

**1999 No. 1469**

**EDUCATION, ENGLAND AND WALES**

**WALES**

**The Education (Schedule 32 to the School Standards and Framework Act 1998) (Wales) Regulations 1999**

*Made - - - - 26th May 1999*

*Laid before Parliament 7th June 1999*

*Coming into force 1st September 1999*

In exercise of the powers conferred on the Secretary of State by section 138(7) and (8) of, and paragraph 4 of Schedule 32 to, the School Standards and Framework Act 1998(a), the Secretary of State for Wales hereby makes the following Regulations:

**Citation, commencement and interpretation**

**1.**—(1) These Regulations may be cited as the Education (Schedule 32 to the School Standards and Framework Act 1998) (Wales) Regulations 1999 and shall come into force on 1st September 1999.

(2) In these Regulations—

“the 1996 Act” means the Education Act 1996(b);

“the 1998 Act” means the School Standards and Framework Act 1998; and

“the Assembly” means the National Assembly for Wales(c).

**Application**

**2.** These Regulations apply in respect of a school in Wales which was, immediately before 1st September 1999(d), a grant-maintained school within the meaning of the 1996 Act.

**Grants in respect of planned expenditure**

**3.** The Assembly may pay grants to the governing bodies of schools in Wales to which these Regulations apply in respect of relevant expenditure incurred or to be incurred by them.

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(a) 1998 c. 31. For the meaning of “prescribed” and “regulations” see section 142(1).

(b) 1996 c. 56.

(c) The National Assembly for Wales was established by section 1 of the Government of Wales Act 1998 (c. 38). All the functions of the Secretary of State relevant to these Regulations are transferred to the Assembly by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) with effect from 1st July 1999. Accordingly, in relation to Wales, references to the Secretary of State in the relevant sections and Schedules to the School Standards and Framework Act 1998 are to be construed as being, or including, a reference to the Assembly see section 43 of the Government of Wales Act 1998.

(d) This is the appointed day for the purposes of paragraph 4(3) and (6) of Schedule 32 to the 1998 Act in relation to the payment of grant under these Regulations.

### **Relevant expenditure**

4.—(1) In regulation 3 above “relevant expenditure” means expenditure of a kind referred to in paragraph (2) below (being expenditure arising out of an obligation incurred or a decision made before 1st September 1999).

- (2) That expenditure 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 to which these Regulations apply.

- (3) In paragraph (2) above “building” includes any fixtures and fittings affixed to a building.

### **Conditions**

5.—(1) The governing body of a school to whom any payment is made in respect of a grant under these Regulations shall comply with such requirements determined by the Assembly as the Assembly may from time to time impose.

- (2) 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 Assembly;

but such requirements may be imposed after the making of any such payment only if the Assembly is satisfied that in all the circumstances it is reasonable for them to be so imposed.

(3) In the case of grants paid to voluntary aided schools, such requirements may, in particular, if any conditions specified in the requirements are satisfied,—

- (a) require the application for purposes connected with the provision of education in appropriate schools of—
  - (i) any premises or equipment in respect of which the grant has been paid under these Regulations, or
  - (ii) an amount equal to so much of the value of any such premises or equipment as is determined in accordance with the requirements to be properly attributable to the payment of the grant; and
- (b) in the event that that requirement is not complied with, require the payment to the Assembly of the whole or any part of the following amount.

(4) That amount is—

- (a) the amount of the payments made in respect of the grant under these Regulations, or
- (b) the amount mentioned in paragraph (3)(a)(ii),

whichever the Assembly determines to be just.

(5) When deciding whether to make any grant to a voluntary aided school under these Regulations in circumstances where the Assembly considers that it would be appropriate to impose requirements falling within paragraph (3), the Assembly may have regard to whether, if such requirements were imposed, the governing body would have an enforceable right against some other person to be given by that person such financial assistance as would be necessary to enable them to pay to the Assembly the amount mentioned in paragraph (4).

(6) In paragraph (3) above “appropriate schools”—

- (a) in relation to a voluntary aided school having a religious character, means schools which are either foundation or voluntary schools and whose specified religion or religious denomination under section 69(4) of the 1998 Act is the same as that school’s, and

(b) in relation to any other voluntary aided school, means community, foundation, voluntary, community special and foundation special schools.

Signed by authority of the Secretary of State for Wales

26th May 1999

*Peter Hain*  
Parliamentary Under Secretary of State,  
Welsh Office

## EXPLANATORY NOTE

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

These Regulations, which apply only in relation to former grant-maintained schools in Wales, provide for the payment of grants by the Secretary of State to the governing bodies of former grant-maintained schools in cases where a decision has been made, or obligation incurred, to pay the grant before 1st September 1999 (regulation 3).

The Regulations define the expenditure in respect of which grant may be paid (regulation 4).

The Regulations enable the Assembly to impose conditions to be complied with by the governing bodies of schools to whom payment of grants are made (regulation 5).

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