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STATUTORY INSTRUMENTS

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**2004 No. 659**

**The LEA Budget, Schools Budget and Individual Schools Budget and the Financing of Maintained Schools (No. 2) (Amendment) (England) Regulations 2004**

**Citation, commencement, and application**

1.—(1) These Regulations may be cited as the LEA Budget, Schools Budget and Individual Schools Budget and the Financing of Maintained Schools (No.2) (Amendment) (England) Regulations 2004 and shall come into force on 31st March 2004.

(2) Regulation 2 amends the LEA Budget, Schools Budget and Individual Schools Budget (England) Regulations 2003 (1) (“the Budget regulations”) and Regulation 3 amends the Financing of Maintained Schools (No. 2) (England) Regulations 2003 (2) (“the FMS regulations”).

(3) These Regulations apply in relation to the financial year beginning on 1st April 2004.

**Amendment to the Budget regulations**

2.—(1) In respect of each of the local education authorities named in the first column in the table in the Schedule, the words set out in the second column against each authority’s name are added after the formula and before the word “where” in paragraph 1 of Schedule 2.

(2) The words “and excepting that deducted in accordance with paragraph 24 of Schedule 2 to the 2002 Regulations insofar as that expenditure related to maintained nursery schools” are added at the end of the definition of “C” in paragraph 1 of Schedule 2.

(3) The words “or any maintained nursery school” are omitted from paragraph 15(e) of Schedule 3.

**Amendment to the FMS regulations**

3.—(1) The words “regulation 8(6)(g) or (h)” are substituted for “regulation 8(5)(g) or (h)” in regulation 26.

(2) The following paragraph is substituted for paragraph 3 of Schedule 2:

“Save where paragraph 4 applies, where the relevant number of pupils in a school for the financial year beginning either on 1st April 2003 or on 1st April 2004, is 75 or fewer, that school’s guaranteed funding level shall be

$$A + (B \times G/H \times 1.04),$$

where—

A and B have the same meaning as in paragraph 2,

G is the total funding within the initially determined adjusted budget share for the financial year beginning on 1st April 2003 determined on the basis of pupil numbers, and

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(1) [S.I 2003/3170](#)

(2) [S.I 2003/3247](#)

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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H is the relevant number of pupils for the financial year beginning on 1st April 2003.”

16th March 2004

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