or seeks to receive a payment of grant in respect of expenditure incurred during any financial year shall, before 31st October in the following financial year or as soon as practicable after that date—

- (a) submit to the National Assembly a statement on a standard form supplied by the National Assembly which shall specify the approved expenditure in respect of which grant has been or is being applied for, which has been incurred by the education authority during that year; and
- (b) secure the submission to the National Assembly of a certificate signed by the auditor appointed by the Audit Commission for Local Authorities and the National Health Service in England and Wales to audit the accounts of the authority or any auditor qualified for such appointment by virtue of section 3(5), (6) and (7) of the Audit Commission Act 1998⁽⁵⁾ certifying that in his or her opinion the particulars stated in the statement submitted by the authority pursuant to this paragraph are fairly stated and that the expenditure incurred was approved for the purposes of section 484 of the 1996 Act⁽⁶⁾.

(4) 1998 c. 31.

(5) 1998 c. 18.

(6) Section 484 is amended by section 7(10) of, and paragraph 125 of Schedule 30, to the School Standards and Framework Act 1998.

(5) Except in the first year after the coming into force of these Regulations, no payment of grant shall be made in respect of expenditure incurred by an education authority in the period 1st August to 30th November in any year or any subsequent period if grant was paid to the authority in respect of expenditure in a previous financial year and the National Assembly has not yet received the auditor's certificate referred to in paragraph (4)(b) for that year.

(6) Any under-payment or over-payment of grant which remains outstanding following receipt of the auditor's certificate referred to in paragraph (4)(b) shall, without prejudice to the recovery of any over-payment from any subsequent payment of grant to the education authority, be adjusted by payment between the authority and the National Assembly.

6. Where at the time of approving expenditure for the purpose of these Regulations, the National Assembly requests information in respect of any purpose listed in the Schedule, payment of grant in respect of that purpose shall be conditional on that information being included in the education authority's application for payment of grant.

7.—(1) The National Assembly may from time to time determine further conditions on the fulfilment of which the making of any payment in pursuance of these Regulations shall be dependent.

(2) Where conditions have been determined in pursuance of this regulation no grant shall be payable unless such conditions have either been fulfilled or been withdrawn in pursuance of paragraph (3).

(3) The National Assembly may determine to withdraw or, after consulting the education authority, to vary conditions determined in pursuance of this regulation.

Requirements to be complied with

8. Any education authority to whom a payment of grant has been made shall, if so required by the National Assembly, furnish it with such further information as may be required to enable it to verify that any grant paid has been properly paid under these Regulations.

9. Any education authority to whom a payment of grant has been made shall comply with such requirements (including requirements as to the repayment of grant or the payment to the National Assembly of other sums related to the value of assets acquired, provided or improved with the aid of grant or interest on sums due to it) as may be determined by the National Assembly in the case in question.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(7).

12th March 2002

D. Elis-Thomas
The Presiding Officer of the National Assembly

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

SCHEDULE

Regulations 2 and 3

PURPOSES FOR OR IN CONNECTION WITH WHICH GRANTS ARE PAYABLE

The improvement of school sites, including—

- (a) the improvement, renovation or replacement of buildings, furniture and equipment (other than information and communications technology equipment) used for educational purposes;
- (b) the provision and installation of cabling for information and communications technology equipment as part of such improvement, renovation or replacement (but not the provision and installation of equipment itself); and
- (c) the provision of security equipment.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 484 of the Education Act 1996 enables the National Assembly for Wales (“the National Assembly”) to make regulations providing for the payment of grants in respect of expenditure incurred by local education authorities for or in connection with educational purposes which it appears to the National Assembly those authorities should be encouraged to incur in the interests of education in Wales. These Regulations provide for the payment of such grants.

Regulation 1: provides for citation, commencement and application. The Regulations come into force on 1st April 2002 and apply to Wales only.

Regulation 2: contains definitions.

Regulation 3: provides for grants to be payable only in respect of expenditure incurred or due to be incurred by a local education authority for or in connection with the purposes specified in the Schedule in a financial year, and only to the extent that the expenditure is approved for that year by the National Assembly for the purposes of the Regulations.

Regulation 4: provides for the rate at which grants are payable.

Regulations 5 to 7: set out the conditions which apply in respect of the payment of grants, including audit requirements.

Regulation 8: sets out a number of other requirements which must be complied with by local education authorities to whom grant payments have been made.

Regulation 9: allows the National Assembly to impose additional requirements.

Schedule: provides for the purposes for or in connection with which grants may be paid.