
 STATUTORY INSTRUMENTS

1975 No. 1198

EDUCATION, ENGLAND AND WALES
**The Direct Grant Grammar Schools (Cessation of Grant)
Regulations 1975**

<i>Made</i>	- - -	21st July 1975
<i>Laid before Parliament</i>		30th July 1975
<i>Coming into Operation</i>		21st August 1975

The Secretary of State for Education and Science and the Secretary of State for Wales, in joint exercise of the powers conferred by sections 81(b) and 100(1)(b) and (c) of the Education Act 1944 (a) and vested in them (b), hereby make the following regulations:—

Citation, commencement, construction and interpretation

1.—(1) These regulations may be cited as the Direct Grant Grammar Schools (Cessation of Grant) Regulations 1975 and shall come into operation on 21st August 1975.

(2) These regulations shall be construed together with the Direct Grant Schools Regulations 1959(c) as amended (d) (“the principal regulations”).

(3) The Interpretation Act 1889(e) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Cessation of Grant

2. Grant shall cease to be payable under regulation 4(1) of the principal regulations to the proprietors of a school which ceases to be recognised as a grammar school for the purpose of that regulation by reason of—

(a) the school becoming maintained by a local education authority as a county or voluntary school; or

(b) the school ceasing to have any pupils in respect of whom grant is payable under sub-paragraphs (a), (b) and (c) (“the principal grant provisions”) of regulation 4(1)—

whichever first occurs, and the principal regulations shall thereupon cease to apply to the school.

(a) 1944 c.31.

(b) S.I. 1964/490, 1970/1536 (1964 I, p. 800; 1970 III, p. 5289).

(c) S.I. 1959/1832 (1959 I, p. 1034).

(d) The relevant amending instruments are S.I. 1963/1379, 1973/1535 (1963 II, p. 2385; 1973 III, p. 4788).

(e) 1889 c.63.

Phasing out of grant under principal grant provisions

3.—(1) Grant shall be payable under the principal grant provisions in respect of a pupil who is admitted to a school in the educational year beginning in 1976 only if the proprietors have before 1st January 1976 satisfied the Secretary of State that—

(a) they intend that the school should be maintained by a local education authority specified by them (“the authority”) as a county or voluntary school where the arrangements for the admission of pupils are not based (wholly or partly) on selection by reference to ability or aptitude; and

(b) they have notified the authority of their intention to consult the authority with regard to the submission of proposals under section 13 of the Education Act 1944 for that purpose.

(2) Grant shall be payable under the principal grant provisions in respect of a pupil who is admitted to a school in any educational year after 1976 only if on 1st January preceding that year the Secretary of State is satisfied that it continues to be the intention of the proprietors that the school should be maintained as mentioned in paragraph (1)(a) above and before that date—

(a) the proprietors have consulted the authority with regard to the submission of proposals for that purpose; and

(b) the authority have not notified the proprietors that they are unwilling either to submit proposals to the Secretary of State relating to the school under section 13(1)(b) of the Education Act 1944 or to concur in the submission of proposals by the proprietors under section 13(2) of that Act; and

(c) either—

(i) proposals that the school should be maintained by the authority have been submitted to the Secretary of State under section 13 of the Education Act 1944 and not rejected by him; or

(ii) the proprietors have satisfied the Secretary of State that, regard being had to all the circumstances, neither they nor the authority could reasonably have been expected to submit such proposals to him before that date—

and if grant ceases to be payable by virtue of this paragraph in respect of pupils admitted to the school in any educational year it shall not be payable in respect of pupils admitted to the school in any subsequent year.

(3) References in this regulation to a school being maintained by a local education authority are to be read as including references to the premises of the school becoming the premises of a school so maintained, whether by the significant enlargement of the premises of an existing school or by the establishment of a new school in those premises; and references to the submission of proposals to the Secretary of State under section 13 of the Education Act 1944, and to the persons by whom those proposals are or are to be submitted, shall be construed accordingly.

Application of principal regulations during phasing out

4. As regards any school to whose proprietors grant has ceased to be payable under the principal grant provisions in respect of pupils admitted to the school in any educational year beginning after 1975—

(a) for the provisions relating to the constitution of the governing body contained in regulation 7(1) of the principal regulations there shall be substituted a requirement that that body shall be constituted in such manner as, regard being had to the cessation of the grant payable in respect of the school, appears to the Secretary of State after consultation with the proprietors to be appropriate;

(b) regulation 9(3) (provision and alteration of premises) of those regulations shall cease to apply;

(c) regulations 13(3) (school dinners), 16 and 17 (admission) and 18 (fees) of those regulations shall not apply in respect of any pupils admitted to the school in respect of whom grant has ceased to be payable under the principal grant provisions in accordance with regulation 3.

Grants for schools becoming maintained

5. Where the Secretary of State has approved proposals submitted to him under section 13 of the Education Act 1944 that a school recognised as a grammar school for the purpose of regulation 4(1) of the principal regulations should be maintained by an authority as a county or voluntary school, or that its premises should become the premises of such a school, he may pay to the proprietors of the school grants not exceeding—

(a) the sums required to discharge any liability incurred by them before 11th March 1975 in relation to capital expenditure in connection with the provision of premises or equipment for the purposes of the school which was met by borrowing;

(b) 85 per cent. of any expenditure incurred by them after 10th March 1975 on the provision or alteration of premises which was approved by him under regulation 9(3) of the principal regulations;

(c) any expenditure out of income which he is satisfied was necessarily incurred by them by reason of the school ceasing to be recognised as a grammar school for the purpose of the said regulation 4(1) and becoming maintained as a county or voluntary school or, as the case may be, of the premises of the school becoming the premises of a school so maintained.

Consequential amendment

6. The reference in regulation 2(b) of the Regulations for Scholarships and Other Benefits 1945 (a) to the approved fees of children attending direct grant schools shall be construed as including the whole or part of any fees of children in respect of whom, by reason of regulation 4(c) above, regulation 18 of the principal regulations does not apply.

(a) S.R. & O. 1945/666 (1945 I, p. 340).

Given under the Official Seal of the Secretary of State for Education and Science on 18th July 1975.

Fred Mulley.

(L.S.)

Secretary of State for Education
and Science.

Given under my hand on 21st July 1975.

John Morris.

Secretary of State for Wales.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations provide for the cessation by stages of the payment of grants to the proprietors of direct grant grammar schools by the Secretary of State for Education and Science and the Secretary of State for Wales.

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