



# Education Act 2002

## 2002 CHAPTER 32

### PART 3 **E+W**

#### MAINTAINED SCHOOLS

### CHAPTER 2 **E+W**

#### FINANCING OF MAINTAINED SCHOOLS

##### *Determination of budgets*

#### **41 Determination of specified budgets of LEA **E+W****

(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*Status: Point in time view as at 01/11/2005. This version of this provision has been superseded.*

*Changes to legislation: Education Act 2002, Section 41 is up to date with all changes known to be in force on or before 04 September 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 [<sup>F1</sup>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.
- [<sup>F2</sup>(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) [<sup>F3</sup>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
- F3** S. 41(2) repealed (1.11.2005 for E., 1.4.2010 for W.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 19 Pt. 4](#); S.I. 2005/2034, art. 8; S.I. 2010/735, art. 2(f)

#### 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](#)

**Status:**

Point in time view as at 01/11/2005. This version of this provision has been superseded.

**Changes to legislation:**

Education Act 2002, Section 41 is up to date with all changes known to be in force on or before 04 September 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.