

Status: Point in time view as at 06/04/2016.

Changes to legislation: Education Act 1996, SCHEDULE 12 is up to date with all changes known to be in force on or before 02 July 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)

SCHEDULES

SCHEDULE 12

Section 126.

FINANCIAL DELEGATION AND NEW SCHOOLS

Modifications etc. (not altering text)

C1 Sch. 12 excluded (*temp.* until 1.9.1999) by [S.I. 1998/3097](#), [art.5](#)

Preliminary

- 1 In this Schedule “temporary governing body” does not include a temporary governing body who by virtue of paragraph 2 of Schedule 10 fall to be treated as a governing body.

New county and voluntary schools

- 2 (1) For the purposes of applying (in accordance with this Schedule) sections 101 to 122 and Part I of Schedule 11 in relation to new schools which will be county or voluntary schools—
- (a) references to a school conducted by a governing body shall be read as including a new school which has a temporary governing body, and
 - (b) other references to the governing body of a school shall be read as including the temporary governing body of a new school.
- (2) For those purposes—
- (b) references to a county or voluntary school maintained by a [^{F1}local authority], and
 - (b) references, in a context referring to a [^{F1}local authority], to county and voluntary schools,
- shall be read as including a new school which on implementation of the relevant proposals will be a county or voluntary school maintained by the authority.

Textual Amendments

F1 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [Sch. 2 para. 7\(2\)](#) (with [Sch. 2 para. 7\(4\)\(5\)](#))

- 3 (1) A new school which will be a county or voluntary school is required to be covered by a scheme in any financial year if it has a temporary governing body during the whole or any part of that year.
- (2) In the case of such a school, sections 101 to 122 and Part I of Schedule 11 apply subject to the modifications set out in paragraphs 4 to 7.

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- 4 (1) Where a school required to be covered by a scheme in a financial year is a new school during the whole or any part of that year, the provision required by section 106(4)(a) shall not apply in relation to the determination of the school's budget share for the year, so far as that share falls in accordance with the scheme to be treated as referable to planned expenditure by the [^{F1}local authority] for the purposes of the school in respect of any period before the implementation of the relevant proposals.
- (2) Accordingly—
- (a) paragraph 3(1) of Schedule 11 shall apply in relation to the school as if it referred to such part (if any) of the school's budget share for the year as falls to be determined in accordance with the provision required by section 106(4)(a); and
- (b) the statement under section 122(2) shall include in relation to the school the additional particulars mentioned in sub-paragraph (3).
- (3) Those particulars are the amount of such part (if any) of the school's budget share for the year (as initially determined for the purposes of the scheme) as falls in accordance with the scheme to be treated as referable to planned expenditure such as is mentioned in sub-paragraph (1).
- (4) Sub-paragraph (1) shall not be taken as prejudicing the inclusion in the allocation formula under a scheme, by virtue of section 106(4)(b), of provision taking into account in relation to a new school any forecast made in accordance with the scheme of the number of pupils it will have on implementation of the relevant proposals.

Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with [Sch. 2 para. 7\(4\)\(5\)](#))

- 5 The delegation requirement under a scheme shall not apply in relation to a new school (where it is not a school to which section 110 applies) until such date as may be determined by or under the scheme.
- 6 Section 110 shall have effect, in relation to a new school to which it applies, with the omission of subsection (3)(a).
- 7 Section 122(7) shall not apply in relation to the temporary governing body of a new school.

New special schools

- 8 (1) Any reference—
- (a) in section 120, to maintained special schools or to a maintained special school, or
- (b) in section 124, to special schools or to a special school,
- shall be read as including a new school proposed to be established by a [^{F1}local authority] which will be a maintained special school and which has a temporary governing body.
- (2) Any reference in section 120 or 124 to a school's governing body shall be read, in relation to such a new school, as a reference to its temporary governing body.

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- (3) The reference in section 124(1) to a [^{F1}local authority] maintaining a special school or special schools shall be read, in relation to such a new school, as a reference to the authority being under a duty by virtue of paragraph 20 of Schedule 9 to defray expenses in relation to its temporary governing body.

Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))

- 9 Section 124(8) shall not apply in relation to the temporary governing body of a new school.

Financial delegation apart from schemes

- 10 Section 125 shall not apply in relation to a new school.

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