2. GRANTS

(1) *Education Authorities.*
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(1) EDUCATION AUTHORITIES

The Education Authorities (Scotland) Grant Regulations, 1948

1948 No. 961 (S. 69)

Made - - - -	*5th May*, 1948
Laid before Parliament	*6th May*, 1948
Coming into Operation	*16th May*, 1948

In the exercise of the powers conferred upon me by paragraph (12) of section 70 and by subsection (1) of section 71 of the Education (Scotland) Act, 1946(**a**), and of all other powers enabling me in that behalf, I hereby make the following Regulations:—

Interpretation.

1.—(1) In these Regulations, unless the context otherwise requires—

(*a*) " Act " means the Education (Scotland) Act, 1946;

(*b*) " Approved " means approved by the Secretary of State for the purposes to which the context relates;

(*c*) " Authority " means Education Authority;

(*d*) " Day pupil " means a pupil who is not a boarder at the school or other educational establishment which he is attending;

(*e*) " Financial year " in relation to an Education Authority has the meaning assigned to it by section 174 of the Local Government (Scotland) Act, 1947(**b**), and in relation to a school not under the management of an Education Authority means the period of twelve months to which the accounts of the Governing Body normally relate;

(*f*) " Net recognisable expenditure " has the meaning assigned to that expression by paragraph (4) of Rule 2 in the Second Schedule annexed hereto;

(*g*) " Number of pupils attending schools conducted by the Authority " has the meaning assigned to that expression by Rule 1 in the Second Schedule annexed hereto;

(*h*) " Rateable value " in relation to an area for a year shall be construed as provided in subsection (4) of section 145 of the Local Government Act, 1948(**c**);

(*i*) " Recognised " means recognised by the Secretary of State for the purposes of payment of grant.

(2) The Interpretation Act, 1889(**d**), applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Grants in respect of expenditure of Authorities.

2. The grants payable under these Regulations by the Secretary of State from the Education (Scotland) Fund to Authorities in aid of expenditure incurred by them in the exercise of their functions relating to education shall be payable in respect of the financial year of the Authorities beginning in 1948 and of each subsequent financial year and

(**a**) 9 & 10 Geo. 6. c. 72. (**b**) 10 & 11 Geo. 6. c. 43. (**c**) 11 & 12 Geo. 6. c. 26.
(**d**) 52 & 53 Vict. c. 63.

shall be subject to the conditions prescribed by these Regulations and by any Regulations amending these Regulations. The grant payable for any financial year may comprise the following:—

(*a*) Main Grant;

(*b*) School Contributions Grant;

(*c*) Meals Service Grant;

(*d*) War Works (Removal) Grant.

Main Grant.

3.—(1) The net recognisable expenditure of an Authority for the purpose of calculating Main Grant shall be ascertained as prescribed in Rule 2 in the Second Schedule annexed hereto, by excluding from the total net recognisable expenditure the classes of such expenditure ascertained for the calculation of grant prescribed by paragraphs (*b*), (*c*) and (*d*) of Regulation 2.

(2) The Main Grant payable to an Authority for any financial year shall be the net amount calculated as follows:—

(*a*) £6 for each unit of the number of pupils attending schools conducted by the Authority;

increased by

(*b*) 60 per cent. of the net recognisable expenditure ascertained for the purpose of calculating the Main Grant as prescribed in paragraph (1) of this Regulation;

reduced by

(*c*) the product of a rate of 22 pence on the rateable value for the area for the year, or such other rate as the Secretary of State may determine under paragraph (3) of this Regulation.

(3) If, after consideration of the estimates of the Education (Scotland) Fund and of the information available regarding the estimated expenditure of Authorities and any other data relevant to the calculation of grant, the Secretary of State is of opinion that the estimated amount of the moneys which may become available from the said Fund for the purpose of making grants to Authorities under these Regulations in respect of any financial year may substantially exceed or fall short of the estimated total sum required if the reduction in the calculation of the Main Grant were made by reference to the product of a rate of 22 pence, it shall be in his power to substitute for that financial year a rate other than a rate of 22 pence in calculating the reduction to be made under sub-paragraph (*c*) of paragraph (2) of this Regulation, so however that the estimated amount of grants payable under these Regulations shall be equal, as nearly as may be, to the amount estimated to be available for the purpose of the said grants from the said Fund. If in any financial year the Secretary of State decides to exercise the power conferred upon him by this paragraph, he shall intimate to the Authorities not later than 15th June in that year the rate which he has decided to substitute.

School Contributions Grant.

4. Where an Authority have made a contribution under subsection (1) of section 25 of the Act to the maintenance of a school not under their own management, there may be paid to the Authority a grant not exceeding in amount the least of the following sums:—

(1) the amount of the contribution as approved by the Secretary of State for the purpose of this grant;

(2) the amount of the deficit in the school maintenance account for the school financial year in respect of which the contribution is made, to be ascertained by deducting from the approved expenditure on the school all income available to meet the said expenditure other than the approved contribution; and

(3) the amount by which the aggregate of the grants payable to the Authority under paragraphs (*a*), (*c*) and (*d*) of Regulation 2 of these Regulations would have been increased if the school had been under the management of the Authority and if no income other than from the said grants and from rates had been available:

Provided that—

(*a*) no grant shall be payable under this Regulation on account of a contribution in respect of which grant is payable under any other Regulation;

(*b*) grant in respect of contributions to any school made during any financial year of an Authority shall be payable in respect only of contributions towards the maintenance of that school during one financial year of the school, but for the purpose of this proviso any contribution may be deemed to have been made in a financial year of the Authority other than that in which it was actually made;

(*c*) if a change is made in the date on which a school financial year commences, the Secretary of State may adjust the grant as he deems necessary in respect of any transitional accounting period of more or less than one year; and

(*d*) where two or more Authorities contribute to the same school, the total grant payable under this Regulation in respect of the contribution to that school for any school financial year shall be determined as if those contributions had been made by one Authority, and the total grant so ascertained shall be divided among the several Authorities in proportion to the amount of their approved contributions.

Meals Service Grant.

5. Meals Service Grant shall be payable in accordance with the provisions of the First Schedule to these Regulations in respect of net recognisable expenditure incurred by an Authority in providing milk, midday meals and premises and equipment under sections 47 and 49 of the Act for day pupils. The net recognisable expenditure on the provision of other meals and refreshment shall, as prescribed in the said Schedule, form part of the net recognisable expenditure for the purposes of the Main Grant.

War Works (Removal) Grant.

6.—(1) War Works (Removal) Grant shall be payable at the rate of 100 per cent. in respect of any net recognisable expenditure incurred for the removal of any air raid shelter or other works constructed for the purpose of air raid precautions or of any temporary defence works as hereinafter defined, and for the reinstatement of premises so far as such reinstatement is rendered necessary by such removal.

(2) For the purpose of this Regulation, the expression "temporary defence works" means works constructed for defence purposes on the premises of any school or other institution in respect of which the Secretary of State pays grant, being works done by or on behalf of a Service Department, the Home Office or the Ministry of Home Security,

whether in pursuance of powers conferred by Regulation 50 or Regulation 51 of the Defence (General) Regulations, 1939, or by agreement with the authorities of the school or other institution.

Conditions of grant.

7. The payment of grant shall be conditional upon the Secretary of State being satisfied that the Authority—

(*a*) have complied with the requirements imposed upon them by or under the Act; and

(*b*) have supplied punctually such information and returns as the Secretary of State has required.

If the Secretary of State is not satisfied on any of the matters aforesaid he may withhold or make a deduction from the grant.

Provisions as to payment of grant.

8.—(1) A sum estimated to amount to 95 per cent. of the grant payable for any financial year may, subject to the provision by Parliament of the moneys required in the Education (Scotland) Fund, be paid by monthly instalments on account during that year.

(2) After the end of the year such further instalments as the Secretary of State may think fit, based on returns required by him for the purpose, may be paid before final adjustment of the grant for the year.

(3) The inclusion by the Secretary of State of expenditure for the purpose of calculating any instalments of grant shall not commit the Secretary of State to the recognition of such expenditure for the purposes of these Regulations.

(4) The balance of grant shall be paid after the audited accounts for the year and any other returns required by the Secretary of State for the purpose have been received and examined.

(5) If any question arises as to whether any of the requirements of these Regulations are fulfilled, or as to the amount of any grant payable thereunder, the decision of the Secretary of State shall be final.

Date of coming into effect of the Regulations.

9.—(1) These Regulations shall come into operation on 16th May, 1948.

(2) These Regulations may be cited as the Education Authorities (Scotland) Grant Regulations, 1948.

Arthur Woodburn,
One of His Majesty's Principal Secretaries of State.

Fielden House,
London, S.W.1.
5th May, 1948.

FIRST SCHEDULE

(Regulation 5)

DETAILED PROVISIONS FOR MEALS SERVICE GRANT

Introductory

1. In this Schedule, unless the context otherwise requires—

(1) " Overhead expenses " in relation (i) to midday meals and (ii) to other meals and refreshments means the cost of providing midday meals or other meals and refreshments, as the case may be, exclusive of the cost of food and the cost of premises and equipment;

(2) " Running expenditure " in relation to any part of the meals service means the net recognisable expenditure incurred by the Authority in providing that part of the service;

(3) Other words and expressions have the same meaning as in the Education (Meals Service) (Scotland) Regulations, 1946(a).

2. The Meals Service Grant may comprise—

(*a*) Milk Grant;

(*b*) Premises Grant; and

(*c*) Midday Meals Grant.

Milk Grant

3. The Milk Grant shall be at the rate of 100 per cent. of the net recognisable expenditure incurred in the provision of milk under paragraph (2) of Regulation 5 of the Education (Meals Service) (Scotland) Regulations, 1946, for day pupils of public schools, and similar provision for day pupils attending other educational establishments under the management of the Authority.

Premises Grant

4. The Premises Grant shall be at the rate of 100 per cent. of the net recognisable expenditure incurred in—

(*a*) providing premises and equipment;

(*b*) providing for a purpose other than the provision of meals alternative premises to replace premises diverted for the provision of meals, exclusive of any net expenditure on payment of rent of premises;

(*c*) discharging any liability relating to the reinstatement of premises which arises when temporary use of such premises for the provision of meals ceases:

Provided that where the said expenditure has been incurred under arrangements made under section 49 of the Act for a school not under the management of the Authority, it shall be a condition of the grant that the said arrangements are approved by the Secretary of State and, except in so far as they relate to expenditure on transport facilities, that they secure—

(i) that the provision made is part of a provision made mainly for the benefit of pupils attending schools under the management of the Authority or of pupils in respect of whom payments are made by the Authority under subsection (7) of section 25 of the Act; and

(ii) that in the case of a grant-aided school any premises or equipment provided remain the property of the Authority and are made available, if and as required, for the benefit of pupils attending schools under the management of the Authority.

Midday Meals Grant

5.—(1) For public and grant-aided schools there shall be ascertained the running expenditure for midday meals on (*a*) food provided and (*b*) overhead costs incurred, under sections 47 and 49 of the Act. The said running expenditure shall be ascertained by deducting from the total running expenditure on food and overhead costs respectively the sums calculated under paragraph 6 of this Schedule as the running expenditure on food and overhead costs respectively for meals and refreshments other than midday meals.

(a) S.R. & O. 1946 (No. 799) I, p. 476.

(2) Midday meals grant in respect of the provision made for pupils of public and grant-aided schools shall be equal to the sum of—

(*a*) the running expenditure on food for midday meals ascertained as aforesaid, or the product of the number of midday meals served in the financial year and the unit cost for food fixed by the Secretary of State as hereinafter provided, whichever is the less; and

(*b*) the running expenditure on overhead costs for midday meals ascertained as aforesaid, or the product of the number of midday meals served in the financial year and the unit cost for overhead costs fixed by the Secretary of State as hereinafter provided, whichever is the less:

reduced by the amount of receipts in respect of midday meals from parents and other sources.

Grant for Other Meals and Refreshments

6.—(1) The Secretary of State, after consulting the Authority, shall determine the method of computing the sums which shall be treated as the approved running expenditure of that Authority on (*a*) food, and (*b*) overhead costs for meals and refreshments other than midday meals for public and grant-aided schools.

(2) The sums computed as provided in sub-paragraph (1) of this paragraph shall be reduced by the amount of receipts in respect of these meals and the resulting sum shall be deemed to be the net expenditure on other meals and refreshments, and shall be treated as part of the net recognisable expenditure for the purpose of calculating Main Grant.

Independent Schools

7. Where an Authority incur approved running expenditure under section 49 of the Act in securing the provision of midday meals for pupils of independent schools, the Midday Meals Grant shall be at the rate of 100 per cent. of the net recognisable expenditure so incurred, and where they incur such expenditure in securing the provision of other meals and refreshment for such pupils, the net recognisable expenditure thereon shall be treated as part of the net recognisable expenditure for the purpose of calculating the Main Grant: provided that any expenditure on the provision of food for such midday meals or other meals and refreshment shall be excluded from the net recognisable expenditure.

Unit Costs

8.—(1) The unit costs for food and overhead costs in respect of midday meals shall be fixed for each Authority by the Secretary of State on or after 16th November in the financial year to which they relate.

(2) Before fixing such unit costs the Secretary of State shall take into consideration any relevant information submitted by the Authority not later than 15th November in that year.

(3) The Secretary of State shall not vary the unit costs so fixed except insofar as, in his opinion, such variation is necessitated by contingencies of an exceptional nature outwith the control of the Authority and directly affecting the cost of providing school meals.

Number of Meals Served

9. The number of midday meals for the purposes of these Regulations shall be calculated in such manner as may be determined in the case of each Authority by the Secretary of State.

SECOND SCHEDULE

RULES APPLICABLE TO THE CALCULATION OF GRANTS

1. *Assessment of " number of pupils attending schools conducted by the Authority "*

The " number of pupils attending schools conducted by the Authority " shall be taken to be the average number of pupils on the registers of schools under the management of the Authority in the course of the year ending on the 31st day of July in the financial year to which the grant payable to the Authority relates.

2. *Ascertainment of " net recognisable expenditure "*

(1) The expenditure and income of each Authority to be taken into account for the purpose of calculating grant for any financial year shall be ascertained by reference to the audited accounts of the Authority and to the General Abstract of Revenue Receipts and Expenditure contained in the Appendix to the Annual Report, for the year to which the grant relates, by the Accountant appointed under section 73 of the Act.

(2) From the expenditure so ascertained there shall be excluded:—

(*a*) expenditure which in the opinion of the Secretary of State should not be reckoned for the purpose of grant under these Regulations by reason of other grants payable from moneys provided by Parliament;

(*b*) contributions made under subsections (2) and (5) of section 24, subsections (3) and (5) of section 25, and subsection (1) of section 26, of the Act: provided that if the Secretary of State is satisfied that any such contribution, or part thereof, should not be regarded as expenditure which should be met from rates, he may treat that contribution or part thereof as if it were not excludable under this Rule; and

(*c*) any other expenditure not recognised by the Secretary of State as expenditure in aid of which grants should be made to the Authority.

(3) The expenditure thus reduced shall then be classified according to the classification required for calculating such grants as are based on particular classes of expenditure, and from each class of expenditure shall be deducted all income relating thereto except grants from the Secretary of State and contributions from other Authorities of the kinds specified in sub-paragraph (2) (*b*) of this Rule.

(4) The net expenditure thus ascertained for any class shall be the expenditure eligible for recognition, and in these Regulations the expression " net recognisable expenditure " means either the total net expenditure which is recognisable or the net expenditure of any class which is recognisable as the context requires.

3. *Ascertainment of " product of a rate "*

The product of a rate of a specified number of pence on the rateable value for the area shall be ascertained by reference to the product of a rate of one penny which shall be calculated by dividing the rateable value for the area by 240.

4. *Calculation of Grant*

The grant under each of the paragraphs (*a*) to (*d*) in Regulation 2 shall be calculated to the nearest pound, a fraction of a pound, in the final result, being ignored or reckoned as a pound according as it is, or is not, less than 10s.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

Section 70 of the Education (Scotland) Act, 1946, *inter alia* empowers the Secretary of State to make Regulations providing for the application of the balance of the Education (Scotland) Fund as nearly as may be to making

payment of grants in aid of the expenditure of Education Authorities. The foregoing Regulations provide for the distribution of this balance in grants for the financial years of the Authorities beginning in May, 1948, and in subsequent years. There will be a " Main Grant " and three subsidiary grants—a " School Contributions Grant ", a " Meals Service Grant " and a " War Works (Removal) Grant ". The formula for the Main Grant is £6 per pupil plus 60 per cent. of the net recognisable expenditure of the Authority less the product of a rate of 22 pence in the area. Provision is made for variation of this rate from year to year according to the size of the balance of the Education (Scotland) Fund.

The Regulations supersede the series of annual Grant Regulations under which the balance of the Fund has been applied in recent years. Under the annual Regulations the main grant was based upon the numbers of pupils and teachers and was subject to reduction by the product of a rate of 5 pence in the area. There were also sixteen subsidiary grants in aid of expenditure on specified services calculated on a percentage basis and additional grants to necessitous areas. Except for the subsidiary grants mentioned above, which are to be calculated on the same basis as formerly, the other subsidiary grants and the additional grants for necessitous areas are to be discontinued.

(2) REGIONAL ADVISORY COUNCILS

The Regional Advisory Councils (Scotland) Grant Regulations, 1948

1948 No. 569 (S. 35)

Made - - - -	*22nd March*, 1948
Laid before Parliament	*March*, 1948
Coming into Operation	*1st April*, 1948

In the exercise of the powers conferred upon me by paragraph (9) of section 70 of the Education (Scotland) Act, 1946(a), and of all other powers enabling me in that behalf, I hereby make the following Regulations:—

1.—(1) In these Regulations, unless the context otherwise requires— Interpretation.

(*a*) " Approved " means approved by the Secretary of State for the purpose of these Regulations;

(*b*) " Council " means a Regional Advisory Council established under an order made under subsection (3) of section 68 of the Education (Scotland) Act, 1946; and

(*c*) " Financial year " in relation to a Council means a period of twelve months to which the accounts relate, provided that if the date of the commencement of the financial year of any Council is changed, the period between the commencement of the financial year in which the change is approved and the day immediately preceding the day upon which the change takes effect shall, notwithstanding that it may be less than or exceed twelve months, be deemed to be a financial year.

(a) 9 & 10 Geo. 6. c. 72.