schools and the provision of education therein. Accordingly, Regulation 12 provides for the continuance in force of the Code in its application to education authorities, and cites the amended powers under which the Code is to continue in operation.

Regulations 11, 13 *and* 14

These Regulations remove from the Regulations referred to therein references to the Education (Scotland) Fund.

Regulation 13 also deals with the Scottish Teachers Superannuation Fund. This Fund was established under the Superannuation Scheme for Teachers, 1911. The contributions of teachers, their employers and the Scottish Education Department were paid into it and superannuation benefits were paid out of it. The Scheme of 1911 was superseded by a non-contributory Scheme in 1919. The teachers' contributions were returned to them and the balance of the Fund was invested by the National Debt Commissioners in government securities. The Scheme of 1919 provided for the interest to be paid into the Education (Scotland) Fund in reduction of the charges which would otherwise fall on that Fund in respect of superannuation benefits.

Under section 70 (2), as amended, of the Act of 1946 superannuation benefits will be payable by the Secretary of State out of moneys provided by Parliament and it will no longer be possible to pay the interest of the Scottish Teachers Superannuation Fund into the Education (Scotland) Fund. Accordingly the amendment in paragraph (5) of Regulation 13 provides for the cancellation of the government securities in which the Scottish Teachers Superannuation Fund is invested and for the payment of any balances to the Exchequer.

The remaining provisions of the amendment in Regulation 13 (5) give effect to the provisions of paragraph 3 of Part I of the Third Schedule to the Act of 1946 as amended by pargaraph 6 of the Fourth Schedule to the Act of 1958.

Regulation 16

This Regulation revokes certain Regulations and an Order whose purposes have been fulfilled or can be achieved under other Regulations.

1959 No. 833 (S. 42)

The Grant-Aided Secondary Schools (Scotland) Grant Regulations, 1959

Made - - - -	7*th May*, 1959
Laid before Parliament	14*th May*, 1959
Coming into Operation	16*th May*, 1959

In the exercise of the powers conferred upon me—

(1) by paragraph 12 of section 70 of the Education (Scotland) Act, 1946(**a**), as amended by heads (*a*), (*e*) and (*f*) of sub-paragraph (3) of paragraph 6 of the Fourth Schedule to the Local Government and Miscellaneous Financial Provisions (Scotland) Act, 1958(**b**), and

(2) by subsection (1) of section 71 of the said Act of 1946, as amended by sub-paragraph (4) of paragraph 6 of the said Fourth Schedule,

and of all other powers enabling me in that behalf, I hereby make the following Regulations.

(**a**) 9 & 10 Geo. 6. c. 72. (**b**) 6 & 7 Eliz. 2. c. 64.

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Grant-Aided Secondary Schools (Scotland) Grant Regulations, 1959.

(2) These Regulations shall come into operation on 16th May, 1959.

(3) The Education (Scotland) Miscellaneous Grants Regulations, 1948(a), (hereinafter referred to as " the Regulations of 1948 ") are hereby revoked, provided that the revocation shall not have effect for the purposes of any financial year of a school named in the Schedule to the said Regulations beginning before 16th May, 1959.

Interpretation

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

(2) In these Regulations, unless the context otherwise requires, references to any enactment or regulation shall respectively be construed as references to that enactment or regulation as amended by any subsequent enactment or regulation, including any enactment or regulation substituted for that enactment or regulation.

Definitions

3. In these Regulations, unless the context otherwise requires—

(1) " accounts " means the accounts kept by the Managers of a recognised secondary school of the income received and expenditure incurred by them ;

(2) " approved " means approved by the Secretary of State for the purposes of these Regulations ;

(3) " financial year " in relation to a recognised secondary school means a period of twelve months to which the accounts relate, provided that if, with the approval of the Secretary of State, the date of the commencement of a financial year 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 ;

(4) " recognised " means recognised by the Secretary of State for the purposes of these Regulations ;

(5) " secondary school " means a school for the provision of secondary education or of both primary and secondary education.

Maintenance grants

4.—(1) Subject to the conditions prescribed in these Regulations the Secretary of State may pay to the Managers of a recognised secondary school in respect of the first financial year of the school beginning after 15th May, 1959, and of each subsequent financial year a grant in aid of their approved expenditure on the maintenance of the school not exceeding, save in exceptional circumstances, the lesser of the following sums—

(*a*) a sum equal to 60 per cent. of the said approved expenditure, or

(*b*) the sum whereby the said approved expenditure exceeds the income of the Managers from sources other than grants after deduction from the said income of any sums approved as being required for purposes other than the maintenance of the school.

(a) S.I. 1948/2767 (Rev. VI, p. 711: 1948 I, p. 781). (b) 52 & 53 Vict. c. 63.

(2) A grant payable under the last foregoing paragraph may be paid by instalments of such amount and at such times as the Secretary of State may determine.

Conditions of grant

5.—(1) Any grant under these Regulations shall be paid subject to the conditions specified in this Regulation and to the conditions specified in any other regulations specifying other conditions upon which the said grant is made by the Secretary of State to the Managers. If, in the opinion of the Secretary of State, the Managers have failed to comply with any of the said conditions, he may withhold or reduce instalments of grant.

(2) The Managers shall submit to the Secretary of State by such date in each year as he may require on forms to be provided by him estimates for such periods as he may specify of the income of the Managers from sources other than grant and of the expenditure of the Managers upon the maintenance of the school and for other purposes.

(3) The Managers shall submit to the Secretary of State on forms to be provided by him as soon as may be after the end of each financial year a certified financial statement of their income and expenditure in that financial year. The statement shall be supported by accounts, audited to the satisfaction of the Secretary of State, relating to that financial year.

(4) The Managers shall pay to the teachers employed by them salaries in accordance with the Teachers' Salaries (Scotland) Regulations, 1956(**a**):

Provided that where the said Regulations do not apply to the salary of any teacher or where the Managers desire to pay a larger salary to any teacher than that prescribed in the said Regulations, they shall submit a proposal to the Secretary of State as to the salary to be paid to the said teacher and shall pay to the said teacher such salary as the Secretary of State may approve.

(5) The Managers shall take all reasonable steps to secure that the income available for the maintenance of the school from sources other than grant, including fees, shall be of such amount as the Secretary of State may consider reasonable having regard to the circumstances of the school.

(6) The Managers shall keep such registers and records and furnish such information and returns to the Secretary of State as he may require.

(7) The provisions of the Schools (Scotland) Code, 1956(**b**), shall be observed.

(8) The Managers shall make arrangements for—

(*a*) a satisfactory service for the supply of milk and midday meals for pupils attending the school and shall obtain approval of any charges to be made on the parents in respect of the service;

(*b*) securing the medical inspection and supervision of pupils attending the school; and

(*c*) securing the provision for any pupil attending the school who is unable by reason of the inadequacy or unsuitability of his clothing to take full advantage of the education (including physical exercises) provided, of such clothing as is necessary for the purpose of ensuring that he is sufficiently and suitably clad.

(**a**) S.I. 1956/1656 (1956 I, p. 768). (**b**) S.I. 1956/894 (1956 I, p. 735).

Transitional grants

6.—(1) Where a recognised school named in the Schedule to the Regulations of 1948, received from an Education Authority a contribution under subsection (1) of section 25 of the Education (Scotland) Act, 1946, towards the maintenance of the school during the last financial year of the school ending before 1st January, 1960, and the said contribution was approved in whole or in part for the purposes of the School Contributions Grant to the Education Authority under Regulation 4 of the Education Authorities (Scotland) Grant Regulations, 1948(a) (in this Regulation referred to as "the 1959 grant"), the Secretary of State may pay to the Managers of the school in respect of the financial year of the school ending in 1960 a transitional grant not exceeding the amount of the 1959 grant, in respect of the financial year of the school ending in 1961 a transitional grant not exceeding two-thirds of the 1959 grant, and in respect of the financial year of the school ending in 1962 a transitional grant not exceeding one-third of the 1959 grant.

(2) Paragraph (2) of Regulation 4 shall, with any necessary modifications, apply to the transitional grant payable under this Regulation as it applies to the grants payable under that Regulation.

John S. Maclay,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
7th May, 1959.

EXPLANATORY NOTE

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

These Regulations replace the Education (Scotland) Miscellaneous Grants Regulations, 1948. They empower the Secretary of State to pay to the Managers of secondary schools not managed by Education Authorities grants in aid of their expenditure on the maintenance of the schools in their first financial year beginning after 15th May, 1959, and in subsequent financial years. Save in exceptional circumstances the grant must not exceed 60 per cent. of the approved expenditure or the deficit on the year's working, whichever is the less.

Some of the Managers who will receive grant under the Regulations have received contributions from Education Authorities towards the maintenance of the schools, and the Authorities have been reimbursed by the School Contributions Grant payable by the Secretary of State from the Education (Scotland) Fund. As a consequence of the abolition of the Fund and the introduction of general grants under the Local Government and Miscellaneous Financial Provisions (Scotland) Act, 1958, the School Contributions Grant is being discontinued, and most Education Authorities are discontinuing their contributions towards the maintenance of the schools. The Regulations enable the Secretary of State to pay to the Managers of such schools in the financial years of the schools ending in 1960, 1961 and 1962 transitional grants on a diminishing scale in place of the contributions they have been accustomed to receive from the Education Authorities.

(a) S.I. 1948/961 (Rev. VI, p. 703: 1948 I, p. 768)