

**2004 No. 444**

**EDUCATION, ENGLAND**

**School Budget Shares (Prescribed Purposes) (England)  
(Amendment) Regulations 2004**

*Made* - - - - *23rd February 2004*

*Laid before Parliament* *27th February 2004*

*Coming into force* - - *1st April 2004*

In exercise of the powers conferred upon the Secretary of State by section 50(3)(b) of the School Standards and Framework Act 1998 (a) the Secretary of State for Education and Skills hereby makes the following Regulations:

**Citation, commencement and application**

- 1.—(1) These Regulations may be cited as the School Budget Shares (Prescribed Purposes) (England) (Amendment) Regulations 2004.
- (2) These Regulations come into force on 1st April 2004.
- (3) These Regulations apply only in relation to England.

**Amendments of the School Budget Shares (Prescribed Purposes) (England) Regulations 2002**

- 2.—(1) The School Budget Shares (Prescribed Purposes) (England) Regulations 2002(b) are amended as follows.
- (2) Regulations 2 and 4 are omitted (c).

---

(a) 1998 c.31. By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) the powers conferred by this provision are exercisable by the Secretary of State only in relation to England. For the meaning of “prescribed” and “regulations” see section 142(1).

(b) S.I. 2002/378.

(c) The definition of schools maintained by the local education authority is thus to be interpreted in accordance with section 45(3)(a) (as amended by paragraph 99 of Schedule 21 to the Education Act 2002) and section 142(1) of the School Standards and Framework Act 1998, with the effect that the regulations as amended also apply to maintained nursery schools.

(3) In regulation 3, after paragraph (b) insert the following paragraph—

“(c) in respect of maintained nursery schools only, any educational or other provision made for children on the premises of the school (including any such provision made by the governing body under section 27 of the Education Act 2002)(a), or administrative support provided for other maintained nursery schools in the area of the same local education authority.”.

23rd February 2004

*David Miliband*  
Minister of State  
Department for Education and Skills

### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the School Budget Shares (Prescribed Purposes) (England) Regulations 2002 to provide —

that the prescribed purposes of the 2002 Regulations also apply to the governing bodies of maintained nursery schools;

that such schools may also spend their budget shares on educational and other provision for children receiving any such provision on the premises of the school, and on administrative support to other nursery schools; and

to revoke the accounting requirement in respect of such expenditure.

---

(a) 2002 c.32.

£3.00

© Crown copyright 2004

Printed and published in the UK by The Stationery Office Limited  
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's  
Stationery Office and Queen's Printer of Acts of Parliament.

E0251 02/2004 140251T 19585

ISBN 0-11-048740-0



9 780110 487403