



# School Standards and Framework Act 1998

## 1998 CHAPTER 31

### PART II

#### NEW FRAMEWORK FOR MAINTAINED SCHOOLS

### CHAPTER IV

#### FINANCING OF MAINTAINED SCHOOLS

**Modifications etc. (not altering text)**

C1 Pt. 2 Ch. 4 (ss. 45-53) modified (20.11.1998) by [S.I. 1998/2670](#), [reg. 3\(1\)\(3\)](#)

#### *Budgetary framework*

#### **45 Maintained schools to have budget shares.**

(1) For the purposes of the financing of maintained schools by local education authorities, every such school shall have, for each [<sup>F1</sup>financial year][<sup>F1</sup>funding period], a budget share which is allocated to it by the authority which maintains it.

[<sup>F2</sup>(1A) In this Chapter “maintained school” means—

- (a) a community, foundation or voluntary school,
- (b) a community or foundation special school, or
- (c) a maintained nursery school.]

[<sup>F3</sup>(1B) In this Chapter “funding period” means a financial year or such other period as may be prescribed.]

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- (2) Sections [F4][F5]45A] and][F4] 45A to] 47 have effect for determining the amount of a school’s budget share for a [F6]financial year][F6]funding period].
- (3) In this Chapter—
- (a) references to schools maintained by a local education authority do not include [F7]pupil referral units];
  - (b) references, in a context referring to a local education authority, to a maintained school or to a school maintained by such an authority shall be read as including a new school—
    - (i) which on implementation of proposals under [F8]any enactment] will be a community, foundation or voluntary school or a community or foundation special school maintained by the authority, and
    - (ii) which has a temporary governing body; and
  - (c) references to the governing body of a maintained school or of a school maintained by a local education authority shall accordingly be read as including the temporary governing body of a new school falling within paragraph (b).
- (4) In this Chapter “new school” (without more) has the meaning given by section 72(3).

#### Textual Amendments

- F1** Words in s. 45(1) substituted (1.11.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), **Sch. 16 para. 2(2)** (with s. 119); [S.I. 2005/2034](#), art. 8
- F2** S. 45(1A) inserted (1.9.2003 for E., 31.10.2005 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 21 para. 99(2)** (with ss. 210(8), 214(4)); [S.I. 2003/1667](#), **art. 4** (with art. 6, Sch. para. 5); [S.I. 2005/2910](#), art. 4, **Sch.** (with transitional provisions in [The Education Act 2002 \(Transitional Provisions and Consequential Amendments\) \(Wales\) Regulations 2005 \(S.I. 2005/2913\)](#)), **reg. 8**
- F3** S. 45(1B) inserted (1.11.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), **Sch. 16 para. 2(3)** (with s. 119); [S.I. 2005/2034](#), art. 8
- F4** Words in s. 45(2) substituted (1.11.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), **Sch. 16 para. 2(4)(a)** (with s. 119); [S.I. 2005/2034](#), art. 8
- F5** Word in s. 45(2) substituted (4.12.2003 for W.) by [Education Act 2002 \(c. 32\)](#), **ss. 41(2)**, 216(4) (with ss. 210(8), 214(4)); [S.I. 2003/2961](#), art. 5, Sch. Pt. II (with transitional provisions in [The Education Act 2002 \(Transitional Provisions and Consequential Amendments\) \(No.2\) \(Wales\) Regulations 2003 \(S.I. 2003/2959\)](#)), regs. 1(1), 4)
- F6** Words in s. 45(2) substituted (1.11.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), **Sch. 16 para. 2(4)(b)** (with s. 119); [S.I. 2005/2034](#), art. 8
- F7** Words in s. 45(3)(a) substituted (1.9.2003 for E., 31.10.2005 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 21 para. 99(3)(a)** (with ss. 210(8), 214(4)); [S.I. 2003/1667](#), **art. 4** (with art. 6, Sch. para. 5); [S.I. 2005/2910](#), art. 4, **Sch.**
- F8** Words in s. 45(3)(b)(i) substituted (19.12.2002 for W. and 1.4.2003 for E.) by [Education Act 2002 \(c. 32\)](#), ss. 215(1), 216, **Sch. 21 para. 99(3)(b)** (with ss. 210(8), 214(4)); [S.I. 2002/3185](#), **art. 4**, Sch. Pt. 1; [S.I. 2003/124](#), **art. 4**

#### Modifications etc. (not altering text)

- C2** S. 45(1A) modified (31.3.2004) by [The Blackburn with Darwen \(Maintained Nursery School Governance\) Order 2004 \(S.I. 2004/657\)](#), arts. 1(1), **3(c)**
- C3** S. 45(3)(4) modified (20.11.1998) by [S.I. 1998/2670](#), **reg. 3(4)**

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## **[<sup>F9</sup>45A Determination of specified budgets of LEA**

(1) For the purposes of this Part, a local education authority’s “LEA budget” for a [<sup>F10</sup>financial year][<sup>F10</sup>relevant period] is the amount appropriated by the authority for meeting all expenditure by the authority in [<sup>F11</sup>that year][<sup>F11</sup>that period] of a class or description prescribed for the purposes of this subsection.

[ In subsection (1) “relevant period” means a financial year or such other period as may  
<sup>F12</sup>(1A) be prescribed.]

(2) For the purposes of this Part, a local education authority’s “schools budget” for a [<sup>F13</sup>financial year][<sup>F13</sup>funding period] is the amount appropriated by the authority for meeting all expenditure by the authority in [<sup>F14</sup>that year][<sup>F14</sup>that period] of a class or description prescribed for the purposes of this subsection (which may include expenditure incurred otherwise than in respect of schools).

[ The amount referred to in subsection (2) includes the amount of any grant which is  
<sup>F15</sup>(2A) appropriated, for meeting the expenditure mentioned in that subsection, in accordance with a condition which—

- (a) is imposed under section 16 of the Education Act 2002 (terms on which assistance under section 14 of that Act is given) or any other enactment, and
- (b) requires that the grant be applied as part of the authority’s schools budget for the funding period.]

(3) For the purposes of this Part, a local education authority’s “individual schools budget” for a [<sup>F16</sup>financial year][<sup>F16</sup>funding period] is the amount remaining after deducting from the authority’s schools budget for [<sup>F17</sup>that year][<sup>F17</sup>that period] such planned expenditure by the authority in respect of [<sup>F17</sup>that year][<sup>F17</sup>that period] as they may determine should be so deducted in accordance with regulations.

(4) Regulations under subsection (3) may—

- (a) prescribe classes or descriptions of expenditure which are authorised or required to be deducted from an authority’s schools budget;
- (b) provide, in relation to any prescribed class or description of expenditure specified in the regulations, that such expenditure may only be deducted subject to either or both of the following, namely—
  - (i) such limit or limits (however framed) as may be specified by or determined in accordance with the regulations, and
  - (ii) such other conditions as may be so specified or determined.

[ Regulations under subsection (3) may also make provision—

<sup>F18</sup>(4A) (a) enabling any expenditure falling outside any classes or descriptions of expenditure prescribed by virtue of subsection (4)(a) to be deducted from the authority’s schools budget if the deduction of such expenditure is authorised, on the application of the authority, by the authority’s schools forum or the Secretary of State, and

(b) enabling any limit or condition that would otherwise apply by virtue of subsection (4)(b)(i) or (ii) to be varied or excluded, on the application of the authority, by the authority’s schools forum or the Secretary of State.]

(5) [<sup>F19</sup>Before the [<sup>F20</sup>schools budget deadline] in any financial year, a local education authority shall—

- (a) determine the proposed amount of their schools budget for the following financial year, and

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- (b) give notice of their determination to the Secretary of State and to the governing body of every school maintained by the authority.]]

[<sup>F21</sup>(6) [<sup>F19</sup>For the purposes of this section and section 45B “the schools budget deadline” is—

- (a) the end of December in the case of an authority in England, and  
 (b) the end of January in the case of an authority in Wales.]]

#### Textual Amendments

- F9** S. 45A inserted (1.10.2002 for E., 4.12.2003 for W.) by [Education Act 2002 \(c. 32\)](#), **ss. 41(1)**, 216(4) (with **ss. 210(8)**, 214(4)); [S.I. 2002/2439](#), **art. 3** (with **art. 4**, **Sch. para. 1**); [S.I. 2003/2961](#), **art. 5**, **Sch. Pt. II**
- F10** Words in s. 45A(1) substituted (1.11.2005 for E.) by [Education Act 2005 \(c. 18\)](#), **s. 125(4)**, **Sch. 16 para. 3(2)(a)** (with **s. 119**); [S.I. 2005/2034](#), **art. 8**
- F11** Words in s. 45A(1) substituted (1.11.2005 for E.) by [Education Act 2005 \(c. 18\)](#), **s. 125(4)**, **Sch. 16 para. 3(2)(b)** (with **s. 119**); [S.I. 2005/2034](#), **art. 8**
- F12** S. 45A(1A) inserted (1.11.2005 for E.) by [Education Act 2005 \(c. 18\)](#), **s. 125(4)**, **Sch. 16 para. 3(3)** (with **s. 119**); [S.I. 2005/2034](#), **art. 8**
- F13** Words in s. 45A(2) substituted (1.11.2005 for E.) by [Education Act 2005 \(c. 18\)](#), **s. 125(4)**, **Sch. 16 para. 3(4)(a)** (with **s. 119**); [S.I. 2005/2034](#), **art. 8**
- F14** Words in s. 45A(2) substituted (1.11.2005 for E.) by [Education Act 2005 \(c. 18\)](#), **s. 125(4)**, **Sch. 16 para. 3(4)(b)** (with **s. 119**); [S.I. 2005/2034](#), **art. 8**
- F15** S. 45A(2A) inserted (1.11.2005 for E.) by [Education Act 2005 \(c. 18\)](#), **s. 125(4)**, **Sch. 16 para. 3(5)** (with **s. 119**); [S.I. 2005/2034](#), **art. 8**
- F16** Words in s. 45A(3) substituted (1.11.2005 for E.) by [Education Act 2005 \(c. 18\)](#), **s. 125(4)**, **Sch. 16 para. 3(6)(a)** (with **s. 119**); [S.I. 2005/2034](#), **art. 8**
- F17** Words in s. 45A(3) substituted (1.11.2005 for E.) by [Education Act 2005 \(c. 18\)](#), **s. 125(4)**, **Sch. 16 para. 3(6)(b)** (with **s. 119**); [S.I. 2005/2034](#), **art. 8**
- F18** S. 45A(4A) inserted (1.11.2005 for E.) by [Education Act 2005 \(c. 18\)](#), **s. 125(4)**, **Sch. 16 para. 3(7)** (with **s. 119**); [S.I. 2005/2034](#), **art. 8**
- F19** S. 45A(5)(6) repealed (1.11.2005 for E.) by [Education Act 2005 \(c. 18\)](#), **s. 125(4)**, **Sch. 16 para. 3(8)**, **Sch. 19 Pt. 4** (with **s. 119**); [S.I. 2005/2034](#), **art. 8**
- F20** Words in s. 45A(5) substituted (18.11.2003 for E., 27.11.2003 for W.) by [Local Government Act 2003 \(c. 26\)](#), **s. 128(6)**, **Sch. 7 para. 66(3)**; [S.I. 2003/2938](#), **art. 3(a)** (with **art. 8**, **Sch.**); [S.I. 2003/3034](#), **art. 2**, **Sch. 1 Pt. I**
- F21** S. 45A(6) inserted (18.11.2003 for E., 27.11.2003 for W.) by [Local Government Act 2003 \(c. 26\)](#), **s. 128(6)**, **Sch. 7 para. 66(4)**; [S.I. 2003/2938](#), **art. 3(a)** (with **art. 8**, **Sch.**); [S.I. 2003/3034](#), **art. 2**, **Sch. 1 Pt. I**

#### Modifications etc. (not altering text)

- C4** S. 45A savings for effects of 2002 c. 32, s. 41(1) (W.) (19.11.2003) by [The Education Act 2002 \(Transitional Provisions and Consequential Amendments\) \(No.2\) \(Wales\) Regulations 2003 \(S.I. 2003/2959\)](#), **regs. 1(1)**, **3**

#### [<sup>F22</sup>45A] Power to require LEAs in England to determine schools budget

- (1) Regulations may require a local education authority in England, not later than the prescribed date, to make an initial determination of their schools budget for a funding period.
- (2) The date prescribed for the purposes of subsection (1) may be a date falling up to 48 months before the beginning of the funding period.

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- (3) Regulations under subsection (1) may—
- (a) authorise or require local education authorities in England to take account of matters arising after the initial determination of their schools budgets for any funding period but before the beginning of the funding period, by redetermining their schools budgets for the period in accordance with the regulations, and
  - (b) require notice of any initial determination or revised determination to be given in accordance with the regulations to the governing bodies of schools maintained by the local education authority.

#### Textual Amendments

**F22** Ss. 45AA-45AC inserted (1.11.2005 for E. in relation to the insertion of s. 45AA) by [Education Act 2005 \(c. 18\)](#), [s. 125\(4\)](#), [Sch. 16 para. 4](#) (with [s. 119](#)); [S.I. 2005/2034](#), [art. 8](#)

#### **45AB Duty of LEAs in Wales to determine schools budget**

- (1) Before the schools budget deadline in any funding period, a local education authority in Wales must—
- (a) determine the proposed amount of their schools budget for the following funding period, and
  - (b) give notice of their determination to the National Assembly for Wales and to the governing body of every school maintained by the authority.
- (2) For the purposes of this section “the schools budget deadline”, in relation to an authority in Wales, means the end of January or such other time as may be prescribed.

#### Textual Amendments

**F22** Ss. 45AA-45AC inserted (1.11.2005 for E. in relation to the insertion of s. 45AA) by [Education Act 2005 \(c. 18\)](#), [s. 125\(4\)](#), [Sch. 16 para. 4](#) (with [s. 119](#)); [S.I. 2005/2034](#), [art. 8](#)

#### **45AC Power to require LEAs in Wales to determine schools budget**

- (1) Regulations may require a local education authority in Wales, not later than the prescribed date, to make an initial determination of their schools budget for a funding period.
- (2) The date prescribed for the purposes of subsection (1) may be a date falling up to 48 months before the beginning of the funding period.
- (3) Regulations under subsection (1) may—
- (a) authorise or require local education authorities in Wales to take account of matters arising after the initial determination of their schools budgets for the funding period but before the beginning of the funding period, by redetermining their schools budgets for the period in accordance with the regulations, and
  - (b) require notice of any initial determination or revised determination to be given in accordance with the regulations to the Assembly and to the governing bodies of schools maintained by the local education authority.

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- (4) Regulations under subsection (1) are not to have effect in relation to an authority's schools budget for any funding period if section 45AB is in force in relation to that funding period.]

#### Textual Amendments

**F22** Ss. 45AA-45AC inserted (1.11.2005 for E. in relation to the insertion of s. 45AA) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 16 para. 4](#) (with s. 119); [S.I. 2005/2034](#), art. 8

#### <sup>F24</sup>**45B** [<sup>F23</sup> **Power of Secretary of State to set minimum schools budget for LEA**][<sup>F23</sup> **Power of Assembly to set minimum schools budget for LEA in Wales**]

- [<sup>F23</sup>(1) If it appears to the National Assembly for Wales that, in all the circumstances, the proposed amount of a local education authority's schools budget for a funding period is inadequate, the Assembly may, within the period of fourteen days beginning with the schools budget deadline in the funding period preceding that funding period, give the authority a notice under subsection (6) or (7).
- (2) In subsection (1), the reference to the proposed amount of a local education authority's schools budget for a funding period is—
- (a) if section 45AB is in force in relation to that funding period, a reference to the amount specified in a notice under section 45AB(1)(b), or
  - (b) if regulations under section 45AC(1) are in force in relation to that funding period, a reference to such amount, determined by the authority in accordance with those regulations and specified in a notice required by those regulations to be given to the Assembly, as may be prescribed.
- (3) If at the schools budget deadline in any funding period, a local education authority in Wales have failed to give the Assembly a notice under section 45AB(1)(b) or a notice required as mentioned in subsection (2)(b), the Assembly may, at any time after that deadline, give the authority a notice under subsection (6) or (7).
- (4) In this section “the schools budget deadline”—
- (a) in a case falling within subsection (2)(a), has the same meaning as in section 45AB, and
  - (b) in a case falling within subsection (2)(b), means the time in the funding period preceding the funding period to which the schools budget relates by which regulations under section 45AC(1) require notice of a revised determination of the schools budget to be given to the Assembly.
- (5) In this section and section 45C “the period under consideration” means the funding period to which the notice mentioned in subsection (2)(a) or (b) relates or, in a case falling within subsection (3), the funding period in relation to which such a notice ought to have been given.
- (6) A notice under this subsection is a notice determining the minimum amount of the authority's schools budget for the period under consideration.
- (7) A notice under this subsection is a notice which—
- (a) specifies the amount which the Assembly would have determined as the minimum amount of the authority's schools budget for the period under consideration if the Assembly had acted under subsection (4), and

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- (b) states the Assembly's intention to determine the minimum amount of the authority's schools budget for the following funding period.
- (8) A notice under subsection (6) or (7) must include a statement of the Assembly's reasons for giving the notice.
- (9) The Assembly may act under different subsections in relation to different authorities.]

#### Textual Amendments

- F23** Ss. 45B-45D substituted for ss. 45B, 45C (1.11.2005 for E., 1.4.2010 for W.) by [Education Act 2005](#) (c. 18), s. 125(4), [Sch. 16 para. 5](#) (with s. 119); S.I. 2005/2034, [art. 8](#); S.I. 2010/735, [art. 2\(d\)](#)
- F24** Ss. 45B, 45C inserted (1.10.2002 for E., 4.12.2003 for W.) by [Education Act 2002](#) (c. 32), [ss. 42](#), 216(4) (with [ss. 210\(8\)](#), 214(4)); S.I. 2002/2439, [art. 3](#); S.I. 2003/2961, [art. 5](#), Sch. Pt. II
- F25** Words in s. 45B(1) substituted (18.11.2003 for E., 27.11.2003 for W.) by [Local Government Act 2003](#) (c. 26), s. 128(6), [Sch. 7 para. 66\(5\)](#); S.I. 2003/2938, [art. 3\(a\)](#) (with [art. 8](#), Sch.); S.I. 2003/3034, [art. 2](#), Sch. 1 Pt. I
- F26** Words in s. 45B(2) substituted (18.11.2003 for E., 27.11.2003 for W.) by [Local Government Act 2003](#) (c. 26), s. 128(6), [Sch. 7 para. 66\(6\)\(a\)](#); S.I. 2003/2938, [art. 3\(a\)](#) (with [art. 8](#), Sch.); S.I. 2003/3034, [art. 2](#), Sch. 1 Pt. I
- F27** Words in s. 45B(2) substituted (18.11.2003 for E., 27.11.2003 for W.) by [Local Government Act 2003](#) (c. 26), s. 128(6), [Sch. 7 para. 66\(6\)\(b\)](#); S.I. 2003/2938, [art. 3\(a\)](#) (with [art. 8](#), Sch.); S.I. 2003/3034, [art. 2](#), Sch. 1 Pt. I

<sup>F24</sup>**45C** [<sup>F23</sup>**Effect of notice under section 45B(4)**][<sup>F23</sup>**Effect of notice under section 45B(6)**]

- [<sup>F23</sup>(1) The local education authority may, within the period of fourteen days beginning with the date of a notice under section 45B(6), give the National Assembly for Wales notice of their objection to the Assembly's determination, giving reasons for their objection.
- (2) Where the local education authority have given notice of their objection under subsection (1), the notice under section 45B(6) shall cease to have effect, but the Assembly may by order prescribe the minimum amount of the authority's schools budget for the period under consideration.
- (3) The amount prescribed under subsection (2) must not be greater than the amount specified in the notice under section 45B(6).
- (4) An order under subsection (2) may relate to two or more authorities.
- (5) Where—
  - (a) a notice under section 45B(6) has been given to a local education authority and no notice of objection has been given during the period specified in subsection (1), or
  - (b) an order has been made under subsection (2),the local education authority shall determine a schools budget for the period under consideration which is not less than the amount specified in relation to the authority in the notice or order.]

#### Textual Amendments

- F23** Ss. 45B-45D substituted for ss. 45B, 45C (1.11.2005 for E., 1.4.2010 for W.) by [Education Act 2005](#) (c. 18), s. 125(4), [Sch. 16 para. 5](#) (with s. 119); S.I. 2005/2034, [art. 8](#); S.I. 2010/735, [art. 2\(d\)](#)

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**F24** Ss. 45B, 45C inserted (1.10.2002 for E., 4.12.2003 for W.) by [Education Act 2002 \(c. 32\)](#), **ss. 42**, 216(4) (with [ss. 210\(8\)](#), 214(4)); [S.I. 2002/2439](#), **art. 3**; [S.I. 2003/2961](#), **art. 5**, **Sch. Pt. II**

**[<sup>F23</sup>45D Power of Assembly to repeal Wales-only school funding provisions**

The Assembly may by order—

- (a) repeal any of the following provisions—
  - section 45AB,
  - section 45AC(4), and
  - sections 45B and 45C, and
- (b) make any amendments of the other provisions of this Chapter which appear to the Assembly to be necessary or expedient in consequence of any repeal made by virtue of paragraph (a).]

**Textual Amendments**

**F23** Ss. 45B-45D substituted for ss. 45B, 45C (1.11.2005 for E., 1.4.2010 for W.) by [Education Act 2005 \(c. 18\)](#), **s. 125(4)**, **Sch. 16 para. 5** (with [s. 119](#)); [S.I. 2005/2034](#), **art. 8**; [S.I. 2010/735](#), **art. 2(d)**

**<sup>F28</sup>46 Determination of LEA's local schools budget and individual schools budget.**

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**Textual Amendments**

**F28** S. 46 repealed (1.10.2002 for E., 4.12.2003 for W.) by [Education Act 2002 \(c. 32\)](#), **ss. 41(3)**, 216(4), **Sch. 22 Pt. 3** (with [ss. 210\(8\)](#), 214(4)); [S.I. 2002/2439](#), **art. 3** (with [art. 4](#), [Sch. para. 2](#) and with transitional provisions in [The Education Act 2002 \(Transitional Provisions and Consequential Amendments\) \(No.2\) \(Wales\) Regulations 2003 \(S.I. 2003/2959\)](#), **regs. 1(1)**, 5); [S.I. 2003/2961](#), **art. 5**, **Sch. Pt. II**

**47 Determination of school's budget share.**

- (1) For the purposes of this Part a maintained school's budget share for a [<sup>F29</sup>financial year][<sup>F29</sup>funding period] is such amount as the local education authority may determine, in accordance with regulations, to allocate to the school out of the authority's individual schools budget for [<sup>F30</sup>that year][<sup>F30</sup>that period].
- (2) Regulations under this section may, in particular, make provision—
  - (a) as to the time when schools' budget shares are to be initially determined by local education authorities;
  - (b) specifying—
    - (i) factors or criteria which such authorities are to take into account, or
    - (ii) requirements as to other matters with which such authorities are to comply,
 in determining such shares, whether generally or in such cases as are specified in the regulations;



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- (c) requiring adjustments to be made to such shares by such authorities in respect of—
    - (i) pupils permanently excluded from schools maintained by them, or
    - (ii) pupils admitted to schools maintained by them who have been permanently excluded from other maintained schools;
  - (d) as to the treatment of new schools, including provision authorising the determination of nil amounts as the budget shares of such schools;
  - [<sup>F31</sup>(dd) authorising or requiring such authorities to take account of matters arising after the initial determination of budget shares for a funding period but before the beginning of the funding period, by redetermining budget shares for that period in accordance with the regulations, and requiring them in that connection to disregard such matters as may be specified in the regulations;]
  - (e) authorising or requiring such authorities to take account of matters arising during the course of a [<sup>F32</sup>financial year][<sup>F32</sup>funding period]—
    - (i) by redetermining budget shares for that [<sup>F33</sup>year][<sup>F33</sup>funding period], or
    - (ii) by making adjustments to such shares for the following [<sup>F33</sup>year][<sup>F33</sup>funding period],in accordance with the regulations, and requiring them in that connection to disregard such matters as may be specified in the regulations;
  - (f) requiring consultation to be carried out by such authorities in relation to the factors or criteria which are to be taken into account in determining such shares and as to the time and manner of such consultation;
  - [<sup>F34</sup>(ff) requiring notice of any initial determination or revised determination to be given in accordance with the regulations to the governing bodies of schools maintained by the authority in question;]
  - (g) [<sup>F35</sup>authorising local education authorities in prescribed cases to determine (or redetermine) budget shares, to such extent as may be prescribed, in accordance with arrangements approved by the authority's schools forum or the Secretary of State in accordance with the regulations (in place of the arrangements provided for by the regulations);]
- [<sup>F36</sup>(2A) The time by which regulations made in pursuance of subsection (2)(a) require an initial determination of schools' budget shares for a funding period to be made may be up to 48 months before the beginning of the funding period.]
- (3) Regulations made in pursuance of subsection (2)(c) may provide for the adjustments to be made on such basis as may be prescribed, which may involve the deduction from one school's budget share of an amount which is greater or less than that allocated to another school's budget share in respect of the excluded pupil.

#### Textual Amendments

- F29** Words in s. 47(1) substituted (1.11.2005 for E.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 16 para. 6\(2\)\(a\)](#) (with s. 119); S.I. 2005/2034, art. 8
- F30** Words in s. 47(1) substituted (1.11.2005 for E.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 16 para. 6\(2\)\(b\)](#) (with s. 119); S.I. 2005/2034, art. 8
- F31** S. 47(2)(dd) inserted (1.11.2005 for E.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 16 para. 6\(3\)\(a\)](#) (with s. 119); S.I. 2005/2034, art. 8
- F32** Words in s. 47(2)(e) substituted (1.11.2005 for E.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 16 para. 6\(3\)\(b\)](#) (with s. 119); S.I. 2005/2034, art. 8

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- F33** Words in s. 47(2)(e)(i)(ii) substituted (1.11.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 16 para. 6(3)(b)** (with s. 119); S.I. 2005/2034, art. 8
- F34** S. 47(2)(ff) inserted (1.11.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 16 para. 6(3)(c)** (with s. 119); S.I. 2005/2034, art. 8
- F35** S. 47(2)(g) substituted (1.11.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 16 para. 6(3)(d)** (with s. 119); S.I. 2005/2034, art. 8 (with Sch. paras. 34)
- F36** S. 47(2A) inserted (1.11.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 16 para. 6(4)** (with s. 119); S.I. 2005/2034, art. 8

### [<sup>F37</sup>Schools forums]

#### Textual Amendments

- F37** S. 47A and cross-heading inserted (2.9.2002 for E., 1.11.2003 for W.) by Education Act 2002 (c. 32), **ss. 43, 216(4)** (with **ss. 210(8), 214(4)**); S.I. 2002/2002, art. 4; S.I. 2003/1718, art. 6, Sch. Pt. III

#### [<sup>F37</sup>47A Schools forums

- (1) Every local education authority shall in accordance with regulations establish for their area before such date as may be prescribed a body, to be known as a schools forum, representing the governing bodies and head teachers of schools maintained by the authority and, if the authority so determine, also representing such bodies as the authority may from time to time in accordance with regulations determine.
- (2) Subsection (1) does not apply in relation to the Common Council of the City of London or the Council of the Isles of Scilly.
- (3) [<sup>F38</sup>The purpose of a schools forum is—
  - (a) to advise the relevant authority on such matters relating to the authority's schools budget as may be prescribed by regulations under section 45A(3) or by regulations under this subsection, and
  - (b) to exercise any [<sup>F39</sup>function that may be imposed on the schools forum by virtue of section 45A(4A) or 47(2)(g)] [<sup>F39</sup>other function that may be imposed on the schools forum by or under this Chapter].]
- (4) Regulations under section 45A(3) or under subsection (3) may include provision requiring a relevant authority to have regard to advice given by their schools forum, or requiring a relevant authority to consult their schools forum in relation to prescribed matters or before taking prescribed decisions.
- (5) Regulations may make provision as to the constitution, meetings and proceedings of a schools forum.
- (6) [<sup>F40</sup>Regulations made by virtue of subsection (5) may include provision enabling the Secretary of State in prescribed circumstances to remove from membership of a schools forum any non-schools member.]
- (7) Regulations may make provision with respect to expenses of a schools forum.
- (8) Except as provided by regulations, the expenses of a schools forum shall be defrayed by the relevant authority.

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- (9) <sup>[F41]</sup>In this section “relevant authority”, in relation to a schools forum, means the local education authority by whom the forum is established.]]

#### Textual Amendments

- F38** S. 47A(3) substituted (1.11.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 16 para. 7](#) (with s. 119); [S.I. 2005/2034](#), art. 8
- F39** Words in s. 47A(3)(b) substituted (8.2.2007 for E., 2.4.2010 for W.) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 5 para. 2\(2\)](#); [S.I. 2006/3400](#), art. 4(c); [S.I. 2010/736](#), art. 3(c)
- F40** S. 47A(6) repealed (8.2.2007 for E., 2.4.2010 for W.) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 5 para. 2\(3\)](#), [Sch. 18 Pt. 6](#); [S.I. 2006/3400](#), art. 4(c)(d); [S.I. 2010/736](#), art. 3(c)(d)
- F41** S. 47A(9) substituted (8.2.2007 for E., 2.4.2010 for W.) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 5 para. 2\(4\)](#); [S.I. 2006/3400](#), art. 4(c); [S.I. 2010/736](#), art. 3(c)

#### *Local education authority schemes*

#### **48 LEAs’ financial schemes.**

- (1) Each local education authority shall <sup>[F42]</sup>prepare<sup>[F42]</sup>maintain] a scheme dealing with such matters connected with the financing of the schools maintained by the authority <sup>[F43]</sup>or the exercise by the governing bodies of those schools of the power conferred by section 27 of the Education Act 2002 (power of governing body to provide community facilities etc.)] as are required to be dealt with in the scheme by or by virtue of—
- regulations made by the Secretary of State; or
  - any provision of this Part.
- (2) Regulations under subsection (1) may, in particular, require a scheme to deal with—
- the carrying forward from one <sup>[F44]</sup>financial year<sup>[F44]</sup>funding period] to another of surpluses and deficits arising in relation to schools’ budget shares;
  - amounts which may be charged against schools’ budget shares;
  - amounts received by schools which may be retained by their governing bodies and the purposes for which such amounts may be used;
  - the imposition, by or under the scheme, of conditions which must be complied with by schools in relation to the management of their delegated budgets, including conditions prescribing financial controls and procedures;
  - <sup>[F45]</sup>(dd) the imposition, by or under the scheme, of conditions which must be complied with by schools in relation to the exercise of the power mentioned in subsection (1), including conditions prescribing financial controls and procedures;
  - terms on which services and facilities are provided by the authority for schools maintained by them.
- (3) Where there is any inconsistency between a scheme <sup>[F46]</sup>prepared<sup>[F46]</sup>maintained] by a local education authority under subsection (1) and any other rules or regulations made by the authority which relate to the funding or financial management of schools which they maintain, the terms of the scheme shall prevail.
- (4) Schedule 14 (which provides for <sup>[F47]</sup>the approval or imposition of schemes by the Secretary of State and for] the revision of schemes) shall have effect.

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- (5) In this Part any reference to “the scheme”, in relation to a maintained school, is a reference to [F48the scheme prepared (or by virtue of paragraph 1(6) of Schedule 14 treated as prepared) by the local education authority under this section, as from time to time revised under paragraph 2 of that Schedule][F48the scheme for the time being maintained under this section].

#### Textual Amendments

- F42** Word in s. 48(1) substituted (8.2.2007 for E., 15.3.2010 for W. for specified purposes, 2.4.2010 for W. in so far as not already in force) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), **Sch. 5 para. 3(2)**; S.I. 2006/3400, **art. 4(c)**; S.I. 2010/736, arts. 2(b), **3(c)** (with art. 4)
- F43** Words in s. 48(1) inserted (2.9.2002 for E., 1.9.2003 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 3 para. 2(2)** (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 4; S.I. 2003/1718, art. 5, Sch. Pt. II
- F44** Words in s. 48(2)(a) substituted (1.11.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), **Sch. 18 para. 7** (with s. 119); S.I. 2005/2034, art. 8
- F45** S. 48(2)(dd) inserted (2.9.2002 for E., 1.9.2003 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 3 para. 2(3)** (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 4; S.I. 2003/1718, art. 5, Sch. Pt. II
- F46** Word in s. 48(3) substituted (8.2.2007 for E., 15.3.2010 for W. for specified purposes) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), **Sch. 5 para. 3(3)**; S.I. 2006/3400, **art. 4(c)**; S.I. 2010/736, **art. 2(b)** (with art. 4)
- F47** Words in s. 48(4) repealed (8.2.2007 for E., 15.3.2010 for W. for specified purposes, 2.4.2010 for W. in so far as not already in force) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), **Sch. 5 para. 3(4)**, **Sch. 18 Pt. 6**; S.I. 2006/3400, **art. 4(c)(d)**; S.I. 2010/736, arts. 2(b), **3(c)(d)** (with art. 4)
- F48** Words in s. 48(5) substituted (8.2.2007 for E., 15.3.2010 for W. for specified purposes, 2.4.2010 for W. in so far as not already in force) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), **Sch. 5 para. 3(5)**; S.I. 2006/3400, **art. 4(c)**; S.I. 2010/736, arts. 2(b), **3(c)** (with art. 4)

#### Modifications etc. (not altering text)

- C5** S. 48 excluded (10.3.1999) by S.I. 1999/362, **reg. 6(5)**.

### *Financial delegation*

#### **49 Maintained schools to have delegated budgets.**

- (1) Every maintained school shall have a delegated budget.
- (2) [F49A new school shall have a delegated budget from a date determined in accordance with regulations.
- (2A) Regulations under subsection (2) may—
- (a) enable the date that would otherwise apply by virtue of the regulations to be varied in accordance with the regulations, on the application of the local education authority, by the authority's schools forum or by the Secretary of State, and
  - (b) make provision about the respective powers of the schools forum and the Secretary of State in relation to any application to vary that date.]
- (3) [F49Such a school shall have a delegated budget—
- (a) as from a date earlier than the school opening date if the local education authority so determine; or

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- (b) as from a later date if the authority so determine with the written approval of the Secretary of State; or
  - (c) as from such date as the Secretary of State may determine, if the authority have determined that the school should have a delegated budget as from a later date but that date is not approved by him.]
- (4) Subject to—
- (a) section 50 (right of governing body to spend budget share where school has a delegated budget),
  - (b) paragraph 4 of Schedule 15 (power of governing body to spend amounts out of budget share where delegation of budget suspended),
  - (c) section 489(2) of the <sup>M1</sup>Education Act 1996 (education standards grants), and
  - (d) any provisions of the scheme,
- a local education authority may not delegate to the governing body of any maintained school the power to spend any part of the authority's [<sup>F50</sup>LEA budget or schools budget].
- (5) Any amount made available by a local education authority to the governing body of a maintained school (whether under section 50 or otherwise)—
- (a) shall remain the property of the authority until spent by the governing body or the head teacher; and
  - (b) when spent by the governing body or the head teacher, shall be taken to be spent by them or him as the authority's agent.
- (6) Subsection (5)(b) does not apply to any such amount where it is spent—
- (a) by way of repayment of the principal of, or interest on, a loan, or
  - (b) (in the case of a voluntary aided school) to meet [<sup>F51</sup>expenses payable by the governing body under paragraph 3(1) or (2) of Schedule 3][<sup>F51</sup>expenditure payable by the governing body under paragraph 3(1) of Schedule 3][<sup>F52</sup>, paragraph 14(2) of Schedule 6, paragraph 3(3) of Schedule 7A to the Learning and Skills Act 2000 or paragraph 8 of Schedule 8 to the Education Act 2002].
- (7) In this Part—
- (a) references to a school having a delegated budget are references to the governing body of the school being entitled to manage the school's budget share; and
  - (b) where a school has a delegated budget the governing body are accordingly said to have a right to a delegated budget.

#### Textual Amendments

- F49** S. 49(2)(2A) substituted for s. 49(2) (8.2.2007 for E., 15.3.2010 for W. for specified purposes, 2.4.2010 for W. in so far as not already in force) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 5 para. 4](#); S.I. 2006/3400, [art. 4\(c\)](#); S.I. 2010/736, arts. 2(b), 3(c) (with art. 4)
- F50** Words in s. 49(4) substituted (1.10.2002 for E., 4.12.2003 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 21 para. 100\(2\)](#) (with ss. 210(8), 214(4)); S.I. 2002/2439, [art. 3](#) (with art. 4, [Sch. para. 2](#)); S.I. 2003/2961, art. 5, [Sch. Pt. II](#)
- F51** Words in s. 49(6)(b) substituted (E.) (1.4.2002) by [The Regulatory Reform \(Voluntary Aided Schools Liabilities and Funding\) \(England\) Order 2002 \(S.I. 2002/906\)](#), [art. 4](#)
- F52** Words in s. 49(6)(b) substituted (1.4.2003 for E., 1.8.2004 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 21 para. 100\(3\)](#) (with ss. 210(8), 214(4)); S.I. 2003/124, [art. 4](#); S.I. 2004/1728, art. 4, [Sch. Pt. 1](#)

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#### **Modifications etc. (not altering text)**

- C6** Ss. 49-51: power to modify conferred (1.4.2003 for E.) by [Education Act 2002 \(c. 32\), ss. 25\(1\)\(b\), 216\(4\)](#) (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2003/124, art. 4](#)
- C7** S. 49(4) savings for effects of 2002 c. 32, ss. 41(3), 215, Sch. 21 paras. 100(2) (W.) (19.11.2003) by [The Education Act 2002 \(Transitional Provisions and Consequential Amendments\) \(No.2\) \(Wales\) Regulations 2003 \(S.I. 2003/2959\), regs. 1\(1\), 5](#)
- C8** S. 49(6)(b) modified (20.11.1998) by [S.I. 1998/2670, reg. 3\(5\)](#)

#### **Marginal Citations**

- M1** 1996 c. 56.

## **50 Effect of financial delegation.**

- (1) Where a maintained school has a delegated budget in respect of the whole or part of a [<sup>F53</sup>financial year][<sup>F53</sup>funding period] the local education authority shall secure that in respect of [<sup>F54</sup>that year][<sup>F54</sup>that period] there is available to be spent by the governing body—
- (a) where the school has a delegated budget in respect of the whole of that [<sup>F55</sup>year][<sup>F55</sup>period], a sum equal to the school's budget share for the [<sup>F55</sup>year][<sup>F55</sup>period], or
  - (b) where the school has a delegated budget in respect of only part of that [<sup>F56</sup>year][<sup>F56</sup>period], a sum equal to that portion of the school's budget share for the [<sup>F56</sup>year][<sup>F56</sup>period] which has not been spent.
- (2) The times at which, and the manner in which, any amounts are made available by the authority to the governing body in respect of any such sum shall be such as may be provided by or under the scheme.
- (3) Subject to any provision made by or under the scheme, the governing body may spend any such amounts as they think fit—
- (a) for any purposes of the school; or
  - (b) (subject also to any prescribed conditions) for such purposes as may be prescribed.
- (4) In subsection (3) “purposes of the school” does not include purposes wholly referable to the provision of—
- [<sup>F57</sup>(za) facilities and services under section 27 of the Education Act 2002 (power of governing body to provide community facilities etc.),]
- (a) part-time education suitable to the requirements of persons of any age over compulsory school age, or
  - (b) full-time education suitable to the requirements of persons who have attained the age of 19;
- but any such purposes may be prescribed by regulations under paragraph (b) of that subsection.
- (5) Nothing in subsection (3) shall be read as authorising the payment of allowances to governors otherwise than in accordance with regulations [<sup>F58</sup>under section 19 of the Education Act 2002 (or, in the case of temporary governors of a new school, regulations under section 34(5) of that Act).]

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- (6) The governing body may delegate to the head teacher, to such extent as may be permitted by or under the scheme, their powers under subsection (3) in relation to any amount such as is mentioned in that subsection.
- (7) The governors of a school shall not incur any personal liability in respect of anything done in good faith in the exercise or purported exercise of their powers under subsection (3) or (6).

#### Textual Amendments

- F53** Words in s. 50(1) substituted (1.11.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 18 para. 8(a)** (with s. 119); S.I. 2005/2034, art. 8
- F54** Words in s. 50(1) substituted (1.11.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 18 para. 8(b)** (with s. 119); S.I. 2005/2034, art. 8
- F55** Word in s. 50(1)(a) substituted (1.11.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 18 para. 8(c)** (with s. 119); S.I. 2005/2034, art. 8
- F56** Word in s. 50(1)(b) substituted (1.11.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 18 para. 8(c)** (with s. 119); S.I. 2005/2034, art. 8
- F57** S. 50(4)(za) inserted (2.9.2002 for E., 1.9.2003 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 3 para. 3** (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 4; S.I. 2003/1718, art. 5, Sch. Pt. II
- F58** Words in s. 50(5) substituted (1.9.2003 for E., 31.10.2005 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 101** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.

#### Modifications etc. (not altering text)

- C6** Ss. 49-51: power to modify conferred (1.4.2003 for E.) by Education Act 2002 (c. 32), **ss. 25(1)(b)**, 216(4) (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4

#### Commencement Information

- I1** S. 50 wholly in force; s. 50 not in force at Royal Assent see s. 145(3); s. 50(3) and (4) in force at 1.10.1998 by S.I. 1998/2212, art. 2, Sch. 1 Pt. I, **Sch. 2 Pt. I para. 1** and s. 50 in force at 1.4.1999 (so far as it is not already in force) by Sch. 1 Pt. IV of the same S.I.

### *Suspension of financial delegation*

#### **51 Suspension of financial delegation for mismanagement etc.**

Schedule 15 (which provides for the suspension by a local education authority of a governing body's right to a delegated budget in the case of failure to comply with requirements as to delegation or of financial mismanagement, etc.) shall have effect.

#### Modifications etc. (not altering text)

- C6** Ss. 49-51: power to modify conferred (1.4.2003 for E.) by Education Act 2002 (c. 32), **ss. 25(1)(b)**, 216(4) (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4

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*[<sup>F59</sup>Expenditure incurred for community purposes]*

**Textual Amendments**

**F59** Cross-heading and s. 51A inserted (2.9.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 40, 216, [Sch. 3 para. 4](#) (with ss. 210(8), 214(4)); S.I. 2002/2002, [art. 4](#)

**[<sup>F60</sup>51A Expenditure incurred for community purposes**

- (1) Expenditure incurred by the governing body of a maintained school in the exercise of the power conferred by section 27 of the Education Act 2002 (power of governing body to provide community facilities etc.) shall, as against third parties, be treated as part of the expenses of maintaining the school under section 22, but if met by the local education authority may be recovered by them from the governing body.
- (2) Except as provided by regulations under section 50(3)(b), no expenditure incurred by the governing body of a maintained school in the exercise of the power referred to in subsection (1) shall be met from the school's budget share for any [<sup>F61</sup>financial year][<sup>F61</sup>funding period].
- (3) Subsection (2) applies at a time when the school does not have a delegated budget by virtue of any suspension under section 17 or Schedule 15, as well as a time when it does have a delegated budget.]

**Textual Amendments**

**F60** S. 51A and cross-heading inserted (2.9.2002 for E., 1.9.2003 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 3 para. 4](#) (with ss. 210(8), 214(4)); S.I. 2002/2002, [art. 4](#); S.I. 2003/1718, [art. 5](#), [Sch. Pt. II](#)

**F61** Words in s. 51A(2) substituted (1.11.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 18 para. 9](#) (with s. 119); S.I. 2005/2034, [art. 8](#)

*Information*

**52 Financial statements.**

- (1) Before the beginning of each [<sup>F62</sup>financial year][<sup>F62</sup>prescribed period] a local education authority shall prepare a statement containing such information relating to their planned expenditure in [<sup>F63</sup>that year][<sup>F63</sup>that period] as may be prescribed.
- [<sup>F64</sup>(1A) The periods prescribed for the purposes of subsection (1)—
  - (a) must consist of one or more funding periods, and
  - (b) may include funding periods in respect of which (by virtue of their inclusion in one or more earlier periods prescribed for the purposes of that subsection) information relating to planned expenditure has previously been required under that subsection.]
- (2) After the end of each [<sup>F65</sup>financial year][<sup>F65</sup>prescribed period] a local education authority shall prepare a statement containing such information with respect to the following matters as may be prescribed—



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- (a) the planned expenditure in that [<sup>F66</sup>year][<sup>F66</sup>period] specified in the statement prepared by the authority under subsection (1),
- (b) expenditure actually incurred, or treated by the authority as having been incurred, by them in the [<sup>F66</sup>year][<sup>F66</sup>period], [<sup>F67</sup>and]
- (c) any other resources allocated by the authority in the [<sup>F66</sup>year][<sup>F66</sup>period] to schools maintained by them during any part of the [<sup>F66</sup>year][<sup>F66</sup>period]. [<sup>F68</sup>and
- (d) accountable resources held, received or expended in the [<sup>F66</sup>year][<sup>F66</sup>period] by any person in relation to a school maintained by the authority.]

[<sup>F69</sup>(2A) In subsection (2)(d), “accountable resources”, in relation to a maintained school, means any resources which are not provided by the local education authority but in respect of which an obligation is imposed on the governing body of the school by virtue of regulations under section 44 of the Education Act 2002 (accounts of maintained schools).]

[<sup>F70</sup>(2B) The periods prescribed for the purposes of subsection (2) must consist of one or more funding periods.]

- (3) A statement under this section shall—
  - (a) be prepared in such form, and
  - (b) be published in such manner and at such times, as may be prescribed.
- (4) The authority shall furnish the governing body and head teacher of each school maintained by them with a copy of each statement prepared by the authority under this section or, if regulations so provide, with a copy of such part or parts of it as may be prescribed.
- (5) A governing body provided with such a copy under subsection (4) shall secure that a copy of it is available for inspection (at all reasonable times and free of charge) at the school.
- (6) Subsection (5) does not apply to a temporary governing body of a new school at any time before the school opening date.

#### Textual Amendments

- F62** Words in s. 52(1) substituted (1.11.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 18 para. 10\(2\)\(a\)](#) (with s. 119); S.I. 2005/2034, art. 8
- F63** Words in s. 52(1) substituted (1.11.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 18 para. 10\(2\)\(b\)](#) (with s. 119); S.I. 2005/2034, art. 8
- F64** S. 52(1A) inserted (1.11.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 18 para. 10\(3\)](#) (with s. 119); S.I. 2005/2034, art. 8
- F65** Words in s. 52(2) substituted (1.11.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 18 para. 10\(4\)\(a\)](#) (with s. 119); S.I. 2005/2034, art. 8
- F66** Word in s. 52(2)(a)-(d) substituted (1.11.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 18 para. 10\(4\)\(b\)](#) (with s. 119); S.I. 2005/2034, art. 8
- F67** Word in s. 52(2)(b) repealed (1.4.2003 for E.) by [Education Act 2002 \(c. 32\)](#), ss. 45(2), 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4
- F68** S. 52(2)(d) and word inserted (1.4.2003 for E.) by [Education Act 2002 \(c. 32\)](#), ss. 45(2), 216(4) (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4
- F69** S. 52(2A) inserted (1.4.2003 for E.) by [Education Act 2002 \(c. 32\)](#), ss. 45(3), 216(4) (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4

*Status: Point in time view as at 02/01/2008.*

*Changes to legislation: School Standards and Framework Act 1998, Chapter IV is up to date with all changes known to be in force on or before 23 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**F70** S. 52(2B) inserted (1.11.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), **Sch. 18 para. 10(5)** (with s. 119); [S.I. 2005/2034](#), art. 8

### 53 Certification of statements by Audit Commission.

- (1) A local education authority [<sup>F71</sup>in England] shall, if directed to do so by the Secretary of State, require the Audit Commission for Local Authorities and the National Health Service in England and Wales to make arrangements in accordance with section 28(1)(d) of the <sup>M2</sup>Audit Commission Act 1998 for certifying—
  - (a) such statement or statements prepared by the authority under section 52 above, or
  - (b) such part or parts of any such statement or statements,
 as may be specified in the directions; and for the purposes of section 28(1)(d) of that Act any statement under section 52 above shall be treated as a return by the authority.
- (2) The arrangements made by the Audit Commission in pursuance of subsection (1) shall include arrangements for sending to the Secretary of State—
  - (a) a copy of the statement or statements so certified, or
  - (b) a copy of the part or parts so certified,
 as the case may be.
- (3) Directions given under subsection (1) may relate to any local education authority or to local education authorities generally or to any class or description of such authorities.

#### Textual Amendments

**F71** Words in s. 53(1) inserted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), s. 73, **Sch. 2 para. 40**; [S.I. 2005/558](#), art. 2, **Sch. 1**

#### Marginal Citations

**M2** 1998 c. 18.

### [<sup>F72</sup>53A Certification of statements by Auditor General for Wales

- (1) A local education authority in Wales shall, if directed to do so by the National Assembly for Wales, require the Auditor General for Wales to make arrangements in accordance with section 96B(1)(d) of the Government of Wales Act 1998 for certifying—
  - (a) such statement or statements prepared by the authority under section 52 above, or
  - (b) such part or parts of any such statement or statements,
 as may be specified in the directions; and for the purposes of section 96B(1)(d) of that Act any statement under section 52 above shall be regarded as a return by the authority.
- (2) The arrangements made by the Auditor General for Wales in pursuance of subsection (1) shall include arrangements for sending to the National Assembly for Wales—
  - (a) a copy of the statement or statements so certified, or
  - (b) a copy of the part or parts so certified,
 as the case may be.

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**Status:** Point in time view as at 02/01/2008.

**Changes to legislation:** School Standards and Framework Act 1998, Chapter IV is up to date with all changes known to be in force on or before 23 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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- (3) Directions given under subsection (1) may relate to any local education authority or to local education authorities generally or to any class or description of such authority.]

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**Textual Amendments**

**F72** S. 53A inserted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), s. 73, [Sch. 2 para. 41](#); S.I. 2005/558, art. 2, Sch. 1

**Status:**

Point in time view as at 02/01/2008.

**Changes to legislation:**

School Standards and Framework Act 1998, Chapter IV is up to date with all changes known to be in force on or before 23 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.