STATUTORY INSTRUMENTS

1977 No. 2002

LOCAL GOVERNMENT, ENGLAND AND WALES

The Rate Support Grants (Adjustment of Needs Element) (Amendment No. 2) Regulations 1977

Made - - - -	*5th December* 1977
Laid before Parliament	*9th December* 1977
Coming into Operation	*31st December* 1977

The Secretary of State for Education and Science, in exercise of the powers conferred upon her by section 10(3) of the Local Government Act 1974(**a**) and paragraph 3 of Schedule 2 thereto after consulting with such associations of local authorities as appeared to her to be concerned in accordance with section 10(5) of the said Act, hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as the Rate Support Grants (Adjustment of Needs Element) (Amendment No. 2) Regulations 1977 and shall come into operation on 31st December 1977.

(2) In these Regulations "the principal Regulations" means the Rate Support Grants (Adjustment of Needs Element) Regulations 1976(**b**).

2. For sub-paragraph (h) of Regulation 2 of the principal Regulations, as amended(**c**) (expenditure to which those regulations apply) there shall be substituted the following sub-paragraph:—

" (*h*) in making payments to persons who, in consequence of a direction given by the Secretary of State under Regulation 3(2) of the Further Education Regulations 1975(**d**), have ceased to be employed as teachers in colleges for the training of teachers and become employed either by a local authority in a different capacity or as teachers in voluntary schools, being—

(i) payments made by an authority as compensating authority under the Colleges of Education (Compensation) Regulations 1975(**e**); or

(ii) the amount by which the salary to which such person is entitled under a document such as is mentioned in section 5(2) of the Remuneration of Teachers Act 1965(**f**) exceeds the salary which would normally be appropriate to the post held by him. ".

(**a**) 1974 c. 7.
(**b**) S.I. 1976/1939 (1976 III, p. 5200).
(**c**) S.I. 1977/1342 (1977 II, p. 3955).
(**d**) S.I. 1975/1054 (1975 II, p. 3676).
(**e**) S.I. 1975/1092 (1975 II, p. 3794).
(**f**) 1965 c. 3.

3. For Regulation 4(2) of the principal Regulations (apportionment of expenditure) there shall be substituted the following Regulation:—

"(2) The school population of an authority shall be treated as the aggregate of the numbers of—

(*a*) pupils belonging to the area of the authority who are registered pupils at schools maintained or assisted by any authority or who receive education otherwise than at school in accordance with arrangements made under section 56 of the Education Act 1944(**a**);

(*b*) pupils not belonging to the area of any authority who are registered pupils at schools maintained or assisted by the authority; and

(*c*) pupils at other schools the fees for whose tuition are paid in full by the authority.".

4. Nothing in these Regulations shall affect the principal Regulations in their application to a financial year (within the meaning thereof) beginning before 1st April 1978.

Given under the Official Seal of the Secretary of State for Education and Science on 5th December 1977.

(L.S.)

Shirley Williams,
Secretary of State for Education and Science.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations amend the Rate Support Grants (Adjustment of Needs Element) Regulations 1976.

First, they re-define, as regards payments to certain persons who cease to be employed in colleges of education, the expenditure to which the Regulations apply.

Second, they alter the basis for the apportionment of expenditure among authorities by providing that, for the purpose of calculating each authority's school population, extra-district pupils in maintained schools shall be assigned to their home authorities.

(**a**) 1944 c. 31.

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