EXPLANATORY NOTE

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

Section 68 (3) of the Education (Scotland) Act, 1946, enables the Secretary of State to establish Regional Advisory Councils for any branch of education, to advise the education authorities and other managers of schools, junior colleges and other educational establishments in the region as to the development of the branch of education for which the council is appointed. These Regulations provide for the payment of grants from the Education (Scotland) Fund to enable the Councils to defray their approved expenditure.

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(3) RESIDENTIAL SPECIAL SCHOOLS AND ORPHANAGES

The Residential Special Schools and Orphanages (Scotland) Grant Regulations, 1948

1948 No. 2768 (S. 203)

Made - - - -	*18th December,* 1948
Laid before Parliament	*21st December,* 1948
Coming into Operation	*1st January,* 1949

In the exercise of the powers conferred upon me by paragraph (8) 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*) " Accounts " means the accounts kept by the managers of the income received and the expenditure incurred by them;

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

(*c*) " Deficit " means the amount whereby the expenditure recognised for the assessment of grant exceeds the income recognised for the assessment of grant;

(*d*) " Expenditure recognised for the assessment of grant " and " income recognised for the assessment of grant " mean respectively the expenditure and income shown in the statement approved under Regulation 3 of these Regulations;

(*e*) " Financial year ", in relation to a residential special school or an orphanage, 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 the financial year of any residential special school or orphanage is changed, the period between the commencement of the financial year in which the change is approved

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

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;

(*f*) " Managers ", in relation to a residential special school or an orphanage, means the body recognised by the Secretary of State as being responsible for the government and management of the residential special school or the orphanage;

(*g*) " Orphanage " means a residential institution recognised as an orphanage required for the proper education of pupils destitute of efficient guardianship;

(*h*) " Recognised " means recognised by the Secretary of State for the purpose of these Regulations; and

(*i*) " Residential Special School " means a residential institution recognised as a special school which is attended largely by pupils whose parents or guardians are resident outwith the education area in which the school is situated.

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

Annual maintenance grants.

2.—(1) Subject to the conditions prescribed by these Regulations, there may be paid from the Education (Scotland) Fund to the managers, not being education authorities, of residential special schools and orphanages in respect of any financial year beginning after 31st December, 1948, grants in aid of the expenditure—

(*a*) in the case of a residential special school, on the maintenance of the school (including the maintenance of the pupils), and

(*b*) in the case of an orphanage, on the provision of education for the pupils,

not exceeding, save in exceptional circumstances, a sum equal to 60 per cent. of the expenditure recognised for the assessment of grant or the deficit, whichever is the less.

(2) Where the financial year of any of the said educational establishments ends on a date other than 31st December, there may also be paid to the managers of the said establishment in respect of the financial year current on 1st January, 1949, a grant supplementary to that payable under the Education (Scotland) Miscellaneous Grants Provisional Regulations, 1946, so however that the supplementary grant and the grant paid under the said Provisional Regulations shall not together exceed the grant which would have been payable if it had been assessed under these Regulations for the said financial year.

Procedure for assessing maintenance grant.

3.—(1) For the purpose of enabling the amount of any grant to be finally assessed in respect of a completed financial year and to be provisionally assessed in respect of the next following financial year, the managers shall submit to the Secretary of State, on a form or forms to be provided by him, as soon as may be after the end of the completed financial year a certificate and financial statement relating to the residential special school or the orphanage. The certificate and financial statement shall be supported by the audited accounts relating to the completed financial year.

(**a**) 52 & 53 Vict. c. 63.

(2) The financial statement shall show under such heads as may be prescribed the actual expenditure and the actual income of the managers for the completed financial year and the estimated expenditure and the estimated income for the next following financial year, and shall contain such other information as the Secretary of State may require.

(3) After such adjustments have been made upon the statement as the Secretary of State considers necessary, the statement shall be approved by him as showing the expenditure and the income recognised by him for the purpose of the final or provisional assessment, as the case may be, of the grant.

Capital grants.

4. In respect of expenditure incurred by the managers under a scheme approved for the establishment or development of a residential special school by any or all of the following means—that is to say, by the provision of sites or buildings, or by the enlargement or improvement of existing premises, or by the supply of furnishings or equipment, or by other means—there may be paid a grant of such amount as the Secretary of State may determine:

Provided that, where the managers with the approval of the Secretary of State raise or have raised a loan to defray the whole or any part of the said expenditure, any grant paid under this Regulation in respect of the said expenditure or the said part thereof shall be an annual grant, and shall not exceed 60 per cent. of the annual charges in respect of the said loan.

Payment of grants.

5. Any grant under these Regulations may be paid—

(*a*) in a lump sum or by instalments of such amount as the Secretary of State may determine; and

(*b*) in the case of an instalment, in respect of expenditure incurred or to be incurred:

Provided that the lump sum or final instalment shall not be paid until the managers have satisfied the Secretary of State that the expenditure to be aided by the grant has been properly incurred, and that the conditions attached to the payment of the grant have been or will be fulfilled.

Conditions of grant.

6.—(1) Any grant under Regulation 2 of these Regulations shall be paid subject to the conditions specified in this Regulation, and the managers to whom the said grant is made shall comply with the requirements of this Regulation.

(2) The salaries of the teaching staff shall be subject to the approval of the Secretary of State.

(3) The income from fees and from local sources, including contributions from education authorities, shall be of such amount as the Secretary of State may consider reasonable, having regard to the circumstances of the residential special school or orphanage.

(4) The accounts of the residential special school or orphanage shall be audited to the satisfaction of the Secretary of State.

(5) The managers shall keep such registers and records and shall furnish such information and returns to the Secretary of State as he may from time to time require.

(6) The provisions of the Day Schools (Scotland) Code, 1939(a), or of any Code or Regulation amending or substituted for the said Code shall be duly observed.

Power to withhold grants.

7. The Secretary of State may make a deduction from or withhold a grant if any requirement or condition imposed by or under these Regulations is not fulfilled.

Provisional Regulations ceasing to have effect.

8. The Education (Scotland) Miscellaneous Grants Provisional Regulations, 1946, shall cease to have effect in relation to payments from the Education (Scotland) Fund to the managers of any educational establishment described opposite to serial numbers 2, 3 or 4 of the Schedule to the said Provisional Regulations in respect of any financial year of the educational establishment beginning after 31st December, 1948.

Citation and commencement.

9.—(1) These Regulations may be cited as the Residential Special Schools and Orphanages (Scotland) Grant Regulations, 1948.

(2) These Regulations shall come into operation on 1st January, 1949.

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

St. Andrew's House,
Edinburgh, 1.
18th December, 1948.

EXPLANATORY NOTE

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

The purpose of the Regulations is to provide for the payment of annual maintenance grants from the Education (Scotland) Fund to the managers, other than education authorities, of (*a*) residential special schools attended largely by pupils whose parents or guardians are resident outwith the education areas in which the schools are situated and (*b*) orphanages required for the proper education of pupils destitute of efficient guardianship. The grant is limited to a sum equal to 60 per cent. of the approved expenditure or to the deficit on the year's working, whichever is the less. Provision is also made in the Regulations for the payment of grants in aid of approved capital expenditure incurred by the managers of residential special schools. The latter grants may be of such amount as the Secretary of State determines but, if the expenditure is met by loan, may not exceed 60 per cent. of the annual loan charges. The Regulations replace the relative provisions of the Education (Scotland) Miscellaneous Grants Provisional Regulations, 1946.

(a) S.R. & O. 1939 (No. 422) I, p. 695.