



Education Act 1993

1993 CHAPTER 35

PART VI

MISCELLANEOUS

Assistance for voluntary schools

281 Grants by Secretary of State in respect of aided and special agreement schools

- (1) The Secretary of State may—
 - (a) in the case of any aided school or special agreement school, or
 - (b) where proposals have been approved under section 13 of the Education Act 1980 (establishment etc. of voluntary schools) for a school or proposed school to be maintained as a voluntary school and the Secretary of State has made an order under section 15 of the Education Act 1944 (classification of schools) directing that the school be an aided school,make grants to the governing body in respect of expenditure falling within subsection (2) below incurred by them.
- (2) The expenditure referred to in subsection (1) above is expenditure in respect of the provision, alteration or repair of premises or equipment for the school or proposed school.
- (3) The amount of any grant paid under this section to the governing body in respect of any such expenditure—
 - (a) shall not exceed 85 per cent. of the expenditure, and
 - (b) in the case of any prescribed class or description of such expenditure, shall be such as may be determined in accordance with regulations.
- (4) The times at which, and the manner in which, payments are made in respect of grant under this section shall be such as may be determined from time to time by the Secretary of State.

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- (5) Without prejudice to any other duty of his, the Secretary of State shall, in performing functions relating to the exercise of the power under this section to make grants in respect of expenditure on—
- (a) such alterations to school buildings as are referred to in section 15(3)(a) of the Education Act 1944 (alterations required by local education authority in order to comply with prescribed standards), and
 - (b) the repair of school buildings,
- give priority to paying grant in respect of expenditure which is necessary for the performance by governing bodies of their duties; and the amount of any grant paid in the exercise of that power in respect of such expenditure on the repair of school buildings shall be 85 per cent. of the expenditure.
- (6) A governing body to whom any payment is made in respect of grant under this section shall comply with such requirements determined by the Secretary of State as he may from time to time impose.
- (7) 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
 - (b) may at any time be waived, removed or varied by the Secretary of State.
- (8) Such requirements may, in particular, if any conditions specified in the requirements are satisfied, require the payment to the Secretary of State of the whole or any part of the following amount.
- (9) That amount is—
- (a) the amount of the payments made in respect of the grant under this section, or
 - (b) so much of the value of any premises or equipment in respect of which grant was paid under this section as is determined in accordance with the requirements to be properly attributable to the payment of such grant,
- whichever is the greater.
- (10) No such requirement as is referred to in subsection (8) above may be imposed where any payment is made in respect of grant under this section if—
- (a) the grant is made in respect of the provision, alteration or repair of premises for a school or proposed school, and
 - (b) any freehold interest in the premises in respect of which the grant is made is, or is to be, held on trust for the purposes of the school.
- (11) No grant may be paid under this section—
- (a) in respect of any expenses incurred in the provision of any premises which it is the duty of the local education authority to provide, or
 - (b) in the case of a special agreement school, in respect of expenses incurred in the execution of proposals to which the special agreement relates or of repairs or alterations for the execution of which provision is made by the agreement.
- (12) In relation to a proposed school, the references in this section to the governing body, in relation to any time before such a body are constituted, are to the persons who propose to establish the school; and where requirements are imposed in relation to grant paid under this section to such persons, the governing body, when they are constituted, as well as those persons shall comply with the requirements.

- (13) In this section “repair” does not include repair falling within section 15(3)(b) of the Education Act 1944 (repair for which governing body are not responsible).

282 Power of LEA to assist governors of aided or special agreement school

- (1) A local education authority may give to the governors of an aided or special agreement school such assistance as the authority think fit in relation to the carrying out by the governors of any obligation under—
- (a) section 15(3)(a) of the Education Act 1944 (duty to defray certain maintenance expenses),
 - (b) paragraph 2 of the First Schedule to the Education Act 1946 (duty to defray expenses of providing school buildings on site to which school transferred under section 16 of the Education Act 1944), or
 - (c) section 13(5) of the Education Act 1980 (duty to implement proposal to alter, etc. school).
- (2) In section 15 of the Education Act 1944, after subsection (4) there is inserted—
- “(4A) For the purposes of subsection (4) of this section, the governors of an aided school or a special agreement school shall not be regarded as unable to carry out their obligations under subsection (3)(a) of this section if they are able to carry them out with the benefit of assistance under section 282(1) of the Education Act 1993 (power of local education authority to give assistance).”
- (3) In section 90 of the Education Act 1944 (compulsory purchase of land by local education authority) after subsection (1) there is inserted—
- “(1A) The proviso in subsection (1) of this section shall not apply where the local education authority propose that expenditure to be incurred in connection with the purchase should ultimately be borne by them under section 282(1) of the Education Act 1993 (power of local education authority to give assistance).”
- (4) In paragraph 2 of the First Schedule to the Education Act 1946, the existing provision becomes sub-paragraph (1) and after that sub-paragraph there is inserted—
- “(2) For the purposes of paragraph (c) of sub-paragraph (1) of this paragraph, the governors of an aided school or a special agreement school shall not be regarded as unable to carry out their obligations under this paragraph if they are able to carry them out with the benefit of assistance under section 282(1) of the Education Act 1993 (power of local education authority to give assistance).”

283 Power of LEA to assist promoters of voluntary school

A local education authority may give to persons required under section 13(5) of the Education Act 1980 to implement proposals involving the establishment of a school such assistance as the authority think fit in relation to the carrying out by those persons of their obligations under that provision.

284 Duty to convey interest in premises provided under section 282(1) or 283

- (1) Where assistance under section 282(1) or 283 of this Act consists of the provision of any premises for use for the purposes of a school, the local education authority shall

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convey their interest in the premises to the trustees of the school to be held on trust for the purposes of the school.

- (2) If any doubt or dispute arises as to the persons to whom a local education authority are required to make a conveyance under subsection (1) above, the conveyance shall be made to such persons as the Secretary of State thinks proper.
- (3) Where trustees make a disposal of an interest conveyed to them by a local education authority under subsection (1) above, they shall be liable to pay to that authority an amount equal to the net proceeds of the disposal.
- (4) In subsection (3) above—
 - “disposal” includes part disposal, and
 - “net proceeds”, in relation to a disposal, means the amount accruing on the disposal less any expenditure reasonably incurred for the purposes of making it.

285 Disapplication of section 123(2) of the Local Government Act 1972

Subsection (2) of section 123 of the Local Government Act 1972 (which prohibits a local authority from making a disposal of land under that section below market value without the consent of the Secretary of State) shall not apply in the case of a disposal—

- (a) to the governors of an aided or special agreement school, or
- (b) to persons proposing to establish a school which is proposed to be maintained by a local education authority as a voluntary school and to be an aided school.

286 Repeal of section 3(4) of the Education Act 1968

Section 3(4) of the Education Act 1968 (power of local education authority to provide, or assist in providing, temporary accommodation at voluntary school) shall cease to have effect.