



Education Act 1996

1996 CHAPTER 56

PART I **E+W**

GENERAL

CHAPTER IV **E+W**

THE FUNDING AUTHORITIES

The Authorities

20 The Funding Agency for Schools. **E+W**

- (1) The Funding Agency for Schools shall continue in existence as a body corporate exercising in relation to England the functions conferred on them.
- (2) The agency shall consist of not less than 10 nor more than 15 members appointed by the Secretary of State, one of whom shall be so appointed as chairman.
- (3) In appointing the members of the agency the Secretary of State shall have regard to the desirability of including—
 - (a) persons who appear to him to have experience of, and to have shown capacity in, the provision of primary or secondary education or to have held, and to have shown capacity in, any position carrying responsibility for the provision of such education;
 - (b) persons who appear to him to have experience of, and to have shown capacity in, the provision of education in voluntary schools, or in grant-maintained schools having foundation governors;
 - (c) persons who appear to him to have experience of, and to have shown capacity in, industrial, commercial or financial matters or the practice of any profession; and
 - (d) persons who appear to him to have experience of, and to have shown capacity in, providing for children with special educational needs.

Status: Point in time view as at 01/11/1996.

Changes to legislation: Education Act 1996, Chapter IV is up to date with all changes known to be in force on or before 10 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)

- (4) Before appointing any member of the agency the Secretary of State shall consult—
- (a) a body appearing to him to be representative of the Church of England, and
 - (b) a body appearing to him to be representative of the Roman Catholic Church,
- in matters relating to the provision of education in voluntary schools, or in grant-maintained schools having foundation governors.
- (5) Schedule 2 has effect in relation to the agency.

21 The Schools Funding Council for Wales. E+W

- (1) The Secretary of State may by order make provision for the establishment of a body corporate to be known as the Schools Funding Council for Wales to exercise in relation to Wales, as from such date as may be specified in the order, the functions conferred on them.
- (2) The council shall consist of not less than eight nor more than 12 members appointed by the Secretary of State, one of whom shall be so appointed as chairman.
- (3) In appointing the members of the council the Secretary of State shall have regard to the desirability of including—
- (a) persons who appear to him to have experience of, and to have shown capacity in, the provision of primary or secondary education or to have held, and to have shown capacity in, any position carrying responsibility for the provision of such education;
 - (b) persons who appear to him to have experience of, and to have shown capacity in, industrial, commercial or financial matters or the practice of any profession; and
 - (c) persons who appear to him to have experience of, and to have shown capacity in, providing for children with special educational needs.
- (4) Schedule 2 has effect in relation to the council.

Functions

22 Functions of funding authorities. E+W

- (1) The functions which are or may be exercisable by a funding authority include in particular those which are or may be so exercisable by virtue of—
- (a) section 23 (value-for-money studies of grant-maintained schools);
 - (b) section 27 (responsibility for provision of school places to be held together with, or to the exclusion of, local education authority); and
 - (c) Chapter VI of Part III (funding of grant-maintained schools).
- (2) Schedule 3 enables the Secretary of State to transfer to a funding authority certain functions of his with respect to education.

23 Value-for-money studies of grant-maintained schools. E+W

- (1) Each funding authority shall make arrangements for carrying out such value-for-money studies of grant-maintained schools in England or, as the case may be, Wales as in their opinion are required or as the Secretary of State may direct.

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- (2) The authority shall, in particular—
- (a) in forming an opinion as to whether any value-for-money study is required to be carried out in pursuance of this section, have regard to the desirability of value-for-money studies being carried out at regular intervals, and
 - (b) in determining the scope of any value-for-money study to be carried out in pursuance of this section otherwise than on the direction of the Secretary of State, have regard to the scope of any value-for-money study which is being or has recently been carried out.
- (3) In this section “value-for-money study”, in relation to any grant-maintained school, means—
- (a) any examination into the economy, efficiency and effectiveness with which the governing body of the school have, in discharging their functions, used grant made by the authority, and
 - (b) any study designed to improve economy, efficiency and effectiveness in the management or operations of the school.

24 Supervision of funding authorities by the Secretary of State. **E+W**

- (1) In exercising their functions each funding authority shall comply with any directions contained in an order made by the Secretary of State.
- (2) In respect of the exercise by the funding authority of functions in respect of any grant-maintained school, such directions may relate to grant-maintained schools generally or to any class or description of such schools.
- (3) Before making an order under this section, the Secretary of State shall consult the funding authority unless, for reasons of urgency, it is not in his opinion reasonably practicable for him to do so.
- (4) Sections 496 and 497 (powers of Secretary of State where local education authority etc. are acting unreasonably or are in default) shall apply in relation to a funding authority and the functions conferred on them by or under the Education Acts as they apply in relation to local education authorities and the functions conferred on them by or under this Act.
- (5) Subsection (4) does not prejudice the generality of subsection (1).

Modifications etc. (not altering text)

C1 S. 24: power to modify conferred (1.4.1999) by 1998 c. 31, s. 132(4); S.I. 1999/1016, art. 2(1), Sch. 1

Supplemental

25 Grants to funding authorities. **E+W**

The Secretary of State may make grants to a funding authority of such amounts and subject to such terms and conditions as he may determine.

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26 **Meaning of “funding authority”.** **E+W**

- (1) Any reference in this Act to a funding authority—
 - (a) in relation to schools, or local education authority areas, in England is to the Funding Agency for Schools, and
 - (b) in relation to schools, or local education authority areas, in Wales is, subject to subsection (2), to the Schools Funding Council for Wales, and in any other context is to the agency or the council.
- (2) Before the Schools Funding Council for Wales begin to exercise their functions, any reference in this Act (other than this Part) to a funding authority in relation to schools, or local education authority areas, in Wales is to be read as a reference to the Secretary of State.

Status:

Point in time view as at 01/11/1996.

Changes to legislation:

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