
STATUTORY INSTRUMENTS

1998 No. 391

EDUCATION, ENGLAND AND WALES

WALES

The Education (Grant-maintained and Grant-maintained Special Schools) (Finance) (Wales) (Amendment) Regulations 1998

<i>Made</i>	- - - -	<i>6th March 1998</i>
<i>Laid before Parliament</i>		<i>11th March 1998</i>
<i>Coming into force</i>	- -	<i>1st April 1998</i>

In exercise of the powers conferred on the Secretary of State by sections 244(2) and 569(4) and (5) of the Education Act 1996⁽¹⁾ the Secretary of State for Wales hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Education (Grant-maintained and Grant-maintained Special Schools) (Finance) (Wales) (Amendment) Regulations 1998 and shall come into force on 1st April 1998.

(2) In these Regulations, the “principal Regulations” means the Education (Grant-maintained and Grant-maintained Special Schools) (Finance) (Wales) Regulations 1997⁽²⁾.

(3) The amendments to the principal Regulations made by these Regulations shall not have effect for the purpose of determining or redetermining the annual maintenance grant payable by the Secretary of State in respect of a school in relation to any financial year commencing before 1st April 1998.

Amendments to principal Regulations

2. For regulation 10(2) of the principal Regulations there shall be substituted the following:

“(2) The Secretary of State shall determine, in respect of the provision of free school meals, an amount calculated by the application of the following formula—

$$M \times G \times D$$

(1) 1996 c. 56. Section 244 applies to grant-maintained special schools and their governing bodies by virtue of regulation 23 of the Education (Grant-maintained Special Schools) Regulations 1994, S.I.1994/653, as substituted by regulation 11 of the Education (Grant-maintained Special Schools) (Amendment) Regulations 1994, S.I. 1994/1231. For the meaning of “regulations” see section 579(1) of the 1996 Act.

(2) S.I. 1997/599.

where—

M is the number of registered pupils in receipt of free meals at the school on a date determined by the Secretary of State;

G is the amount determined by the Secretary of State for the purposes of section 244(2) of the 1996 Act in respect of the relevant authority and financial year in question as the amount which appears to him, after consultation with the authority, to represent, or approximate to, the expenditure to be incurred by the authority in that year in respect of each free school meal provided by them to pupils at relevant schools;

D is—

- (a) in the case of a school which is grant-maintained on 1st April in the financial year in question, the number of school days in that year; or
- (b) in the case of a school which becomes grant-maintained after 1st April in the financial year in question, the number of school days in that year which fall on or after the date on which the school becomes a grant-maintained school.”.

3.—(1) Regulation 13 of the principal Regulations shall be amended as follows.

(2) Paragraph (1) shall be amended by the substitution for “otherwise” of “wholly”.

(3) Paragraph (2) shall be amended by the substitution for “or otherwise improper.” of “or, where he is of the opinion that the payment is wholly improper, the whole of the payment.”.

4.—(1) Schedule 1 to the principal Regulations shall be amended as follows.

(2) For paragraph 2 there shall be substituted the following:

“2. Subject to paragraphs 2A and 2B, the Secretary of State shall determine an amount which is equal to that part of the relevant authority’s planned financial provision for their relevant schools included in their general schools’ budget for the financial year in question which, in his opinion, would remain after deducting—

- (a) the authority’s planned financial provision for their relevant schools included in their aggregated budget;
- (b) the authority’s planned provision in respect of their relevant schools on the descriptions of expenditure listed in paragraph 2 of Schedule 2;
- (c) an amount determined by the Secretary of State as representing, or approximating to, the expenditure which the authority will incur in respect of the provision of free school meals; and
- (d) the authority’s planned provision for meeting expenditure on contingencies in respect of their relevant schools;

for that financial year, and the amount so determined by the Secretary of State before deduction of the amounts referred to in sub-paragraphs (a) to (d) is referred to in paragraph 2A as “the gross amount.”.”

(3) After paragraph 2 there shall be inserted the following paragraphs:

“2A. For the purposes of determining the gross amount, the relevant authority’s planned financial provision for the provision of school meals for which charges are to be made shall be deemed to be the higher of the following amounts, namely—

- (a) an amount equal or approximating to the authority’s planned expenditure for such school meals, excluding expenditure to be met from charges; or
- (b) an amount equal or approximating to 67 percent of the authority’s planned expenditure for such school meals, including expenditure to be met from charges;

instead of the amount included in the authority's general schools budget in respect of the provision of such school meals.

2B. In determining any amounts under sub-paragraphs (b) to (d) of paragraph 2, the Secretary of State shall not take into account any provision for expenditure to the extent that provision for that expenditure is included in the authority's aggregated budget.”.

Signed by authority of the Secretary of State for Wales

6th March 1998

Peter Hain
Parliamentary Under Secretary of State, Welsh
Office

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Grant-maintained and Grant-maintained Special Schools) (Finance) (Wales) Regulations 1997 which provide (amongst other things) for the determination of the amount of maintenance grant to be paid to the governing bodies of grant-maintained and grant-maintained special schools.

Regulation 2 substitutes a new regulation 10(2) of the 1997 Regulations which clarifies the definition of the multiplier representing the number of days for which free meals are provided.

Regulation 3 removes a possible ambiguity from regulation 13 of the 1997 Regulations in respect of severance payments which are wholly improper.

Schedule 1 to the 1997 Regulations is amended so that net, rather than gross, expenditure on paid meals will henceforth normally be taken into account for the purposes of determining the relevant percentage (subject to provision for cash protection)—see regulation 4.