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STATUTORY INSTRUMENTS

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**1999 No. 2271**

**EDUCATION, ENGLAND**

**The Education (Schedule 32 to the School Standards and Framework Act 1998) (England) (No. 2) Regulations 1999**

<i>Made</i>	- - - -	<i>9th August 1999</i>
<i>Laid before Parliament</i>		<i>11th August 1999</i>
<i>Coming into force</i>	- -	<i>1st September 1999</i>

In exercise of the powers conferred on the Secretary of State by section 138(7) and (8) of, and paragraph 4 of Schedule 32 to, the School Standards and Framework Act 1998<sup>(1)</sup>, the Secretary of State for Education and Employment hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Education (Schedule 32 to the School Standards and Framework Act 1998) (England) (No. 2) Regulations 1999 and shall come into force on 1st September 1999.

(2) In these Regulations—

“the 1996 Act” means the Education Act 1996<sup>(2)</sup>;

“the 1998 Act” means the School Standards and Framework Act 1998;

“capital project” means—

- (a) the acquisition, reclamation, improvement or laying out of any land;
- (b) the acquisition, construction, enlargement, improvement, repair or demolition of any—
  - (i) building, including any fixtures and fittings attached to a building,
  - (ii) wall, fence or other structure, or
  - (iii) playground or other hard-standing;
- (c) the laying out of playing fields and other facilities for social activities and physical recreation; or
- (d) the acquisition, installation or replacement of any furniture, plant, machinery, apparatus, vehicles, vessels and equipment,

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(1) 1998 c. 31 By virtue of S.I.1999/672 the powers conferred by these provisions are exercisable by the Secretary of State only in relation to England. For the meaning of “prescribed” and “regulations” see section 141(1).

(2) 1996 c. 56.

used or intended to be used for the purposes of a relevant school;

“relevant school” means a school which immediately before 1st September 1999<sup>(3)</sup>—

- (a) was a grant-maintained or grant-maintained special school within the meaning of the 1996 Act; or
- (b) proposals for the establishment of which fell to be implemented in accordance with section 215 of that Act;

“specialist school” means a school which specialises in—

- (a) mathematics, science and technology,
- (b) modern foreign languages,
- (c) the fine arts, performing arts or the media arts, or
- (d) sport;

“statutory proposals” means proposals published under section 211, 212, 259 or 260 of the 1996 Act.

### **Grants in respect of planned expenditure**

2. The Secretary of State may pay grants to local education authorities and the governing bodies of relevant schools, in each case in England, in respect of relevant expenditure incurred or to be incurred by them.

### **Relevant expenditure**

3. In regulation 2 above “relevant expenditure” means expenditure on or in connection with a capital project where such expenditure arises out of—

- (a) a decision by the Funding Agency for Schools or the Secretary of State, notified to the governing body of the relevant school before 1st September 1999, that they or he would be prepared to pay grant either under section 246 of the 1996 Act or paragraph 4 of Schedule 32 to the 1998 Act in respect of the project;
- (b) a decision by the Secretary of State notified to the governing body of the relevant school before 1st September 1999, that in his opinion it is appropriate to increase the number of places at the school other than by making a significant enlargement to the premises for which statutory proposals would be required;
- (c) approval by the Secretary of State before 1st September 1999 of statutory proposals in respect of the school; or
- (d) approval by the Secretary of State before 1st September 1999 to the school becoming a specialist school.

### **Conditions**

4.—(1) A governing body to whom any payment is made in respect of a grant under these Regulations shall comply with such requirements determined by the Secretary of State as he may from time to time impose.

(2) Such requirements—

- (a) may be imposed on, or at any time after, the making of any payment by reference to which they are imposed, and

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(3) This is the appointed day in relation to grant paid under these Regulations for the purposes of paragraph 4(3) and (6) of Schedule 32 to the 1998 Act; *see* S.I. 1999/2221 (c. 58).

(b) may at any time be waived, removed or varied by the Secretary of State; but such requirements may be imposed after the making of any such payment only if the Secretary of State is satisfied that in all the circumstances it is reasonable for them to be so imposed.

(3) In the case of a grant paid to the governing body of a voluntary aided school, such requirements may, in particular, if any conditions specified in the requirements are satisfied—

(a) require the application for purposes connected with the provision of education in appropriate schools of—

(i) any premises or equipment in respect of which the grant has been paid under these Regulations, or

(ii) an amount equal to so much of the value of any such premises or equipment as is determined in accordance with the requirements to be properly attributable to the payment of the grant; and

(b) in the event that that requirement is not complied with, require the payment to the Secretary of State of the whole or any part of the following amount.

(4) That amount is—

(a) the amount of the payments made in respect of the grant under these Regulations; or

(b) the amount mentioned in paragraph (3)(a)(ii) above,

whichever the Secretary of State determines to be just.

(5) When deciding whether to make any grant to a governing body of a voluntary aided school under these Regulations in circumstances where he considers that it would be appropriate to impose requirements falling within paragraph (3) above, the Secretary of State may have regard to whether, if such requirements were imposed, that body would have an enforceable right against some other person to be given by that person such financial assistance as would be necessary to enable them to pay to the Secretary of State the amount mentioned in paragraph (4) above.

(6) In this regulation “appropriate schools”—

(a) in relation to a voluntary aided school having a religious character, means schools which are either foundation or voluntary schools and whose specified religion or religious denomination under section 69(4) of the 1998 Act is the same as that school's; and

(b) in relation to any other voluntary aided school, means community, foundation or voluntary schools or community or foundation special schools.

9th August 1999

*David Blunkett*  
Secretary of State for Education and  
Employment

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

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## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations provide for the payment of grant by the Secretary of State to local education authorities and to the governing bodies of former grant-maintained or grant-maintained special schools or proposed such schools, in each case in England, in respect of expenditure incurred or to be incurred in relation to those schools.

The Regulations define the particular expenditure in respect of which grant may be paid.

The Regulations enable the Secretary of State to impose conditions to be complied with by the governing bodies of schools to whom payment of grant is made.