STATUTORY INSTRUMENTS

2001 No. 797

EDUCATION, ENGLAND

The Education Maintenance Allowance and School Access Funds (England) Grants Regulations 2001

Made - - - -	*6th March 2001*
Laid before Parliament	*8th March 2001*
Coming into force	*1st April 2001*

In exercise of the powers conferred on the Secretary of State by sections 484, 489 and 569(4) of the Education Act 1996**(a)** the Secretary of State for Education and Employment hereby makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Education Maintenance Allowance and School Access Funds (England) Grants Regulations 2001 and shall come into force on 1st April 2001.

(2) These Regulations apply only in relation to England.

Interpretation

2. In these Regulations—

"advanced education" means full-time education for the purposes of—

(a) a course in preparation for a degree, a diploma of higher education, a higher national diploma, a higher national diploma of the Business and Technician Education Council or the Scottish Vocational Education Council, or a teaching qualification; or

(b) any other course which is of a standard above ordinary national diploma, a national diploma of the Business and Technician Education Council, a national certificate of the Scottish Vocational Education Council, a general certificate of education (advanced level), a Scottish certificate of education (higher grade) or a Scottish certificate of Sixth Year Studies;

"approved expenditure" means any expenditure which is approved as provided in regulation 3 below;

"determine" means determine by notice in writing;

"education authority" means a local education authority; and

"financial year" means a period of 12 months beginning on 1st April.

(a) 1996 c. 56; sections 484 and 489 were amended by the School Standards and Framework Act 1998 (c. 31), section 7(10) and Schedule 30, paragraphs 125 and 126. By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) the powers conferred by these provisions are exercisable by the Secretary of State only in relation to England. *See* section 579(1) for the definition of "regulations".

Payment of grant

3.—(1) Subject to paragraph (2), the Secretary of State may pay grant to an education authority in respect of expenditure incurred by it for or in connection with the provision of financial assistance to students over compulsory school age who are in education other than for the purposes of advanced education.

(2) The Secretary of State may only pay grant under this regulation to the extent to which the expenditure in respect of which the grant is to be paid, incurred or to be incurred in any financial year, is approved for that financial 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 by the recipient of the payments or any part thereof would be within regulation 3(1) above if it were expenditure by the authority,

such payments shall to that extent be treated as eligible expenditure within regulation 3(1) for the purposes of these Regulations.

Rate of grant

5. Grant shall be payable at the rate of 100 per cent. of approved expenditure.

Conditions for payment of grant

6.—(1) An education authority shall, when requested by the Secretary of State, inform him of the approved expenditure which has been or which it is estimated will be incurred by the education authority during the course of the financial year.

(2) Each education authority that has received or seeks to receive a payment of grant under these Regulations in respect of expenditure incurred during any financial year shall, before 1st October in the following financial year or as soon as practicable after that date—

(a) submit to the Secretary of State a statement which shall specify the amount and the nature of the approved expenditure which has been incurred during that year; and

(b) secure the submission to the Secretary of State of a certificate signed by the auditor appointed by the Audit Commission for Local Authorities and the National Health Service in England and Wales to audit the accounts of the authority or any auditor qualified for such appointment by virtue of sections 5, 6 and 7 of the Audit Commission Act 1998**(a)** certifying that in his opinion the particulars stated in the statement submitted by the authority pursuant to this paragraph are fairly stated and that the expenditure incurred was approved for the purposes of section 484.

(3) Any under-payment or over-payment of grant which remains outstanding following receipt of the auditor's certificate referred to in paragraph 2(b) above shall, without prejudice to the recovery of any over-payment from any subsequent payment of grant under these Regulations to the education authority, be adjusted by payment between the authority and the Secretary of State.

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

(2) Where conditions have been determined under this regulation no grant shall be payable under these Regulations unless such conditions have either been fulfilled or been withdrawn under paragraph (3) below.

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

(a) 1998 c.18.

Requirements to be complied with

8. Any education authority to whom a payment of grant has been made under these Regulations 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.

9.—(1) Any education authority to whom a payment of grant has been made shall comply with such requirements as may be determined by the Secretary of State in the case in question.

(2) Requirements determined under this regulation may in particular include requirements as to—

(a) the repayment of grant paid under these Regulations;

(b) the payment to the Secretary of State of other sums related to the value of assets acquired, provided or improved—

(i) with the aid of grant under these Regulations; or

(ii) by any other body or persons referred to in regulation 4(a) above with the aid of payments made by the authority in respect of which grant has been paid under these Regulations; or

(c) the payment of interest on sums due to the Secretary of State.

Tessa Blackstone
Minister of State,
6th March 2001 Department for Education and Employment

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations authorise the Secretary of State to pay grants to local education authorities in respect of expenditure incurred by them for or in connection with the provision of financial assistance to students over compulsory school age who are in education otherwise than for the purpose of advanced education. Grant is payable at 100% of approved expenditure. The Regulations also provide for the payment of grant to be dependent on conditions set out in the Regulations or such further conditions as may be specified in writing by the Secretary of State and for an authority to whom grant is paid to comply with such requirements as may be so specified.

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