

*Status: Point in time view as at 05/05/2010.*

*Changes to legislation: School Standards and Framework Act 1998, Cross Heading: Deferment of governing body's right to delegated budget is up to date with all changes known to be in force on or before 30 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)*

## SCHEDULES

### SCHEDULE 32

#### TRANSITIONAL PROVISIONS AND SAVINGS

##### PART I

##### FUNDING

###### *Deferment of governing body's right to delegated budget*

- 5 (1) A maintained school falling within section 49(1) shall not have a delegated budget as from the day on which section 49 comes into force if—
- (a) the governing body's right to a delegated budget has been suspended under section 117 of the <sup>M1</sup>Education Act 1996 (suspension of financial delegation for mismanagement etc.) or section 28 of the <sup>M2</sup>School Inspections Act 1996 (suspension of right to delegated budget); and
  - (b) that suspension has not been previously revoked with effect from that or any earlier day.
- (2) Such a school shall, however, have a delegated budget as from the day with effect from which that suspension is revoked.
- (3) The Secretary of State may by order determine that a relevant school shall not have a delegated budget as from the day on which section 49 comes into force where he considers that it would not be expedient for the school to have such a budget as from that day for reasons connected with—
- (a) the financial position, or
  - (b) the financial management,
- of the school.
- (4) Where the Secretary of State makes an order under sub-paragraph (3) in relation to a school—
- (a) for the purposes of Part II of this Act the right of the governing body to a delegated budget shall be treated as if it had been suspended by the [<sup>F1</sup>local authority] under paragraph 1 of Schedule 15 on the day on which section 49 comes into force;
  - (b) paragraphs 2 to 4 (but not 3(1)(a)) of that Schedule shall apply to any such suspension; and
  - (c) the school shall have a delegated budget as from the day with effect from which that suspension is revoked.
- (5) Any reference in any of sections 54 to 57 to any suspension of a school's delegated budget under Schedule 15 includes a reference to—

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- (a) any suspension of a school's delegated budget by virtue of sub-paragraph (1); and
  - (b) (in accordance with sub-paragraph (4)), any such suspension by virtue of sub-paragraph (3).
- (6) Where the day on which section 49 comes into force is earlier than the day appointed under section 20(7) any reference in this paragraph to a maintained school is a reference to a school which is (within the meaning of the <sup>M3</sup>Education Act 1996)—
- (a) a school maintained by a [<sup>F1</sup>local authority], or
  - (b) a grant-maintained or grant-maintained special school,
- and to which section 49 applies in accordance with regulations under section 144(1).
- (7) In this paragraph—
- (a) “relevant school” means a maintained school which immediately before the day on which section 49 comes into force was a grant-maintained or grant-maintained special school within the meaning of the <sup>M4</sup>Education Act 1996; and
  - (b) references to a school having a delegated budget or to a governing body's right to such a budget shall be construed in accordance with section 49(7).

#### **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), art. 1, **Sch. 2 para. 10(2)** (with Sch. 2 para. 10(4))

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

**C1** Sch. 32 para. 5(5)(a) modified (20.11.1998) by S.I. 1998/2670, **reg. 5(2)**

#### **Marginal Citations**

**M1** 1996 c. 56.  
**M2** 1996 c. 57.  
**M3** 1996 c. 56.  
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