



Education Act 1993

1993 CHAPTER 35

PART VI

MISCELLANEOUS

Local management of schools

274 Revision of schemes for financing schools maintained by local education authorities

(1) For section 34(4) of the Education Reform Act 1988 (duty to consult before preparing a scheme) there is substituted—

- “(4) Before preparing such a scheme a local education authority shall consult—
- (a) the governing body and the head teacher of every county, voluntary or special school maintained by the authority,
 - (b) the governing body of every grant-maintained school in the area of the authority, and
 - (c) the governing body of every grant-maintained special school which—
 - (i) is established under section 183 of the Education Act 1993 in the authority’s area, or
 - (ii) before becoming a grant-maintained special school was a special school maintained by the authority,

but the Secretary of State may, by notice in writing to the authority, dispense with the duty imposed under paragraphs (b) and (c) above in respect of such schools, or class or description of schools, as are specified in the notice.”

(2) For section 35 of that Act (replacement and variation of schemes) there is substituted—

Status: This is the original version (as it was originally enacted).

“35 Revision of schemes

- (1) Subject to the following provisions of this section, a local education authority may revise the whole or any part of any scheme made by them under section 33 of this Act.
 - (2) Section 34(2) and (3) of this Act shall apply where the local education authority are preparing any revision under this section as they apply where they are preparing a scheme under section 33 of this Act.
 - (3) Where the local education authority propose to make a significant variation of the scheme—
 - (a) they shall first consult every governing body and head teacher whom they are obliged to consult under section 34(4) of this Act, and
 - (b) they shall then submit a copy of their proposals to the Secretary of State for his approval,
 and where the proposals are so submitted section 34(5) of this Act shall apply to the scheme as revised as it applies to a scheme prepared under section 33.
 - (4) A revision which does not make a significant variation of the scheme is referred to in this section as a “minor revision”; and the Secretary of State may by order specify what descriptions of variation are to be regarded as significant for the purposes of this section.
 - (5) Where a local education authority propose to revise a scheme and the revision is in their opinion a minor revision, the authority shall give the Secretary of State notice in writing of their proposal, giving brief particulars of the nature of the revision proposed to be made.
 - (6) In any such case the authority shall, if so required by the Secretary of State before the end of the period of two months beginning with the date on which he receives notice under subsection (5) above of the authority’s proposal, send to him a copy of the scheme as proposed to be revised; and it shall be for the Secretary of State to determine whether or not any revision is a minor revision.
 - (7) The Secretary of State may by a direction revise the whole or any part of a scheme made under section 33 of this Act, as from such date as may be specified in the direction.
 - (8) Before giving such a direction the Secretary of State shall consult the local education authority concerned and such other persons as he thinks fit.”
- (3) In section 40(2) of that Act (initial implementation), after “the scheme” there is inserted “as first made under section 33 of this Act”.
 - (4) In section 51(2)(a)(i) (interpretation), after “Act” there is inserted “as from time to time revised under section 35 of this Act”.
 - (5) In the case of a scheme made before the commencement of this section, subsection (3) above shall not have effect so as to alter the date which, immediately before commencement, is the date by reference to which the beginning of the initial period of the scheme is determined to an earlier date.

275 Publication and auditing of financial statements

(1) In section 42 of the Education Reform Act 1988 (publication of schemes and financial statements etc.)—

- (a) in subsection (4), paragraphs (f) to (i) are omitted,
- (b) subsection (5)(b) is omitted,
- (c) in subsection (6) after “with respect to” there is inserted—
 - “(aa) the planned financial provision in that year specified in the statement prepared by the authority under subsection (3) above”, and
- (d) for subsection (8) there is substituted—

“(8) The authority shall furnish—

- (a) the governing body of each school required to be covered by the scheme in any financial year, and
- (b) the governing bodies of such grant-maintained schools in the authority’s area and grant-maintained special schools mentioned in section 34(4)(c) of this Act as may be prescribed,

with a copy of each statement prepared by the authority under this section in relation to that year or, in such circumstances as may be prescribed, with such part or parts of it as may be prescribed.”

(2) After that section there is inserted—

“42A Certification of statements by Audit Commission

- (1) This section applies where in the case of any local education authority the authority’s financial provision for county and voluntary schools is subject to regulation by a scheme.
- (2) Any such local education authority shall, if directed to do so by the Secretary of State, require the Audit Commission for Local Authorities and the National Health Service in England and Wales to make arrangements in accordance with section 29(1)(d) of the Local Government Finance Act 1982 for certifying such statement or statements prepared by the authority under section 42 of this Act as may be specified in the directions; and any statement under that section shall be treated for the purposes of section 29(1)(d) of that Act as a return by the authority.
- (3) The arrangements made by the Audit Commission in pursuance of subsection (2) above shall include arrangements for sending a copy of any such statement or statements as so certified to the Secretary of State.
- (4) Directions given under subsection (2) above may relate to any local education authority or to local education authorities generally or to any class or description of such authorities.”

(3) In Schedule 4 to that Act (financing of new schools) in paragraph 2, sub-paragraphs (3)(b) and (c) and (4)(b) and (c) are omitted.

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

276 Application of schemes to special schools

For section 43 of the Education Reform Act 1988 (application of schemes to special schools) there is substituted—

“43 Application of schemes to special schools

- (1) The Secretary of State may by regulations require or authorise schemes to cover special schools maintained by local education authorities.
- (2) Sections 39(1) and (10) and 40 of this Act shall not apply to schools required to be covered by a scheme by virtue of regulations under subsection (1) above.
- (3) Regulations under subsection (1) above may require or authorise schemes to include provision for requiring the delegation by the local education authority concerned to the governing body of the school of the management of the school’s budget share for the year—
 - (a) in the case of all schools required to be covered by a scheme in any financial year by virtue of the regulations; or
 - (b) in the case of such schools required to be covered by a scheme in any financial year by virtue of the regulations as the Secretary of State may direct.
- (4) The Secretary of State may by regulations—
 - (a) make in any provisions of this Chapter such amendments as appear to him to be required in consequence of any provision made in regulations under subsection (1) above; and
 - (b) provide that any scheme shall have effect with such modifications as appear to him to be appropriate in consequence of any provision so made.”