



# Education Reform Act 1988

## 1988 CHAPTER 40

### PART I

#### SCHOOLS

#### CHAPTER IV

#### GRANT-MAINTAINED SCHOOLS

#### *Finance*

#### **81 Recovery from local funds of sums in respect of maintenance grant**

- (1) The Secretary of State may in respect of any financial year recover from the former maintaining authority sums in respect of the maintenance grant payable for that year to the governing body of a grant-maintained school.
- (2) Subject to subsection (5) below, sums recoverable by virtue of subsection (1) above in respect of any school for any financial year—
  - (a) shall be of such amounts; and
  - (b) shall fall due on such date or dates;as may be determined by the Secretary of State.
- (3) The total amount so recoverable shall be such as may be determined (and from time to time revised) in accordance with regulations made by the Secretary of State under this section (referred to below in this section as recoupment regulations).
- (4) Subject to any provision made by such regulations by virtue of subsection (6) below, recoupment regulations shall provide for the total amount so recoverable to be determined by reference to any amount determined under grant regulations as the amount of the maintenance grant payable in respect of the school and the financial year in question (as from time to time revised).

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*Status: This is the original version (as it was originally enacted).*

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- (5) The amount of any sum so recoverable shall be determined—
- (a) where before the determination of the amount of that sum any amount has been determined under recoupment regulations as the total amount recoverable by virtue of subsection (1) above in respect of the school and financial year in question, by reference to any amount so determined as the total amount so recoverable; and
  - (b) in any other case, by reference to any amount estimated by the Secretary of State as the amount which will initially be so determined as the total amount so recoverable;
- which the Secretary of State considers it appropriate to adopt for the time being as a basis for determining the amounts of sums so recoverable.
- (6) Recoupment regulations may provide for reducing any amount which would otherwise fall to be determined under the regulations as the total amount recoverable from any authority by virtue of subsection (1) above in respect of any school for any financial year by reference to any excess amounts recovered under this section in respect of any previous financial year.
- (7) For the purposes of subsection (6) above an excess amount is recovered under this section in respect of any financial year if the aggregate amount of the sums recovered under this section for that year from the former maintaining authority for any grant-maintained school—
- (a) in respect of any school in respect of which sums are recoverable from the authority under this section; or
  - (b) where there is more than one such school, in respect of both or all of those schools;
- exceeds the total amount recoverable under this section in accordance with recoupment regulations in respect of that school or (as the case may be) in respect of both or all of those schools for that year.
- (8) The Secretary of State may recover sums due to him under this section from such an authority in either or both of the following ways—
- (a) by requiring the authority to pay the whole or any part of any such sum at such time or times as he thinks fit; and
  - (b) by deducting, at such time or times as he thinks fit, the whole or any part of any such sum from any grant payable by him to the authority under any enactment (whether passed before or after this Act).
- (9) Any sums received by the Secretary of State by virtue of this section shall be paid into the Consolidated Fund.