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STATUTORY INSTRUMENTS

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**1990 No. 2518**

**EDUCATION, ENGLAND AND WALES**

**The Education Support Grants Regulations 1990**

*Made - - - - 11th December 1990*

*Coming into force - - 12th December 1990*

In exercise of the powers conferred upon the Secretary of State by sections 1 and 3(4) of the Education (Grants and Awards) Act 1984<sup>(1)</sup>, and after consulting, in accordance with section 3(5) of that Act, such bodies representing local education authorities as appear to them to be appropriate, the Secretary of State for Education and Science, as respects England, and the Secretary of State for Wales, as respects Wales, hereby make the following Regulations, a draft of which has been laid before Parliament pursuant to section 3(2) of that Act and has been approved by resolution of each House of Parliament:—

**Citation and Commencement**

1. These Regulations may be cited as the Education Support Grants Regulations 1990 and shall come into force on the day after the day on which they are made.

**Interpretation**

2.—(1) In these Regulations —

“the Act” means the Education (Grants and Awards) Act 1984;

“approved expenditure” means any expenditure which is approved as provided in regulation 3;

“children” includes any person who has not attained the age of 19 years;

“education authority” means a local education authority;

“further education” has the meaning assigned to it by section 41 of the Education Act 1944<sup>(2)</sup>;

“grant” means a grant in pursuance of these Regulations;

“higher education” has the meaning assigned to it by section 120(1) of the Education Reform Act 1988<sup>(3)</sup>;

“institution of further or higher education” means an institution providing further education or higher education or both and either —

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(1) 1984 c. 11.

(2) 1944 c. 31; section 41 was substituted by section 120 of the Education Reform Act 1988 (c. 40).

(3) 1988 c. 40.

- (a) maintained by an education authority; or
- (b) designated by or under regulations<sup>(4)</sup> for the time being in force under section 218 of the Education Reform Act 1988 as an institution substantially dependent for its maintenance on assistance from local education authorities or on grants under section 100(1)(b) of the Education Act 1944<sup>(5)</sup>;

“prescribed expenditure” means expenditure by an education authority for or in connection with any of the purposes specified in the Schedule hereto;

“primary education” has the meaning assigned to it by section 8(1)(a) of the Education Act 1944<sup>(6)</sup>, and “school” and “secondary school” have the meanings assigned to them by section 114 of that Act;

“racial group” has the meaning assigned to it by section 3(1) of the Race Relations Act 1976<sup>(7)</sup>.

(2) In these Regulations a reference to a regulation is a reference to a regulation contained therein and a reference in a regulation to a paragraph is a reference to a paragraph of that regulation.

### **Expenditure in respect of which grants are payable**

3. Grants shall only be payable in respect of prescribed expenditure incurred or to be incurred in a financial year to the extent to which that expenditure is approved for that year by the Secretary of State for the purposes of these Regulations.

### **Grants in respect of payments to third parties**

4. Where —

- (a) an education authority incurs expenditure in making payments, whether by way of maintenance, assistance or otherwise, to any other body or persons (including another education authority) who incur expenditure for or in connection with educational purposes, and
- (b) that expenditure of the recipient of the payments or any part thereof would be prescribed expenditure if it were expenditure of the authority,

such payments shall to that extent be treated as prescribed expenditure for the purposes of these Regulations.

### **Rate of Grant**

5.—(1) Subject to paragraphs (2) and (3), grants in respect of approved expenditure incurred on or after 1st April 1991 shall be payable at the rate of 60 per cent. of such expenditure.

(2) Grants in respect of approved expenditure incurred on or after 1st April 1991 in respect of item 2 or 3 in the Schedule hereto shall be payable at the rate of 50 per cent. of such expenditure.

(3) Grants in respect of approved expenditure incurred on or after 1st April 1991 in respect of item 27 in the Schedule hereto shall be payable at the rate of 70 per cent. of such expenditure.

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(4) Regulations in which such institutions are currently designated are the Higher Education (Wales) Regulations 1989 (S.I. 1989/220), the Education (Schools and Further and Higher Education) Regulations 1989 (S.I. 1989/351) and the Education (Teachers) Regulations 1989 (S.I. 1989/1319, as amended by S.I. 1990/1561).

(5) 1944 c. 31, amended by section 213(3) of the Education Reform Act 1988 (c. 40).

(6) 1944 c. 31; section 8(1) was amended by section 3 of the Education (Miscellaneous Provisions) Act 1948 (c. 40), and the definition of “school” in section 114 by section 34(1) of the Education Act 1980 (c. 20) and by paragraph 7(3) of Schedule 12 to the Education Reform Act 1988 (c. 40).

(7) 1976 c. 74.

### Conditions for payment of grant

6.—(1) No payment of grant shall be made except in response to an application in writing from an education authority to the Secretary of State, authenticated by the officer of the authority responsible for the administration of their financial affairs or his deputy.

(2) Applications for the payment of grant which relate to expenditure incurred on or after 1st April 1991 shall relate to expenditure over one or more of the periods specified in paragraph (3) and shall specify the approved expenditure in respect of which grant is applied for which has been or which it is estimated will be incurred by the education authority during each such period.

(3) The periods referred to in paragraph (2) are —

(a) for applications made by education authorities in England —

- (i) 1st April to 31st July;
- (ii) 1st August to 31st December;
- (iii) 1st January to 31st March; and

(b) for applications made by education authorities in Wales —

- (i) 1st April to 30th June;
- (ii) 1st July to 30th September;
- (iii) 1st October to 31st December;
- (iv) 1st January to 31st March.

(4) Where an application relating to approved expenditure which has been or which it is estimated will be incurred during the period commencing on 1st January in 1991 and any subsequent year is submitted on or before 15th March in that year, such payment as the Secretary of State may determine but not exceeding three-quarters of the grant applied for in respect of that expenditure may be made forthwith, but no further payment of grant shall be made in respect of that expenditure until an application has been submitted in accordance with paragraph (5)(a).

(5) Each education authority that has received or seeks to receive a payment of grant in respect of expenditure incurred during the year ending on 31st March shall, during the period commencing on 1st April or as soon as practicable thereafter —

- (a) submit to the Secretary of State an application which shall specify the approved expenditure in respect of which grant has been or is being applied for which has been incurred by the education authority during that year; and
- (b) secure the submission to the Secretary of State of an unqualified certificate, signed by the auditor appointed by the Audit Commission to audit the accounts of the authority or any auditor qualified for such appointment by virtue of section 13(5) and (6) of the Local Government Finance Act 1982<sup>(11)</sup> certifying that in his opinion the particulars stated in the application submitted by the authority pursuant to this paragraph are fairly stated and that the expenditure incurred was approved for the purposes of section 1 of the Act.

(6) No payment of grant shall be made after 31st March 1991 in respect of expenditure incurred —

- (a) by an education authority in England in the period beginning on 1st August, or
- (b) by an education authority in Wales in the period beginning on 1st October

in any year or any subsequent period if grant was paid to the authority in respect of expenditure in the year ending on the preceding 31st March but the Secretary of State has not yet received the auditor's certificate referred to in paragraph (5)(b) for that year.

(7) Any under-payment or over-payment of grant which remains outstanding following receipt of the auditor's certificate referred to in paragraph (5)(b) shall, without prejudice to the recovery of

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(11) 1982 c. 32.

any over-payment from any subsequent payment of grant to the education authority, be adjusted by payment between the authority and the Secretary of State.

7. Where at the time of approving expenditure for the purpose of these Regulations, the Secretary of State requests information in respect of any purpose listed in the Schedule hereto, payment of grant in respect of that purpose shall be conditional on that information being included in the authority's application for payment of grant.

8.—(1) The Secretary of State may from time to time determine further conditions on the fulfilment of which the making of any payment in pursuance of the Regulations shall be dependent.

(2) Where conditions have been determined in pursuance of this regulation no grant shall be payable unless such conditions have either been fulfilled or been withdrawn in pursuance of paragraph (3).

(3) The Secretary of State may determine to withdraw or, after consulting the education authority, vary conditions determined in pursuance of this regulation.

#### **Requirements to be complied with**

9. Any education authority to whom a payment of grant has been made shall, if so required by the Secretary of State, furnish him with such further information as may be required to enable him to verify that any grant paid has been properly paid under these Regulations.

10. Any education authority to whom a payment of grant has been made shall comply with such requirements (including requirements as to the repayment of grant or the payment to the Secretary of State of other sums related to the value of assets acquired, provided or improved with the aid of grant or interest on sums due to him) as may be determined by the Secretary of State in the case in question.

#### **Revocation and transitional provisions**

11. The Education Support Grants Regulations 1984<sup>(8)</sup>, the Education Support Grants (Amendment) Regulations 1987<sup>(9)</sup> and the Education Support Grants (Amendment) Regulations 1989<sup>(10)</sup> are hereby revoked, but nothing in this regulation shall prevent the Secretary of State making payments of grant authorised by those Regulations in respect of expenditure incurred on or before 31st March 1991, or affect any condition or requirement determined by or in accordance with any of the regulations so revoked.

11th December 1990

*K. Clarke*  
Secretary of State for Education and Science

11th December 1990

*David Hunt*  
Secretary of State for Wales

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<sup>(8)</sup> S.I. 1984/1098.  
<sup>(9)</sup> S.I. 1987/1960.  
<sup>(10)</sup> S.I. 1989/2446.

## SCHEDULE

Regulations 2 and 5

### PURPOSES FOR OR IN CONNECTION WITH WHICH GRANTS ARE PAYABLE

1. The management and appraisal of school teachers, including training for the appraisal of school teachers.
2. The teaching of mathematics in schools.
3. The teaching of science and technology as part of primary education.
4. Projects to —
  - (a) improve the quality or the range of the curriculum provided in primary schools in rural areas;
  - (b) meet the educational needs of persons from ethnic minorities, to promote harmony between different racial groups or in other ways to prepare persons for life in a multi-ethnic society;
  - (c) promote social responsibility in children;
  - (d) broaden the range of languages learnt by pupils in secondary schools as their first foreign language.
5. The provision of data-processing equipment, and accessories and software for such equipment, for use in the management of institutions of further or higher education and the training of staff in the use of such equipment.
6. Developing the knowledge and appreciation, among pupils in schools in Wales, of the heritage, culture and language of Wales.
7. The development, provision and appraisal of support and training for school governors.
8. The provision of support for parents in the teaching of children under the age of five with special educational needs, as defined in section 1 of the Education Act 1981<sup>(12)</sup>.
9. The provision of health education related in particular to the risks associated with alcohol, smoking, drug and solvent misuse, human immunodeficiency virus and acquired immune deficiency syndrome.
10. The organisation in urban areas of leisure-time activities of vocational benefit to young persons mainly between the ages of 14 and 21.
11. The development and support of methods of learning which do not require regular attendance at educational establishments, including activities connected with the Open College.
12. The development of the use of information technology for teaching and learning in schools by the provision of information technology equipment, staff and support for training.
13. The preparation and implementation of schemes for financing county and voluntary schools made under section 33 of the Education Reform Act 1988<sup>(13)</sup>.
14. The preparation and implementation of schemes for financing locally funded further and higher education made under section 139 of the Education Reform Act 1988.
15. The development and appraisal of courses of training for governors of institutions of further or higher education.
16. The development and improvement of the inspection and advisory services provided by education authorities with a view to —

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(12) 1981 c. 60.

(13) 1988 c. 40.

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

- (a) monitoring the quality of education provided by the authority in schools, and
- (b) providing advice in relation to the national curriculum (as defined in section 2 of the Education Reform Act 1988) and the delegation of financial management pursuant to schemes made under section 33 of that Act.

**17.** Helping schools to implement to the requirements of Chapter I of Part I of the Education Reform Act 1988 relating to the basic curriculum (as defined in section 2 of that Act) and collective worship.

**18.** The training of teachers in schools to improve pupils' use and understanding of the English language, with particular reference to the recommendations of the report of the Committee of Inquiry into the Teaching of English Language appointed by the Secretary of State for Education and Science under the chairmanship of Sir John Kingman, published by Her Majesty's Stationery Office in March 1988<sup>(14)</sup>.

**19.** The training of teachers in Wales to teach Welsh as part of the national curriculum (as defined in item 16 above).

- (i) The provision in urban areas of England of training to enable young people to qualify as youth workers, being training designed primarily for those between the ages of 18 and 25.
- (ii) The provision of corresponding training in Wales within the Boroughs of Dinefwr, Llanelli, Blaenau Gwent, Islwyn, Torfaen, Cynon Valley, Merthyr Tydfil, Ogwr, Rhymney Valley, Taff Ely, Brecknock, Lliw Valley, Neath and Port Talbot and the City of Swansea.

**21.** The provision of open learning centres to provide tuition for adults in literacy, numeracy and related communication skills.

**22.** The improvement of educational guidance services for adults including the development of computer databases of local learning opportunities.

**23.** The improvement of provision for pupils whose behaviour poses difficulties for schools, and of support services for schools in dealing with such pupils.

**24.** Action to improve rates of attendance in schools.

**25.** The development of schemes for the local recruitment of teachers.

**26.** The promotion of the improved transmission between education authorities and the Department of Education and Science of information relating to the employment of teachers.

**27.** The provision of support for the English Districts of the Workers' Educational Association.

**28.** The improvement of the planning and co-ordination of educational provision for children aged under 5 made by education authorities and other bodies.

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<sup>(14)</sup> ISBN 0 11 270650 9.

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## EXPLANATORY NOTE

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

These Regulations consolidate, with amendments, the Education Support Grants Regulations 1984, as amended. In addition to minor and drafting amendments, the following changes of substance are made.

Grant is no longer payable to local education authorities in England in respect of periods of three months but in respect of the periods prescribed in regulation 6(3)(a).

Additional obligations are placed on local education authorities to provide the Secretary of State with information required to enable him to verify that any grant paid has been properly paid under the Regulations (regulation 9) and to comply with such other conditions and requirements as may be determined by the Secretary of State (regulations 8 and 10).

The purposes for or in connection with which grants are payable set out in the Schedule have been revised. A number of purposes have been deleted or amended and item 28 has been added.