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WELSH STATUTORY INSTRUMENTS

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**2010 No. 824**

**The School Funding (Wales) Regulations 2010**

PART 1 —

Introduction

**Interpretation**

3.—(1) In these Regulations—

“the 1996 Act” (“*Deddf 1996*”) means the Education Act 1996<sup>(1)</sup>;

“the 1998 Act” (“*Deddf 1998*”) means the School Standards and Framework Act 1998<sup>(2)</sup>;

“the 2000 Act” (“*Deddf 2000*”) means the Learning and Skills Act 2000<sup>(3)</sup>;

“the 2002 Act” (“*Deddf 2002*”) means the Education Act 2002<sup>(4)</sup>;

“the Children and Young People’s Plan” (“*y Cynllun Plant a Phobl Ifanc*”) means a plan required under regulations made under section 26 of the Children Act 2004<sup>(5)</sup>;

“funding period” (“*cyfnod cyllido*”) means a financial year;

“local authority” (“*awdurdod lleol*”) means a local education authority in Wales;

“maintained school” (“*ysgol a gynhelir*”) means a community, or foundation or voluntary school or a community or foundation special school or a maintained nursery school;

“nursery class” (“*dosbarth meithrin*”) means a class undergoing full time or part time education wholly or mainly suitable for children who have not attained compulsory school age.

(2) In these Regulations a reference (however framed) to a maintained nursery school, a community, foundation or voluntary school or community or foundation special school includes a new school (within the meaning of section 72(3) of the 1998 Act) which on implementation of proposals for the establishment of the school under any enactment will be such a school and which has a temporary governing body.

(3) In these Regulations a reference to a governing body includes the temporary governing body of a new school falling within paragraph (2).

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

(5) In these Regulations a reference (however framed) to schools maintained by a local authority does not include schools which are not maintained schools as defined in paragraph (1).

(6) In these Regulations, unless otherwise stated, references to expenditure are references to that expenditure net of—

(a) all related specific grants;

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(1) 1996 c. 56.

(2) 1998 c. 31.

(3) 2000 c. 21.

(4) 2002 c. 32.

(5) 2004 c. 31. See the Children and Young People’s Plan (Wales) Regulations 2007, S.I.2007/2316 (W.187).

- (b) all related fees, charges and income; and
- (c) funding received from the Welsh Ministers in respect of PFI scheme unitary payment.

(7) In these Regulations, a reference to specific grant is to any grant paid to the local authority under conditions which impose restrictions on the particular purposes of the authority for which the grant may be used but does not include—

- (a) any grant made by the Welsh Ministers in respect of sixth form funding; or
- (b) any specific grant which is used to support expenditure through the individual schools budget.

(8) In these Regulations, a reference to a PFI scheme unitary payment is a reference to a charge payable to a local authority under a private finance transaction.

(9) In these Regulations, a reference to a private finance transaction is a reference to a transaction as defined by regulation 16 of the Local Authorities (Capital Finance) Regulations 1997<sup>(6)</sup>.

(10) In these Regulations, a reference to capital expenditure means expenditure which a local authority proposes to capitalise in their accounts in accordance with proper practices being those accounting practices—

- (a) which the authority are required to follow by virtue of any enactment, or
- (b) which so far as they are consistent with any such enactment, are generally regarded whether by reference to any generally recognised published Code or otherwise, as proper accounting practices to be followed in the keeping of the accounts of local authorities, either generally or of the description concerned.

(11) In these Regulations references to CERA are references to capital expenditure which a local authority expect to charge to a revenue account of the authority within the meaning of section 22 of the Local Government Act 2003<sup>(7)</sup>.

(12) In these Regulations, references to excepted expenditure are references to the following classes or descriptions of expenditure—

- (a) capital expenditure other than CERA;
- (b) expenditure for the purposes of section 26 of the Road Traffic Regulation Act 1984<sup>(8)</sup> (arrangements for patrolling school crossing); and
- (c) expenditure incurred by the local authority under section 51A of the 1998 Act<sup>(9)</sup> (expenditure incurred for community purposes).

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<sup>(6)</sup> S.I. 1997/319, as amended by S.I. 1998/371, 1999/1852 and 2003/515. The Local Authorities (Capital Finance) (Consequential, Transitional and Saving Provisions) Order 2004 (S.I. 2004/533) contains savings provisions for regulation 16 of the 1997 Regulations.

<sup>(7)</sup> 2003 c. 36.

<sup>(8)</sup> 1984 c. 27.

<sup>(9)</sup> Section 51A was inserted by section 40 of, and Schedule 3 to, the Education Act 2002, and amended by paragraph 9 of Schedule 18 to the Education Act 2005.