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STATUTORY INSTRUMENTS

1989 No. 433 (S.51)

EDUCATION, SCOTLAND

The Grant-aided Colleges (Scotland) Grant Regulations 1989

Made - - - -	*9th March 1989*
Laid before Parliament	*20th March 1989*
Coming into force - -	*10th April 1989*

The Secretary of State, in exercise of the powers conferred on him by sections 73(c), 74(1) and 77 of the Education (Scotland) Act 1980((**1**)), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Grant-aided Colleges (Scotland) Grant Regulations 1989 and shall come into force on 10th April 1989.

Interpretation

2. In these Regulations, except where the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them:—

"financial year" means the 12 month period ending on 31st March each year;

"governing body" means, in respect of a grant-aided college which is a college of education, the governing body of that college and, in respect of a grant-aided college which is a central institution (as defined in regulation 2(1) of the Central Institutions (Scotland) Regulations 1988((**2**)), has the meaning given by that regulation;

"grant-aided college" has the meaning given by section 77(5) of the Education (Scotland) Act 1980.

Making of grants

3. Subject to the provisions of these Regulations, the Secretary of State may pay to the governing body of a grant-aided college—

(a) non-recurrent grants, being grants in aid of its expenditure on the acquisition of land, or rights therein, and buildings, on the erection, enlargement and improvement of buildings,

(**1**) 1980 c. 44
(**2**) S.I.1988/1715

on the supply of equipment and furnishings, on the provision and laying out of premises, including playing fields and other facilities for social activities and physical recreation, and generally on works of a permanent character; and

(b) recurrent grants, being grants in aid of its expenditure on administration, on the maintenance of the college, on the employment, education or training of staff, and for other purposes connected with such administration, maintenance, employment, education or training including works of a permanent but minor character.

Determination and payment of grants

4.—(1) Grants under these Regulations shall be of such amount or at such rate and in respect of such period as the Secretary of State may determine.

(2) Grants under these Regulations may be paid as single payments or by instalments of such amounts and at such times as the Secretary of State may determine.

Conditions of all grants

5. The following conditions shall apply to the payment of all grants under these Regulations:—

(a) the governing body shall furnish such estimates of income and expenditure and shall give such other information to the Secretary of State as he may require;

(b) the governing body shall keep proper accounts;

(c) the accounts shall be prepared and audited to the satisfaction of the Secretary of State;

(d) the governing body shall submit audited accounts to the Secretary of State as soon as possible after the end of each financial year;

(e) the books and other documents relating to the governing body's accounts shall be open to inspection by the Secretary of State and by the Comptroller and Auditor General;

(f) the governing body shall not, without the prior written consent of the Secretary of State, borrow from any source or give any guarantee or indemnity; and

(g) the governing body shall comply with any requirements of regulations made under section 77 of the Education (Scotland) Act 1980 and any requirements imposed by these Regulations.

Additional condition of non-recurrent grants

6. It shall be an additional condition of the payment of non-recurrent grants that the governing body shall obtain the approval of the Secretary of State to—

(a) the purchase of any land, or rights therein, and buildings proposed to be acquired; or

(b) building or other works proposed to be undertaken;

with the aid of grant.

Additional conditions of recurrent grants

7. The following shall be additional conditions of the payment of recurrent grants:—

(a) the scales of tuition and other fees charged to students attending the grant-aided college shall be approved by the Secretary of State;

(b) the governing body shall comply with any direction given by the Secretary of State, after consultation with the governing body, as to the number of students of different categories to be admitted to the college in any period;

(c) the governing body shall, at such times and in such form as the Secretary of State may require, submit for his approval particulars of the courses to be provided in the grant-aided college, and shall comply with any direction given by him, after consultation with the governing body, as to the discontinuance of any such course;

(d) the total number of teaching staff employed in the grant-aided college shall be such as the Secretary of State may consider reasonable.

Requirements relating to grants

8.—(1) The following shall be requirements when any grant under these Regulations has been paid:—

(a) the governing body shall not dispose of any land or buildings provided, improved or maintained with the aid of grant without the prior approval of the Secretary of State;

(b) the governing body shall regularly review its holdings of land and buildings and (subject to paragraph (a) above and regulation 9(1)(b)) shall dispose of those which it considers are no longer needed;

(c) the governing body shall, at the request of the Secretary of State, repay to him so much of any grant as has not been used for the purposes for which it was given.

(2) It shall be an additional requirement when any grant under these Regulations has been paid to a college of education that the governing body shall (subject to regulation 9(1)(b)) dispose of any land or buildings which the Secretary of State, on being satisfied that they are no longer needed, directs it to dispose of.

Requirements relating to non-recurrent grants

9.—(1) The following shall be additional requirements when a governing body has received non-recurrent grant in respect of acquisition of, or expenditure on, any land or buildings:—

(a) no building works on the land or buildings (other than minor modifications or routine maintenance) shall be carried out without the prior approval of the Secretary of State;

(b) the governing body shall pay to the Secretary of State such portion of the proceeds of any disposal of the land or buildings (less any expenses incurred in the disposal) as he may determine after consultation with the governing body.

(2) The requirements specified in paragraph (1) above and in regulation 8(1)(a) of these Regulations shall apply when land or buildings have been provided with the aid of non-recurrent grant under the Further Education (Scotland) Regulations 1959((**3**)) or the Colleges of Education (Scotland Regulations 1987((**4**)), as the case may be, or under any earlier regulations enabling the payment of non-recurrent grant in respect of grant-aided colleges, as they apply when land or buildings have been provided with the aid of non-recurrent grant paid under these Regulations.

Power to withhold grants

10. The Secretary of State may reduce or withhold a grant if any condition imposed by these Regulations is not fulfilled.

Revocations

11. The following regulations are hereby revoked:—

(a) Part II of the Further Education (Scotland) Regulations 1959;

(**3**) S.I. 1959/477; the relevant amending instrument is S.I. 1979/1185
(**4**) S.I. 1987/309

(b) regulation 4 of the Further Education (Scotland) Amendment Regulations 1979((**5**));

(c) in the Colleges of Education (Scotland) Regulations 1987—

(i) regulation 21(4); and

(ii) Part VIII.

Consequential amendments

12.—(1) In regulation 15 of the Central Institutions (Scotland) Amendment Regulations 1981((**6**)) for the words "the Further Education (Scotland) Regulations" there shall be substituted the words "the Grant-aided Colleges (Scotland) Grant Regulations 1989" .

(2) In regulation 13 of the Napier College of Commerce and Technology (No. 2) Regulations 1985((**7**)) for the words "the Further Education (Scotland) Regulations 1959 to 1979" there shall be substituted the words "the Grant-aided Colleges (Scotland) Grant Regulations 1989" .

(3) In regulation 13 of the Glasgow College of Technology (No. 2) Regulations 1985((**8**)) for the words "the Further Education (Scotland) Regulations 1959 to 1979" there shall be substituted the words "the Grant-aided Colleges (Scotland) Grant Regulations 1989" .

St Andrew's House,
Edinburgh
9th March 1989

Michael B Forsyth
Parliamentary Under Secretary of State, Scottish Office

(**5**) S.I. 1979/1185
(**6**) S.I. 1981/1221
(**7**) S.I. 1985/1163, as amended by S.I. 1988/1715
(**8**) S.I. 1985/1164, as amended by S.I. 1988/1715

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations empower the Secretary of State to pay recurrent and non-recurrent grants to colleges of education and central institutions in Scotland (known collectively as "the grant-aided colleges"). They prescribe the conditions of, and requirements relating to, the payment of grants.

The regulations which previously empowered the Secretary of State to pay grants to the grant-aided colleges are revoked by these Regulations.