
STATUTORY INSTRUMENTS

1992 No. 164

EDUCATION, ENGLAND AND WALES

The Education (Application of Financing Schemes to Special Schools) Regulations 1992

<i>Made</i>	- - - -	<i>30th January 1992</i>
<i>Laid before Parliament</i>		<i>4th February 1992</i>
<i>Coming into force</i>	- -	<i>25th February 1992</i>

In exercise of the powers conferred on the Secretary of State by section 43 of the Education Reform Act 1988(1) (as extended by paragraph 3 of Schedule 4) and by section 232(5) of that Act, the Secretary of State for Education and Science, as respects England, and the Secretary of State for Wales, as respects Wales, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Education (Application of Financing Schemes to Special Schools) Regulations 1992.

(2) These Regulations shall come into force on 25th February 1992.

(3) In these Regulations—

“the 1988 Act” means the Education Reform Act 1988;

“new school” and “temporary governing body” have the same meanings as in section 48 of the 1988 Act; and

“scheme” means a scheme made by a local education authority under section 33 of the 1988 Act.

Application to special schools of Chapter III of Part 1 of 1988 Act

2.—(1) A local education authority may determine that the schools required to be covered in either or both of the financial years beginning in 1992 and 1993 by a scheme made by the authority shall be taken to include the authority’s special schools.

(2) The schools required to be covered in the financial year beginning in 1994 and in subsequent financial years by a scheme made by a local education authority shall include the authority’s special schools.

(1) 1988 c. 40.

- (3) Subject to regulation 4 below, where, by virtue of—
 - (a) a determination under paragraph (1) above; or
 - (b) paragraph (2) above, be covered in any financial year by a scheme made by the authority, the provisions of Chapter III of Part I of the 1988 Act (other than sections 33 and 49 and Schedule 4) shall have effect, in relation to that authority, as if any reference contained in those provisions to a county school maintained by an authority included a reference to a special school of that authority.
- (4) Where a new school is included in the special schools of a local education authority which are required (by virtue of a determination under paragraph (1) above or by virtue of paragraph (2) above) to be covered by a scheme—
 - (a) paragraphs 2(2) to (10) of Schedule 4 to that Act (which make provision as to the application of schemes in relation to new schools) shall apply in relation to that school as they apply in relation to a school to which paragraph 1 of that Schedule applies; and
 - (b) the following provisions of that Schedule, that is to say—
 - (i) paragraph 4(6)(a)
(articles of government of new school to indicate that certain provisions are superseded); and
 - (ii) paragraph 7(2)
(articles of government of new school to contain statement of any inconsistency between articles and Chapter III of Part I of the 1988 Act), any reference to a county school included a reference to a special school.
- (5) In this regulation references, in relation to a financial year, to the special schools of a local education authority are references to—
 - (a) any special school maintained by that authority at the beginning of that year;
 - (b) any new school that is established, at any time during that year, as a special school maintained by that authority; and
 - (c) any school proposed to be established by that authority which will be a special school and which has a temporary governing body during the whole or any part of that year.

Delegation of budget share to governing body of special schools

3. Without prejudice to section 39(10) of the 1988 Act (discretionary delegation of management of school's budget share), a scheme shall not be required to include provision for requiring the delegation by the local education authority concerned of the management of—

- (a) the budget share of any special school to the governing body of that school; or
- (b) the budget share of any new school which will be a special school to the temporary governing body of that school.

Amendments to Chapter III of Part I of the 1988 Act

4.—(1) The provisions of Chapter III of Part I of the 1988 Act shall be amended as follows (being amendments appearing to the Secretary of State to be required in consequence of the provision made in regulations 2 and 3 above).

(2) In subsection (4) of section 34 (preparation and imposition of schemes), for the words “county or voluntary” there shall be substituted the words “county, voluntary or special”.

(3) In paragraph 4(3) of Schedule 4 (no staff to be appointed before constitution of temporary governing body), for the words “or aided” there shall be substituted the words “aided or special”.

30th January 1992

Kenneth Clarke
Secretary of State for Education and Science

30th January 1992

David Hunt
Secretary of State for Wales

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 33 of the Education Reform Act 1988 requires schemes for financing schools maintained by local education authorities to cover the county and voluntary schools maintained by them. Section 43 of the Act empowers the Secretary of State by regulations to provide for requiring or authorising schemes (a) to cover the special schools maintained by local education authorities, and (b) to include provision for the delegation by the local education authority concerned of the management of the budget share of each such school for any financial year to the governing body of the school.

These Regulations, which are made under section 43, authorise local education authorities to cover in their schemes in either or both of the financial years beginning in 1992 and 1993 the special schools maintained by them and any proposed such schools which have temporary governing bodies. For the financial year beginning in 1994 and subsequently the Regulations require all such schools (and proposed schools) to be covered by schemes. The Regulations provide for Chapter III of Part I of the Act, other than the requirement (in section 39(1)) for schemes to include provision for financial delegation, to apply to special schools covered by schemes (including providing for Schedule 4 to apply to new special schools) (regulations 2 and 3).

Regulation 4 makes consequential amendments to section 34 and paragraph 4(3) of Schedule 4 to the Act.