



# Education Act 1993

## 1993 CHAPTER 35

### PART I

#### RESPONSIBILITY FOR EDUCATION

#### CHAPTER I

#### ADMINISTRATION

#### *Secretary of State*

#### **1 General duty of Secretary of State**

The Secretary of State shall promote the education of the people of England and Wales.

#### **2 Duty in the case of primary, secondary and further education**

(1) The Secretary of State shall exercise his powers in respect of those bodies in receipt of public funds which—

- (a) carry responsibility for securing that the required provision for primary, secondary or further education is made in schools, or institutions within the further education sector, in or in any area of England or Wales, or
- (b) conduct schools or institutions within the further education sector in England and Wales,

for the purpose of promoting primary, secondary and further education in England and Wales.

(2) He shall, in the case of his powers to regulate the provision made in schools and institutions within the further education sector in England and Wales, exercise his powers with a view, among other things, to improving standards, encouraging diversity and increasing opportunities for choice.

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*Status: This is the original version (as it was originally enacted).*

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### *Funding authorities for England and Wales*

#### **3 Funding Agency for Schools**

- (1) There shall be established a body corporate to be known as the Funding Agency for Schools to exercise in relation to England the functions conferred on them.
- (2) The agency shall consist of not less than ten nor more than fifteen members appointed by the Secretary of State, one of whom shall be so appointed as chairman.
- (3) In appointing the members of the agency the Secretary of State shall have regard to the desirability of including—
  - (a) persons who appear to him to have experience of, and to have shown capacity in, the provision of primary or secondary education or to have held, and to have shown capacity in, any position carrying responsibility for the provision of such education,
  - (b) persons who appear to him to have experience of, and to have shown capacity in, the provision of education in voluntary schools, or in grant-maintained schools having foundation governors,
  - (c) persons who appear to him to have experience of, and to have shown capacity in, industrial, commercial or financial matters or the practice of any profession, and
  - (d) persons who appear to him to have experience of, and to have shown capacity in, providing for children with special educational needs.
- (4) Before appointing any member of the agency the Secretary of State shall consult—
  - (a) a body appearing to him to be representative of the Church of England, and
  - (b) a body appearing to him to be representative of the Roman Catholic Church,in matters relating to the provision of education in voluntary schools, or in grant-maintained schools having foundation governors.
- (5) Schedule 1 to this Act has effect in respect of the agency.

#### **4 Schools Funding Council for Wales**

- (1) The Secretary of State may by order make provision for the establishment of a body corporate to be known as the Schools Funding Council for Wales to exercise in relation to Wales, as from such date as may be specified in the order, the functions conferred on them.
- (2) The council shall consist of not less than eight nor more than twelve members appointed by the Secretary of State, one of whom shall be so appointed as chairman.
- (3) In appointing the members of the council the Secretary of State shall have regard to the desirability of including—
  - (a) persons who appear to him to have experience of, and to have shown capacity in, the provision of primary or secondary education or to have held, and to have shown capacity in, any position carrying responsibility for the provision of such education,
  - (b) persons who appear to him to have experience of, and to have shown capacity in, industrial, commercial or financial matters or the practice of any profession, and

- (c) persons who appear to him to have experience of, and to have shown capacity in, providing for children with special educational needs.

(4) Schedule 1 to this Act has effect in respect of the council.

## **5 Meaning of “funding authority” in the Education Acts**

- (1) Any reference in the Education Acts to a funding authority—
  - (a) in relation to schools, or local education authority areas, in England is to the Funding Agency for Schools, and
  - (b) in relation to schools, or local education authority areas, in Wales is, subject to subsection (2) below, to the Schools Funding Council for Wales, and in any other context is to the agency or the council.
- (2) Before the Schools Funding Council for Wales begin to exercise their functions, any reference in the Education Acts (other than this Part of this Act) to a funding authority in relation to schools, or local education authority areas, in Wales is to be read as a reference to the Secretary of State.

## **6 Grants to funding authorities**

The Secretary of State may make grants to any funding authority of such amounts and subject to such terms and conditions as he may determine.

### *Funding authorities: Supplementary*

## **7 Provision of information**

- (1) Each funding authority—
  - (a) shall provide the Secretary of State with such information or advice in connection with any function of his relating to the provision of education as he may from time to time require, and
  - (b) may provide the Secretary of State with such information or advice relating to such provision as they think fit.
- (2) The information and advice provided under subsection (1) above shall be provided in such manner as the Secretary of State may from time to time determine.
- (3) A local education authority shall make such reports and returns, and give such information, to the funding authority as the funding authority may require for the purpose of the exercise of their functions.
- (4) A funding authority shall make such reports and returns, and give such information, to any local education authority as the authority may require for the purpose of the exercise of their functions.

## **8 Value-for-money studies of grant-maintained schools**

- (1) Each funding authority shall make arrangements for carrying out such value-for-money studies of grant-maintained schools in England or, as the case may be, Wales as in their opinion are required or as the Secretary of State may direct.
- (2) The authority shall, in particular—

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- (a) in forming an opinion as to whether any value-for-money study is required to be carried out in pursuance of this section, have regard to the desirability of value-for-money studies being carried out at regular intervals, and
  - (b) in determining the scope of any value-for-money study to be carried out in pursuance of this section otherwise than on the direction of the Secretary of State, have regard to the scope of any value-for-money study which is being or has recently been carried out.
- (3) In this section “value-for-money study”, in relation to any grant-maintained school, means—
- (a) any examination into the economy, efficiency and effectiveness with which the governing body of the school have, in discharging their functions, used grant made by the authority, and
  - (b) any study designed to improve economy, efficiency and effectiveness in the management or operations of the school.

## **9 Supervision of funding authorities by the Secretary of State**

- (1) In exercising their functions each funding authority shall comply with any directions contained in an order made by the Secretary of State.
- (2) In respect of the exercise by the funding authority of functions in respect of any grant-maintained school, such directions may relate to grant-maintained schools generally or to any class or description of such schools.
- (3) Before making an order under this section, the Secretary of State shall consult the funding authority unless, for reasons of urgency, it is not in his opinion reasonably practicable for him to do so.
- (4) Sections 68 and 99(1) of the Education Act 1944 (powers of Secretary of State where local education authority are acting unreasonably or are in default) shall apply in relation to a funding authority and the functions conferred on them by or under the Education Acts as they apply in relation to local education authorities and the functions conferred on them by or under that Act.
- (5) Subsection (4) above does not prejudice the generality of subsection (1) above.

## **10 Extension of functions of Audit Commission**

- (1) Section 220 of the Education Reform Act 1988 (extension of functions of Audit Commission) is amended as follows.
- (2) At the beginning of subsection (1)(c) there is inserted “the Funding Agency for Schools, the Schools Funding Council for Wales or”.
- (3) After subsection (2)(bb) there is inserted—
  - “(bc) with respect to studies relating to the Funding Agency for Schools, the agency;
  - (bd) with respect to studies relating to the Schools Funding Council for Wales, the council”.
- (4) In subsection (2)(c) after “school,” there is inserted “the funding authority or”.

## **11 Compulsory purchase of land**

In section 17(4) of the Acquisition of Land Act 1981 (statutory undertakers) after paragraph (a) of the definition of “statutory undertakers” there is inserted—

- “(aa) the Funding Agency for Schools,
- (ab) the Schools Funding Council for Wales”.