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STATUTORY INSTRUMENTS

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**2003 No. 453**

**The Financing of Maintained  
Schools (England) Regulations 2003**

**PART 1**

**INTRODUCTION**

**Citation, commencement, application and interpretation**

1.—(1) These Regulations may be cited as the Financing of Maintained Schools (England) Regulations 2003 and shall come into force on 21<sup>st</sup> March 2003.

(2) These Regulations shall apply for the purposes of the financing of maintained schools in England in the financial year beginning on 1st April 2003.

(3) In these Regulations—

“the 1996 Act” means the Education Act 1996(1);

“the 1998 Act” means the School Standards and Framework Act 1998;

“the 2000 Act” means the Learning and Skills Act 2000(2);

“the 2002 Act” means the Education Act 2002(3);

“the 1998 Regulations” means the Education (Grant-maintained and Grant-maintained Special Schools) (Finance) Regulations 1998(4);

“the 1999 Regulations” means the Financing of Maintained Schools Regulations 1999(5);

“the 2000 Regulations” means the Financing of Maintained Schools (England) Regulations 2000(6);

“the 2001 Regulations” means the Financing of Maintained Schools (England) Regulations 2001(7);

“the 2002 Regulations” means the Financing of Maintained Schools (England) Regulations 2002(8); and

“the Budget Regulations” means the LEA Budget, Schools Budget and Individual Schools Budget Regulations (England) 2002(9).

(4) In these Regulations “maintained school” means a community, foundation or voluntary school or a community or foundation special school.

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(1) 1996 c. 56.  
(2) 2000 c. 21.  
(3) 2002 c. 32.  
(4) S.I.1998/799.  
(5) S.I. 1999/101.  
(6) S.I. 2000/478.  
(7) S.I. 2001/475.  
(8) S.I. 2002/377.  
(9) S.I. 2002/3199.

(5) In these Regulations a reference to proposals for the establishment of a school is a reference to a proposal for the establishment of the school under sections 28 or 31 of, or paragraph 5 of Schedule 7 to, the 1998 Act, section 70 of the 2002 Act or section 113A of and Schedule 7A to the 2000 Act<sup>(10)</sup>.

(6) In these Regulations, a reference (however framed) to a community, foundation or voluntary school or a community or foundation special school includes a proposed school which on implementation of proposals for the establishment of the school will be such a school and which has a temporary governing body.

(7) In these Regulations a reference to a governing body includes the temporary governing body of a proposed school falling within paragraph (6).

(8) In these Regulations a reference to a primary or secondary school means a primary or secondary school which is a community, foundation or voluntary school.

(9) In these Regulations a reference to the permanent exclusion of a pupil is a reference to his permanent exclusion as defined from time to time for the purposes of section 494 of the 1996 Act<sup>(11)</sup>.

(10) In these Regulations a reference to a former grant-maintained or grant-maintained special school is a reference to a school which was such a school within the meaning of the 1996 Act immediately before 1st April 1999.

(11) In these Regulations a reference to the LSC is a reference to the Learning and Skills Council for England<sup>(12)</sup>.

(12) In these Regulations, a reference to a local education authority's formula is a reference to a formula as provided in regulation 7.

### **Revocation of the 2001 Regulations and operation of the 2002 Regulations**

2.—(1) The 2001 Regulations and the Financing of Maintained Schools (England) (Amendment No 3) Regulations 2002<sup>(13)</sup> shall be revoked on 1st April 2003.

(2) A school's budget share for the financial year beginning on 1st April 2002 may only be redetermined in the financial year beginning on 1st April 2003 in accordance with the provisions of the 2002 Regulations if such redetermination makes provision for

- (a) pupils permanently excluded or admitted following a permanent exclusion; or
- (b) the correction of errors, whether in calculation or data, under any of the provisions of those Regulations.

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<sup>(10)</sup> Section 113A and Schedule 7A were inserted by section 7 of, and Schedule 9 to, the 2002 Act.

<sup>(11)</sup> Section 494 was substituted by paragraph 128 of Schedule 30 to the 1998 Act.

<sup>(12)</sup> The Learning and Skills Council for England was established under section 1 of the 2000 Act.

<sup>(13)</sup> S.I. [2002/2868](#).