

2004 No. 659

EDUCATION, ENGLAND

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

<i>Made</i> - - - -	<i>16th March 2004</i>
<i>Laid before Parliament</i>	<i>16th March 2004</i>
<i>Coming into force</i> - -	<i>31st March 2004</i>

In exercise of the powers conferred on the Secretary of State by sections 45A, 47 and 138(7) 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 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 (b) (“the Budget regulations”) and Regulation 3 amends the Financing of Maintained Schools (No. 2) (England) Regulations 2003 (c) (“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.

(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 these provisions are exercisable by the Secretary of State only in relation to England. For the meaning of “prescribed” and “regulations” see section 142(1). Section 45A was inserted by section 41 of the Education Act 2002.

(b) S.I.2003/3170

(c) S.I.2003/3247

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

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

SCHEDULE

Regulation 2(1)

AMENDMENT FOR CERTAIN AUTHORITIES TO SCHEDULE 2 TO THE BUDGET REGULATIONS

Birmingham City Council	“plus £1,662,000”
Brent London Borough Council	“plus £715,000”
Bury Metropolitan Borough Council	“plus £236,000”
Camden London Borough Council	“plus £263,000”
Cheshire County Council	“plus £726,000”
Devon County Council	“plus £50,000”
East Riding of Yorkshire County Council	“plus £2,424,000”
Gateshead Metropolitan Borough Council	“plus £216,000”
Hackney London Borough Council	“plus £872,000”
Hampshire County Council	“plus £338,000”
Haringey London Borough Council	“plus £799,000”
Council of the Isles of Scilly	“plus £83,000”
Kingston upon Thames Royal Borough Council	“plus £457,000”
Knowsley Metropolitan Borough Council	“plus £574,000”
Leicester City Council	“plus £426,000”
Merton London Borough Council	“plus £167,000”
Oldham Metropolitan Borough Council	“plus £487,000”
South Gloucestershire County Council	“plus £192,000”
Stockport Metropolitan Borough Council	“plus £426,000”
Warwickshire County Council	“plus £987,000”
Windsor & Maidenhead Royal Borough Council	“plus £485,000”
Wirral Metropolitan Borough Council	“plus £619,000”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the LEA Budget, Schools Budget and Individual Schools Budget (England) Regulations 2003, and the Financing of Maintained Schools (No. 2) (England) Regulations 2003. In respect of a number of authorities they add a cash figure to the calculation required to be made in respect of the limit on the expenditure which may be deducted from the particular authority's schools budget, and correct two other minor errors in the Budget regulations. They also correct two errors in the FMS Regulations.

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