STATUTORY INSTRUMENTS

1976 No. 1939

LOCAL GOVERNMENT, ENGLAND AND WALES

The Rate Support Grants (Adjustment of Needs Element) Regulations 1976

Made - - - -	15*th November* 1976
Laid before Parliament	25*th November* 1976
Coming into Operation	17*th December* 1976

The Secretary of State, in exercise of the powers conferred upon him by paragraph 3 of Schedule 2 to the Local Government Act 1974**(a)**, hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Rate Support Grants (Adjustment of Needs Element) Regulations 1976 and shall come into operation on 17th December 1976.

(2) In these regulations, unless the context otherwise requires—

"authority" means local education authority;

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

"Secretary of State" means Secretary of State for Education and Science; and

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

(3) The Interpretation Act 1889**(b)** shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Expenditure to which regulations apply

2. These regulations do not apply to any capital expenditure from revenue in any financial year exceeding £75,000 in respect of any one establishment of further education recognised by the Secretary of State as a polytechnic, or £30,000 in respect of any other establishment of further education, but subject thereto apply to expenditure incurred after 31st March 1974—

(*a*) in establishing, maintaining or assisting colleges or other institutions for the training of teachers or in providing or assisting the provision of other facilities specified in directions under section 62 of the Education Act 1944**(c)**;

(*b*) (i) in respect of the attendance of a teacher of a description specified in the first column of the table below at a course of training of a kind specified in the second column of that table;

(ii) in the provision of courses of training for teachers who have not completed their probationary period (within the meaning of paragraph 2 of Schedule 2 to the Schools Regulations 1959**(d)**, as amended**(e)**)

(a) 1974 c. 7. **(b)** 1889 c. 63.
(c) 1944 c. 31. **(d)** S.I. 1959/364 (1959 I, p. 1584).
(e) The relevant amending instruments are S.I. 1968/1281, 1971/342 (1968 II, p. 3585; 1971 I, p. 1082).

provided under a scheme approved by the Secretary of State as an induction pilot scheme, and in paying the salaries, employers' superannuation and national insurance contributions of teachers seconded to attend such courses;

(*c*) in the provision, or in assisting the provision, of—

(i) any course in an establishment of further education to which paragraph (*a*), (*b*) or (*d*) of Schedule 1 to the Further Education Regulations 1975**(a)**, as amended**(b)** applies;

(ii) such facilities as the Secretary of State may direct in connection with any such course;

(iii) facilities for research in any such establishment;

(*d*) in the making of provision for primary, secondary or further education of pupils not belonging to the area of any authority;

(*e*) in the training of persons to become educational psychologists or in respect of persons who are being so trained;

(*f*) (i) in making payments to or in respect of accountants seconded to a Cost Investigation Unit administered by the Secretary of State for the purpose of research into any of the functions of authorities;

(ii) in the maintenance of the Hereward College of Further Education for the Physically Handicapped in the period beginning with 1st April 1974 and ending on 31st August 1977;

(iii) in making payments to persons who cease to be employed as teachers in colleges of education and become employed either by a local authority in a different capacity or as teachers in voluntary schools.

TABLE

Description of Teacher	*Type of Course*
A teacher in respect of whom the authority are satisfied that he could not reasonably be expected to attend a part-time course in preparation for a degree or such a diploma.	A full-time course in preparation for a degree or for a diploma of a university or the Council for National Academic Awards.
Any teacher.	A part-time course in preparation for a degree or for a diploma of a university or the Council for National Academic Awards.
Any teacher.	Any course approved by the Secretary of State for the purpose of these regulations.
A teacher in an establishment of further education in whose case the authority are satisfied that it is in the interests of the provision of further education that he should be seconded, or as the case may be assisted, to attend the course.	Any other course of training attended full-time for a period of not less than four weeks nor more than one year or part-time for an equivalent period.

(a) S.I. 1975/1054 (1975 II, p. 3676).
(b) The amending regulations are not relevant to the subject matter of these regulations.

Ascertainment of expenditure

3. Every authority shall in every year, in relation to expenditure incurred by the authority to which these regulations apply, furnish to the Secretary of State, in such form as the Secretary of State may direct, with—

(*a*) not later than 31st October an estimate of—

(i) the expenditure incurred in the previous financial year;

(ii) the expenditure likely to be incurred in the current financial year;

(iii) the expenditure likely to be incurred in the ensuing financial year; and

(*b*) as soon as is practicable after the authority's accounts have been audited, an account of the expenditure incurred in the year to which the audit relates.

Apportionment of expenditure

4.—(1) The expenditure to which these regulations apply shall be so apportioned among authorities that each authority's share of the whole of the expenditure to which regulation 2(*d*) to (*f*) applies and of 69 per cent of the expenditure to which regulation 2(*a*) to (*c*) applies shall be in the ratio in which in the relevant financial year the school population of the authority stands to the aggregate of the school populations of all authorities; and each authority's share of the remaining 31 per cent of the expenditure to which regulation 2(*a*) to (*c*) applies shall be in the ratio in which in that year the rateable value of the area of the authority stands to the aggregate of the rateable value of the areas of all authorities.

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

(*a*) registered pupils at schools maintained by the authority;

(*b*) registered pupils at schools not maintained by any authority the fees for whose education are paid by the authority; and

(*c*) pupils belonging to the area of the authority who receive education otherwise than at school in accordance with arrangements made under section 56 of the Education Act 1944.

(3) The rateable value of the area of an authority shall be treated as the difference between—

(*a*) the aggregate of the rateable values as ascertained in the relevant financial year for the purposes of paragraph 2(2)(*b*) of Schedule 5 to the General Rate Act 1967**(a)** of the areas of rating authorities within the area of the authority; and

(*b*) the aggregate, as certified by the valuation officer, of the rateable values in that year of the dwelling houses within the meaning of that Act in those areas.

Adjustment of needs element

5. The needs element payable to each authority for any financial year shall be increased or decreased by the amount by which the expenditure of the authority for that year respectively exceeds or falls short of the share attributable to the authority for that year by virtue of regulation 4.

(a) 1967 c. 9.

Time for ascertaining needs element

6. The estimated amount of the increases and decreases of the needs element which ought to be made for—

(i) the preceding financial year;

(ii) the current financial year; and

(iii) the ensuing financial year

shall be ascertained not later than 31st December; and the actual amount of those increases and decreases shall be ascertained as soon as is practicable after the Secretary of State has received the audited account of every authority.

Modifications relating to previous financial years

7.—(1) In the application of these regulations to the financial years 1974-75 and 1975-76—

(*a*) regulation 3(*a*) shall have effect with the substitution of the words "as soon as is practicable" for the words "not later than 31st October";

(*b*) regulation 6 shall have effect with the substitution of the words "as soon as practicable" for the words "not later than 31st December".

(2) In the application of these regulations to the financial year 1974-75—

(*a*) regulation 2(*f*) shall have effect with the addition as a new subparagraph of—

"(iv) in the provision in any establishment of further education of courses of training for youth leaders or community centre wardens";

(*b*) regulation 4 shall have effect with the substitution for the references specified in the first column below of the references specified in the second column.

regulation 2(*d*) to (*f*)	regulation 2(*a*), (*b*) and (*d*) to (*f*)
regulation 2(*a*) to (*c*)	regulation 2(*c*)
69 per cent	one half
31 per cent	one half

Given under the Official Seal of the Secretary of State for Education and Science on 10th November 1976.

(L.S.)

Shirley Williams,
Secretary of State for Education
and Science.

Given under my hand on 15th November 1976.

John Morris,
Secretary of State for Wales.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations provide for the adjustment of the needs element of the rate support grants payable in any year to a local education authority. The Regulations provide for the adjustment of the needs element in respect of the expenditure specified in Regulation 2 by apportioning the expenditure among authorities in the manner prescribed by Regulation 4.

Regulation 7 modifies the regulations in their application to the financial years 1974-75 and 1975-76.

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