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STATUTORY INSTRUMENTS

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**1995 No. 628**

**EDUCATION, ENGLAND AND WALES**

**The Education (Ballot Expenditure) Regulations 1995**

<i>Made</i>	- - - -	<i>8th March 1995</i>
<i>Laid before Parliament</i>		<i>9th March 1995</i>
<i>Coming into force</i>	- -	<i>1st April 1995</i>

In exercise of the powers conferred on the Secretary of State by sections 36(4) and (5) and 301(6) of the Education Act 1993(1) the Secretary of State for Education, as regards England, and the Secretary of State for Wales, as regards Wales, hereby make the following Regulations:—

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Education (Ballot Expenditure) Regulations 1995 and shall come into force on 1st April 1995.

(2) In these Regulations—

“the Act” means the Education Act 1993,

“Authority” means a local education authority,

“ballot”, except as provided in regulation 3(4), means a ballot held under section 28 of the Act and includes a second ballot held under section 30 of the Act(2) and a ballot which is subsequently declared void under section 31(2) of the Act,

“expenditure” means expenditure incurred for the purpose referred to in section 36(3) of the Act as described in regulation 2 below but does not include expenditure out of a school’s budget share within the meaning of section 33 of the Education Reform Act 1988(3),

“notified” means notified to the Authority under section 25(1)(b) or section 26(3)(b) of the Act or notified to the governing body of the school under section 31(2) of the Act (requiring a fresh ballot following a ballot declared void),

“registered” in relation to a pupil shall be construed in accordance with section 29(2) of the Act,

“year” means a period commencing on 1st April and ending on 31st March in the following year.

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(1) 1993 c. 35; for the definitions of “prescribed” and “regulations” see section 305(1) and for the application of section 36 to ballots of special schools see regulation 8 of the Education (Grant-maintained Special Schools) Regulations 1994 (S.I. 1994/653).  
(2) Sections 28 and 30 are applied by regulation 4(3) of the above Regulations.  
(3) 1988 c. 40.

### **Incurred expenditure**

2.—(1) Subject to the provisions of this regulation, expenditure is incurred if it is incurred directly in connection with—

- (a) preparing, producing, commissioning or distributing material,
- (b) advertising or other promotion,
- (c) holding a meeting, or
- (d) securing information with a view to its use in connection with (a), (b) or (c) above

for the purposes of influencing the outcome of ballots.

(2) Expenditure is incurred in relation to paragraph (1)(a) above when the material in question is distributed and in relation to paragraphs 1(b) and (c) above when the advertising or other promotion or meeting is published or, as the case may be, takes place.

(3) Expenditure in connection with paragraph (1)(d) above includes the payment of a subscription or a proportion thereof in respect of any year to any person with the primary objective of securing the information referred to.

(4) Additional expenditure incurred for the purpose of providing written or oral communication in more than one language shall be disregarded for the purposes of this regulation.

### **Limit on expenditure**

3.—(1) For the purposes of section 36(3) of the Act the limit on expenditure in any year shall be the sum of #

**A+B+C+D**

where:—

A is £750,

B is £500 multiplied by the number of ballots notified in that year,

C is £1 multiplied by the number of registered pupils at the schools in respect of which ballots are notified in that year, and

D is any unexpended balance of B and C carried over from the previous year in respect of a notified ballot which has not been concluded in the previous year.

(2) For the purposes of paragraph (1) above, a ballot which is notified before 1st April 1995 but has not been concluded before that date is deemed to have been notified on that date.

(3) For the purposes of paragraph (1)D and paragraph (2) above a ballot is concluded at the end of the last day allowed for voting.

(4) In this regulation “ballot” does not include a second ballot held under section 30 of the Act.

### **Accounts**

4.—(1) The Authority shall keep, in accordance with any directions contained in an order made by the Secretary of State, a separate account of expenditure.

(2) The Authority shall, in respect of each year, prepare a statement of account showing the total expenditure in that year.

(3) The Authority shall send to the Secretary of State, if she so requests, a copy of the completed statement referred to in paragraph (2) above, including an auditor’s certificate relating thereto, on or before 30th June 1996 and on or before 30th June in each subsequent year.

7th March 1995

*Gillian Shephard*  
Secretary of State for Education

8th March 1995

*John Redwood*  
Secretary of State for Wales

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**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 Order)*

These Regulations, made under section 36 of the Education Act 1993, specify the limits on expenditure which a local education authority may incur for the purpose of influencing the outcome of parental ballots held under section 28 of that Act.

The limit is by reference to a formula which, in addition to a fixed sum, takes account of the number of ballots notified in a financial year and the number of registered pupils at the school in respect of which a ballot is held (regulation 3).

Regulation 4 lays down certain requirements in relation to the keeping of accounts.