WELSH STATUTORY INSTRUMENTS

2002 No. 1857 (W.181)

EDUCATION, WALES

The Education (Assembly Learning Grant Scheme) (Wales) Regulations 2002

Made - - - -	*16th July 2002*
Coming into force - -	*1st August 2002*

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred upon the Secretary of State by sections 484, 489 and 569(4) of the Education Act 1996(**1**) and now vested in the National Assembly(**2**).

Name, commencement and application

1.—(1) These Regulations are called the Education (Assembly Learning Grant Scheme) (Wales) Regulations 2002 and shall come into force on 1st August 2002.

(2) These Regulations apply in relation to local education authorities in Wales.

Interpretation

2.—(1) In these Regulations—

"the 1996 Act" ("*Deddf 1996*") means the Education Act 1996;

"approved expenditure" ("*gwariant a gymeradwywyd*") means any prescribed expenditure which is approved as provided in regulation 3;

"Assembly Learning Grant Scheme" ("*Cynllun Grant Dysgu'r Cynulliad*") means the Scheme established by the National Assembly, setting out conditions for the making of grant by the National Assembly under these Regulations, to reimburse approved expenditure incurred by education authorities in paying Assembly Learning Grants under the Local Education Authority (Post-Compulsory Education Awards) (Wales) Regulations 2002(**3**);

"determine" ("*penderfynu*") means determine by notice in writing;

"education authority" ("*awdurdod addysg*") means a local education authority in Wales;

(**1**) 1996 c. 56; sections 484 and 489 are amended by section 140(1) of, and paragraphs 125 and 126 of Schedule 30 to, the School Standards and Framework Act 1998. For the meaning of regulations *see* section 579(1).
(**2**) *See* the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672).
(**3**) S.I. 2002/1856 (W.180).

"financial year" ("*blwyddyn ariannol*") means a period of twelve months ending with 31st March;

"further education" ("*addysg bellach*") has the meaning given to it in section 2(3) of the 1996 Act;

"grant" ("*grant*") means grant payable under section 484 of the 1996 Act in accordance with these Regulations;

"higher education" ("*addysg uwch*") has the meaning given to it in section 579(1) of the 1996 Act;

"the National Assembly" ("*y Cynulliad Cenedlaethol*") means the National Assembly for Wales;

"prescribed expenditure" ("*gwariant a ragnodwyd*") means expenditure by an education authority for or in connection with the purpose specified in the Schedule.

(2) In these Regulations a reference to a regulation is a reference to a regulation contained herein, a reference in a regulation to a paragraph is a reference to a paragraph of that regulation, and a reference to the Schedule is a reference to the Schedule to these Regulations.

Expenditure in respect of which grant is payable

3. Grant shall only be payable in respect of prescribed expenditure incurred or to be incurred in a financial year to the extent to which that expenditure is approved for that year by the National Assembly for the purpose of these Regulations.

Grant in respect of payments to third parties

4. Where—

(a) an education authority incurs expenditure in making payments to any other body or persons (including another education authority) who incur expenditure for or in connection with educational purposes, and

(b) the expenditure by the recipient of the payments or any part thereof would be prescribed expenditure if it were expenditure of the authority,

such payments shall to that extent be treated as prescribed expenditure for the purpose of these Regulations.

Rate of Grant

5. Grant in respect of approved expenditure is to be paid at the rate of 100 per cent of such expenditure.

Conditions for payment of grant

6.—(1) No payment of grant is to be made except in response to an application in writing from an education authority to the National Assembly, authenticated by the officer of the authority responsible for the administration of their financial affairs or that officer's deputy.

(2) Applications for a payment of grant must relate to expenditure over one or more period or periods beginning on or after the coming into force of these Regulations and must specify the approved expenditure in respect of which grant is applied for, which has been or which it is estimated will be incurred by the education authority during each such period.

(3) Where an application relating to approved expenditure which has been or which it is estimated will be incurred during any one or more period or periods in any financial year is submitted under paragraph (1), such payment as the National Assembly may determine may be made forthwith.

(4) Where the National Assembly has made a payment under paragraph (3), no further payment of grant is to be made in respect of the expenditure incurred during that or those periods until a statement—

(a) for each such period, or

(b) for the financial year in which each such period falls,

has been submitted in accordance with paragraph (6)(a).

(5) The National Assembly may determine that any under-payment or over-payment of grant which remains outstanding following receipt of the education authority's statement referred to in paragraph (6)(a) must (without prejudice to the adjustment of any under-payment or over-payment under any other provision) be adjusted either by payment between the authority and the National Assembly or by being taken into account in any subsequent payment of grant to the education authority.

(6) Each education authority which has received or seeks to receive a payment of grant in respect of expenditure incurred or to be incurred during any financial year or period thereof must, before 31st October in the following financial year or as soon as practicable after that date—

(a) submit to the National Assembly a statement which must specify the approved expenditure in respect of which grant has been or is being applied for, which has been incurred by the education authority during that year or period thereof ; and

(b) secure the submission to the National Assembly of a certificate signed by the auditor appointed by the Audit Commission for Local Authorities and the National Health Service in England and Wales to audit the accounts of the authority or any auditor qualified for such appointment by virtue of section 3(5), (6) and (7) of the Audit Commission Act 1998(**4**) certifying that in his or her opinion the particulars stated in the statement or statements submitted by the authority pursuant to this paragraph are fairly stated and that the expenditure incurred was approved for the purpose of these Regulations.

(7) Except in the first year after the coming into force of these Regulations, no payment of grant is to be made in respect of expenditure incurred or to be incurred by an education authority in the period 1st January to 31st March in any financial year or any subsequent period if grant was paid to the authority in respect of expenditure in a previous financial year and the National Assembly has not yet received the auditor's certificate referred to in paragraph (6)(b) for that year.

(8) Any under-payment or over-payment of grant which remains outstanding following receipt of the auditor's certificate referred to in paragraph (6)(b) must be adjusted by payment between the education authority and the National Assembly, but in the event of non-compliance by the authority may be adjusted through any subsequent payment of grant to the authority.

(9) In this regulation "period" means one of the following periods—

(a) 1st April to 31st July;

(b) 1st August to 31st December;

(c) 1st January to 31st March.

7. Where at the time of approving expenditure for the purpose of these Regulations, the National Assembly requests information in respect of that purpose, payment of grant will be conditional on that information being included in the education authority's application for payment of grant.

8.—(1) The National Assembly may, after consulting the education authority, from time to time determine further conditions on the fulfilment of which the making of any payment under these Regulations is to be dependent.

(**4**) 1998 c. 18.