
STATUTORY INSTRUMENTS

1999 No. 440

EDUCATION, ENGLAND AND WALES
WALES

**The Education (Grant-maintained Schools)
(Capital Grants) (Wales) Regulations 1999**

<i>Made</i>	- - - -	<i>24th February 1999</i>
<i>Laid before Parliament</i>		<i>2nd March 1999</i>
<i>Coming into force</i>	- -	<i>26th March 1999</i>

In exercise of the powers conferred on the Secretary of State by sections 244(2), 245(2), 246(2), 251, 252, 253, 257 and 569(4) and (5) of the Education Act 1996⁽¹⁾ the Secretary of State for Wales hereby makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Education (Grant-maintained Schools) (Capital Grants) (Wales) Regulations 1999 and shall come into force on 26th March 1999.

(2) These Regulations apply in respect of grant-maintained schools situated in Wales.

Interpretation

2.—(1) In these Regulations “the 1996 Act” means the Education Act 1996.

(2) For the purposes of these regulations, the expressions listed in the left-hand column below are respectively defined by or (as the case may be) are to be interpreted in accordance with the provisions listed in the right-hand column in relation to those expressions—

capital grants	section 252 of the 1996 Act
financial year	section 579(1) of the 1996 Act
maintenance grant	section 250(1) of the 1996 Act
special purpose grants	section 251 of the 1996 Act

(1) [1996 c. 56](#). For the application of sections 244 to 254 to Wales before the Schools Funding Council for Wales (which has not been established) begin to exercise their functions *see* section 249. For the meaning of “regulations” *see* section 579(1) of the 1996 Act.

Revocation and transitional provisions

3.—(1) Subject to paragraph (2) below, the Education (Grant-maintained and Grant-maintained Special Schools) (Finance) (Wales) Regulations 1997⁽²⁾ and the Education (Grant-maintained and Grant-maintained Special Schools) (Finance) (Wales) (Amendment) Regulations 1998⁽³⁾ are revoked.

(2) Paragraph (1) is without prejudice—

- (a) to the continued operation after 25th March 1999 of any requirements imposed by the Secretary of State on a governing body of a school situated in Wales to whom payments in respect of maintenance grant or special purpose grant have been made on or before that date under any one or more (as the case may be) of the regulations made under section 253 of the 1996 Act⁽⁴⁾; and
- (b) to the imposition after 25th March 1999, under section 253(1) of the 1996 Act, on a governing body of a school situated in Wales to whom any payments in respect of maintenance grant or special purpose grant have been made on or before that date, of requirements—
 - (i) specified in the regulations referred to in sub-paragraph (a) above as requirements which may be imposed by the Secretary of State on governing bodies to whom such payments are made, or
 - (ii) determined in accordance with those regulations by the Secretary of State.

Capital grants

4. The Secretary of State may pay capital grants in respect of expenditure of a capital nature of a class or description specified in the Schedule incurred or to be incurred by the governing body of a grant-maintained school situated in Wales.

Signed by authority of the Secretary of State for Wales

Peter Hain
Parliamentary Under Secretary of State, Welsh
Office

24th February 1999

(2) S.I. [1997/599](#).

(3) S.I. [1998/391](#).

(4) The relevant regulations are S.I. [1990/549](#) (as amended by S.I. [1990/2279](#) and S.I. [1991/353](#)), S.I. [1994/610](#), S.I. [1995/587](#), S.I. [1996/537](#) (as amended by S.I. [1996/1334](#) and S.I. [1996/1911](#)) and S.I. [1997/599](#) (as amended by S.I. [1998/391](#)). See the effect of paragraphs 1(3) and 2(1) of Schedule 39 to the Act.

SCHEDULE

Regulation 4

EXPENDITURE OF A CAPITAL NATURE

1. Expenditure of a capital nature is expenditure on, or in connection with—
 - (a) the acquisition, reclamation, improvement or laying out of any land;
 - (b) the acquisition, construction, enlargement, improvement, repair or demolition of any building, wall, fence or other structure, or any playground or other hard-standing;
 - (c) the laying out of playing fields and other facilities for social activities and physical recreation; or
 - (d) the provision of any furniture, plant, machinery, apparatus, vehicles, vessels and equipment;used or intended to be used for the purposes of a school.
2. In paragraph 1 above “building” includes any fixtures and fittings affixed to a building.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations (which apply only in relation to schools in Wales) revoke the Education (Grant-maintained and Grant-maintained Special Schools) (Finance) (Wales) Regulations 1997 (as amended), subject to transitional provisions (regulation 3). The Regulations enable the Secretary of State to continue to make capital grants to maintained schools in Wales (regulation 4 and the Schedule).