

EXPLANATORY MEMORANDUM TO
THE SCHOOL FINANCE (ENGLAND) (AMENDMENT) REGULATIONS
2011

2011 No. 778

1. This explanatory memorandum has been prepared by the Department for Education and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This instrument amends the School Finance (England) Regulations 2011¹ (“SFER 2011”) in order to rectify defective drafting in paragraph 30 of Schedule 2 to those Regulations.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 In 2008 the Joint Committee on Statutory Instruments reported paragraph 29 of Schedule 2 to the School Finance (England) Regulations 2008² for defective drafting, which the Department acknowledged and promised to rectify. Regrettably, the defective drafting in that paragraph was reproduced in paragraph 30 of Schedule 2 to SFER 2011. This instrument rectifies that.

4. Legislative Context

4.1 SFER 2011 define the local authority education budgets (the non-schools education budget, the schools budget, the central expenditure and the individual schools budget) and set out how local authorities are to allocate funding from the individual schools budget (ISB) to maintained schools and private, voluntary and independent providers of free early years provision (relevant early years providers) through a locally determined formula. They relate to the 2011-12 financial year.

4.2 This instrument amends SFER 2011 in order to rectify defective drafting in paragraph 30 of Schedule 2.

5. Territorial Extent and Application

5.1 This instrument applies to England.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

¹ S.I. 2011/371.

² S.I. 2008/228.

7. Policy background

7.1 This instrument is legally necessary but does not fulfil any policy objectives.

8. Consultation outcome

8.1 No consultation was carried out for this instrument because it does not make any substantive changes to SFER 2011.

9. Guidance

9.1 None.

10. Impact

10.1 There is no impact upon business, charities or voluntary bodies

10.2 There is no impact on the public sector.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The Department does not intend to monitor or review this instrument.

13. Contact

Keith Howkins at the Department for Education Tel: 020 7227 5163 or email: keith.howkins@education.gsi.gov.uk can answer any queries regarding the instrument.