



Education Act 2002

2002 CHAPTER 32

PART 3

MAINTAINED SCHOOLS

CHAPTER 2

FINANCING OF MAINTAINED SCHOOLS

Determination of budgets

41 Determination of specified budgets of LEA

(1) After section 45 of the School Standards and Framework Act 1998 there is inserted—

“45A Determination of specified budgets of LEA

- (1) For the purposes of this Part, a local education authority’s “LEA budget” for a financial year is the amount appropriated by the authority for meeting all expenditure by the authority in that year of a class or description prescribed for the purposes of this subsection.
- (2) For the purposes of this Part, a local education authority’s “schools budget” for a financial year is the amount appropriated by the authority for meeting all expenditure by the authority in that year of a class or description prescribed for the purposes of this subsection (which may include expenditure incurred otherwise than in respect of schools).
- (3) For the purposes of this Part, a local education authority’s “individual schools budget” for a financial year is the amount remaining after deducting from the authority’s schools budget for that year such planned expenditure by the authority in respect of that year as they may determine should be so deducted in accordance with regulations.

Status: Point in time view as at 01/08/2004.

Changes to legislation: Education Act 2002, Cross Heading: Determination of budgets is up to date with all changes known to be in force on or before 15 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) 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.
- (5) Before the [^{F1}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
 - (b) give notice of their determination to the Secretary of State and to the governing body of every school maintained by the authority.
- [^{F2}(6) 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.”]

(2) In section 45 of that Act (maintained schools to have budget shares), in subsection (1) for “46” there is substituted “ 45A ”.

(3) Section 46 of that Act (determination of LEA's local schools budget and individual schools budget) shall cease to have effect.

Textual Amendments

- F1** Words in s. 41 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
- F2** Words in s. 41 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)

- C1** S. 41(2) modified (W.) (temp. from 19.12.2002) by [The Education Act 2002 \(Transitional Provisions\) \(Wales\) Regulations 2002 \(S.I. 2002/3184\), reg. 4](#)

Commencement Information

- I1** S. 41 partly in force; s. 41 not in force at Royal Assent, see s. 216; s. 41(1)(3) in force for E. at 1.10.2002 by [S.I. 2002/2439, art. 3](#) (with transitional provisions and savings in art. 4, Sch.)
- I2** S. 41 in force at 4.12.2003 for W. by [S.I. 2003/2961, art. 5, Sch. Pt. II](#)

42 Power of Secretary of State to set minimum schools budget

After section 45A of the School Standards and Framework Act 1998 (c. 31) there is inserted—

Status: Point in time view as at 01/08/2004.

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“45B Power of Secretary of State to set minimum schools budget for LEA

- (1) If it appears to the Secretary of State that, in all the circumstances, the amount proposed in a notice under section 45A(5) as a local education authority’s schools budget for a financial year is inadequate, the Secretary of State may, within the period of fourteen days beginning with the [^{F3}schools budget deadline in the financial year preceding that financial year], give the authority a notice under subsection (4) or (5).
- (2) If at the [^{F4}schools budget deadline] in any financial year a local education authority have failed to give the Secretary of State a notice under section 45A(5) in relation to their schools budget for the following financial year, the Secretary of State may, at any time after [^{F5}that deadline], give the authority a notice under subsection (4) or (5).
- (3) In this section and section 45C “the year under consideration” means the financial year to which the notice under section 45A(5) relates or, in a case falling within subsection (2), the financial year in relation to which such a notice ought to have been given.
- (4) A notice under this subsection is a notice determining the minimum amount of the authority’s schools budget for the year under consideration.
- (5) A notice under this subsection is a notice which—
 - (a) specifies the amount which the Secretary of State would have determined as the minimum amount of the authority’s schools budget for the year under consideration if he had acted under subsection (4), and
 - (b) states the Secretary of State’s intention to determine the minimum amount of the authority’s schools budget for the following financial year.
- (6) A notice under subsection (4) or (5) must include a statement of the Secretary of State’s reasons for giving the notice.
- (7) The Secretary of State may act under different subsections in relation to different authorities.

45C Effect of notice under section 45B(4)

- (1) The local education authority may, within the period of fourteen days beginning with the date of a notice under section 45B(4), give the Secretary of State notice of their objection to his 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(4) shall cease to have effect, but the Secretary of State may by order prescribe the minimum amount of the authority’s schools budget for the year under consideration.
- (3) The amount prescribed under subsection (2) must not be greater than the amount specified in the notice under section 45B(4).
- (4) An order under subsection (2) may relate to two or more authorities.

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- (5) No order under subsection (2) may be made in relation to one or more authorities in England unless a draft of the order has been laid before and approved by a resolution of the House of Commons.
- (6) Where—
- (a) a notice under section 45B(4) 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 year under consideration which is not less than the amount specified in relation to the authority in the notice or order.”

Textual Amendments

- F3** Words in s. 42 substituted (18.11.2003 for E.) 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.)
- F4** Words in s. 42 substituted (18.11.2003 for E.) 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.)
- F5** Words in s. 42 substituted (18.11.2003 for E.) 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.)

Commencement Information

- I3** S. 42 partly in force; s. 42 not in force at Royal Assent, see s. 216; s. 42 in force for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), Sch.)
- I4** S. 42 in force at 4.12.2003 for W. by [S.I. 2003/2961](#), [art. 5](#), [Sch. Pt. II](#)

43 Schools forums

After section 47 of the School Standards and Framework Act 1998 (c. 31) there is inserted—

“Schools forums

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) The purpose of a schools forum is 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.

Status: Point in time view as at 01/08/2004.

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- (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) 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.
- (9) In this section—
 - “non-schools member”, in relation to a schools forum, means a member other than a schools member;
 - “relevant authority”, in relation to a schools forum, means the local education authority by whom the forum is established;
 - “schools member”, in relation to a schools forum, means a member elected to represent governing bodies or head teachers of schools maintained by the relevant authority.”

Commencement Information

- 15** S. 43 partly in force; s. 43 not in force at Royal Assent, see s. 216; s. 43 in force for E. at 2.9.2002 by S.I. 2002/2002, art. 4
- 16** S. 43 in force at 1.11.2003 for W. by S.I. 2003/1718, art. 6, Sch. Pt. III

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