STATUTORY INSTRUMENTS

1980 No. 800 (S.60)

EDUCATION, SCOTLAND

The St. Mary's Music School (Scotland) Grant Regulations 1980

Made - - - -	*6th June* 1980
Laid before Parliament	*20th June* 1980
Coming into Operation	*14th July* 1980

In exercise of the powers conferred on me by section 75(*c*) of the Education (Scotland) Act 1962(a) and of all other powers enabling me in that behalf, I hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the St. Mary's Music School (Scotland) Grant Regulations 1980 and shall come into operation on 14th July 1980.

Interpretation

2. In these regulations, unless the context otherwise requires, the following expressions have the meanings respectively assigned to them:—

"Act of 1962" means the Education (Scotland) Act 1962;

"accounts" means the accounts kept by the managers of St. Mary's Music School, Edinburgh, of the income received and the expenditure incurred by them in respect of the school;

"financial year" in relation to the school means, subject to regulation 10 of these regulations, such period of 12 months, to which the accounts relate, beginning after 31st July 1980, as is specified in Regulation 3(1) of these regulations;

"school" means St. Mary's Music School, Edinburgh;

"standard grant" shall be construed in accordance with Regulation 3 of these regulations.

Standard grant

3.—(1) If the managers of the school apply to the Secretary of State before the commencement of the financial year of the school ending in the calendar year 1981 for a grant under these regulations in respect of that financial year, the Secretary of State may, subject to the provisions of these regulations, pay to the managers a grant towards their expenditure in that year upon the maintenance of the school of such amount, if any, as he may determine to be the amount of the standard grant for that year less any deductions to be made therefrom in accordance with the provisions of regulations 7(*b*) and 8 of these regulations.

(2) The standard grant in respect of that financial year of the school shall be whichever is the lesser of the sum of £30,000 and the amount of the deficit expenditure which the managers have incurred in that financial year upon the

(a) 1962 c. 47; section 75 is substituted by the Education (Scotland) Act 1969 (c. 49) section 12(1).

maintenance of the school, as such amount shall be determined by the Secretary of State in accordance with the provisions of regulation 4 of these regulations.

(3) Where it appears to the Secretary of State that the circumstances justify him in so doing, or, without prejudice to the foregoing generality, where it appears to the Secretary of State—

(*a*) that the duration of a financial year of the school has been affected as a consequence of any alteration to it which he has approved under regulation 13 of these regulations; or

(*b*) that a substantial alteration has taken place in the size of the school (whether as a result of any increase or reduction in the number of pupils in attendance at the school or otherwise); or

(*c*) that the school has become a public school or an independent school or has been discontinued in whole or in part (whether by being amalgamated with another school or otherwise),

he may adopt in place of the sum/amount specified in paragraph (2) of this regulation either no amount at all or such amount (whether more or less than the amount so specified) as he considers to be appropriate.

Determination of deficit expenditure

4.—(1) The amount of the deficit expenditure for a financial year upon the maintenance of the school for the purposes of regulation 3(2) of these regulations shall be such amount as the Secretary of State may determine to be the amount by which the expenditure which the managers have incurred in that year exceeds the income which the managers have received in that year in respect of the school, as such income and expenditure shall be ascertained in accordance with the provisions of this regulation.

(2) In ascertaining, for the purposes of this regulation, the amount of income which the managers have received in a financial year in respect of the school, there shall be deducted:—

(*a*) the amount of any grant paid to those managers in that year under these regulations;

(*b*) such amount as the Secretary of State may determine as being required by those managers for purposes other than the maintenance of that school.

(3) In ascertaining, for the purposes of this regulation, the amount of the expenditure which the managers have incurred in a financial year in respect of the school, there shall be deducted the amount of any expenditure which in the opinion of the Secretary of State has not been incurred by those managers upon the maintenance of the school in that year.

Determination and payment of grant

5. The Secretary of State shall determine the amount of grant payable under these regulations in respect of a financial year of the school as soon as practicable after the accounts of the school in respect of that year have been submitted to him in accordance with the provisions of regulation 11 of these regulations:

Provided that the Secretary of State may advance to the managers of the school, payments on account of that grant at such times and of such amounts as he considers to be expedient.

General

6. Any grant payable under these regulations shall be subject to the conditions specified in these regulations and the managers of the school, to whom such

grant or any payment on account of such grant has been made, shall comply with the requirements specified in these regulations.

7. If the Secretary of State is satisfied that the managers of the school, to whom a grant under these regulations, or any payment on account of such grant, has been made, have failed to observe any of the conditions or requirements specified in these regulations, he may, without prejudice to the exercise of his powers under section 71 of the Act of 1962,

(*a*) withhold payment of that grant or of any payment on account thereof for such period or periods as he considers fit; or

(*b*) deduct such amount as he considers to be appropriate from the amount of the grant.

8. Where the amount of grant determined as being payable under regulation 5 of these regulations in respect of a financial year of the school is less than the amount of any payments on account of that grant which the Secretary of State has advanced to the managers of the school during that year, the Secretary of State shall be entitled to recover the amount overpaid from the managers and, without prejudice to any other method of recovery, he may deduct that amount from the amount of any standard grant payable by the Secretary of State under these regulations in respect of any other financial year of the school.

9. If the managers of the school propose, in a financial year, to discontinue the school or part thereof (whether by amalgamating it with any other school or otherwise) any such proposal shall not be put into effect without notice thereof being given to the Secretary of State.

Estimates and accounts

10. The managers of the school shall submit to the Secretary of State, by such date or dates as he may direct, estimates of the amount of—

(*a*) the income which they are likely to receive in respect of the maintenance of the school (other than any grant payable under these regulations), and

(*b*) the expenditure which they are likely to incur upon the maintenance of the school,

in respect of such period or periods as the Secretary of State may require and these estimates shall contain such information and be in such form as the Secretary of State may specify.

11. The managers of the school shall submit to the Secretary of State, within three months after the end of the financial year of the school or such longer period as the Secretary of State may approve—

(*a*) a statement of—

(i) the income which they have received in respect of the maintenance of the school (other than any grant payable under these regulations); and

(ii) the expenditure which they have incurred upon the maintenance of the school,

in that year, which statement shall be certified as being correct by the Auditor appointed by the managers and shall contain such information and shall be in such form as the Secretary of State may specify; and

(*b*) the accounts of the school for that year which have been audited to the satisfaction of the Secretary of State.

Information and returns

12. The managers of the school shall furnish such information and returns relating to the school as the Secretary of State may from time to time require.

Alterations to financial year

13. Any alteration to the financial year of the school shall require the approval of the Secretary of State and, if such alteration is approved, the period between the commencement of the financial year in which the alteration is approved and the day immediately preceding the day upon which the alteration takes effect shall, notwithstanding that it may be less than or exceed 12 months, be deemed to be a financial year.

Remuneration payable to teachers

14. The managers of the school shall pay to the teachers employed by them in the school not less than the remuneration which the teachers would have been entitled to if they had been employed by education authorities in the provision of school education, in accordance with the scales and other provisions set out in the Memorandum referred to in an Order made by the Secretary of State under section 2(4) of the Remuneration of Teachers (Scotland) Act 1967(a) and for the time being in force.

Application of other statutory provisions

15. The provisions of the Schools (Scotland) Code 1956(b), and the Schools General (Scotland) Regulations 1975(c) shall be observed by the managers of the school and, in being so observed, those provisions shall have effect as if—

(*a*) for any reference in that code and in those regulations to a school or to an education authority, there were substituted respectively, unless the context otherwise requires, a reference to the school or to the managers of the school;

(*b*) any reference in that code and in those regulations, as applied by this regulation, to the school or to the managers in relation to the school had the same meaning as it has in these regulations; and

(*c*) for sub-paragraph (1) of paragraph 3 of Schedule 1 to the Schools General (Scotland) Regulations 1975, there were substituted the following sub-paragraph:—

"3. (1) Subject to sub-paragraph (2) of this paragraph, a pupil shall be shown in the register of admission and withdrawal as having been withdrawn from the school if—

(*a*) he has been withdrawn from the school by his parent; or

(*b*) he has been permanently excluded from the school by the managers."

16. The provisions of Parts I and III of the School Premises (General Requirements and Standards) (Scotland) Regulations 1967(d) shall be observed by the managers of the school and, in being so observed, those provisions shall apply to the premises and equipment of the school as they apply to the premises and equipment of schools under the management of education authorities:

Provided that, if the Secretary of State is satisfied, after consultation with the managers of the school, that it is impracticable or would be unreasonable

(a) 1967 c. 36.
(b) S.I. 1956/894; the relevant amending instruments are S.I. 1959/476; 1965/55, 940; 1967/1162; 1968/1055; 1971/1079; 1972/776.
(c) S.I. 1975/1135. (d) S.I. 1967/1199; amended by S.I. 1973/322, S.I. 1979/1186.

for the managers to observe any of the standards prescribed in the said Part III to the premises and equipment of the school, he may modify that standard or those standards for the school.

17. At the end of regulation 26 of the School Premises (General Requirements and Standards) (Scotland) Regulations 1967, there shall be inserted the following proviso:—

"Provided that this regulation shall not apply to the school defined by the St. Mary's Music School (Scotland) Grant Regulations 1980 in respect of any financial year of that school within the meaning of those Regulations."

George Younger,
One of Her Majesty's Principal Secretaries of State.

New St. Andrew's House,
Edinburgh.
6th June 1980.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations empower the Secretary of State to pay to the managers of St. Mary's Music School, Edinburgh, a grant towards their expenditure upon the maintenance of that school in respect of the financial year of that school beginning after 31st July 1980 and ending in the calendar year 1981.

The basic element of the grant for that year (referred to as "the standard grant") is—

(*a*) the amount which is specified for that year in Regulation 3(2) of these Regulations; or

(*b*) the amount of the deficit expenditure which the managers have incurred upon the maintenance of the school in that financial year, as determined by the Secretary of State,

whichever is the less. The Regulations also empower the Secretary of State, in certain circumstances, to adopt in place of the amount which is specified in Regulation 3(2) such other amount (if any) as he considers appropriate. Deduction may be made from the standard grant in certain circumstances.

The Regulations also specify the conditions upon which such grants are payable.