



School Standards and Framework Act 1998

1998 CHAPTER 31

PART II

NEW FRAMEWORK FOR MAINTAINED SCHOOLS

CHAPTER IV

FINANCING OF MAINTAINED SCHOOLS

Budgetary framework

45 Maintained schools to have budget shares.

- (1) For the purposes of the financing of maintained schools by [^{F1}local authorities], every such school shall have, for each [^{F2}funding period], a budget share which is allocated to it by the authority which maintains it.

[^{F3}(1A) In this Chapter “maintained school” means—

- (a) a community, foundation or voluntary school,
- (b) a community or foundation special school, ^{F4}...
- (c) a maintained nursery school [^{F5}, or
- (d) a pupil referral unit in England.]

[^{F6}(1B) In this Chapter “funding period” means a financial year or such other period as may be prescribed.]

- (2) Sections [^{F7} 45A to] 47 have effect for determining the amount of a school’s budget share for a [^{F8}funding period].
- (3) In this Chapter—

Changes to legislation: School Standards and Framework Act 1998, Cross Heading: Budgetary framework is up to date with all changes known to be in force on or before 03 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) references to schools maintained by a [^{F9}local authority] do not include [^{F10}pupil referral units][^{F11}in Wales];
 - [^{F12}(aa) references to the governing body of a maintained school or of a school maintained by a local authority shall be read, in relation to a pupil referral unit in England, as references to the management committee for the unit (in spite of paragraph 1 of Schedule 1 to the Education Act 1996);
 - (ab) references to governors shall be read, in relation to a pupil referral unit in England, as references to the members of the management committee for the unit;]
 - (b) references, in a context referring to a [^{F9}local authority], to a maintained school or to a school maintained by such an authority shall be read as including a new school—
 - (i) which on implementation of proposals under [^{F13}any enactment] will be a community, foundation or voluntary school or a community or foundation special school maintained by the authority, and
 - (ii) which has a temporary governing body; and
 - (c) references to the governing body of a maintained school or of a school maintained by a [^{F9}local authority] shall accordingly be read as including the temporary governing body of a new school falling within paragraph (b).
- (4) In this Chapter “new school” (without more) has the meaning given by section 72(3).

Textual Amendments

- F1** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 10(3)** (with Sch. 2 para. 10(4))
- F2** Words in s. 45(1) substituted (1.11.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 16 para. 2(2)** (with s. 119); S.I. 2005/2034, art. 8
- F3** S. 45(1A) inserted (1.9.2003 for E., 31.10.2005 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 99(2)** (with ss. 210(8), 214(4)); S.I. 2003/1667, **art. 4** (with art. 6, Sch. para. 5); S.I. 2005/2910, art. 4, **Sch.** (with transitional provisions in The Education Act 2002 (Transitional Provisions and Consequential Amendments) (Wales) Regulations 2005 (S.I. 2005/2913), **reg. 8**
- F4** Word in s. 45(1A)(b) omitted (1.9.2012 for specified purposes) by virtue of Education Act 2011 (c. 21), **ss. 50(2)**, 82(3); S.I. 2012/1087, art. 3
- F5** S. 45(1A)(d) and word inserted (1.9.2012 for specified purposes) by Education Act 2011 (c. 21), **ss. 50(2)**, 82(3); S.I. 2012/1087, art. 3
- F6** S. 45(1B) inserted (1.11.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 16 para. 2(3)** (with s. 119); S.I. 2005/2034, art. 8
- F7** Words in s. 45(2) substituted (1.11.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 16 para. 2(4)(a)** (with s. 119); S.I. 2005/2034, art. 8
- F8** Words in s. 45(2) substituted (1.11.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 16 para. 2(4)(b)** (with s. 119); S.I. 2005/2034, art. 8
- F9** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 10(2)** (with Sch. 2 para. 10(4))
- F10** Words in s. 45(3)(a) substituted (1.9.2003 for E., 31.10.2005 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 99(3)(a)** (with ss. 210(8), 214(4)); S.I. 2003/1667, **art. 4** (with art. 6, Sch. para. 5); S.I. 2005/2910, art. 4, **Sch.**
- F11** Words in s. 45(3)(a) inserted (1.9.2012 for specified purposes) by Education Act 2011 (c. 21), **ss. 50(3)(a)**, 82(3); S.I. 2012/1087, art. 3

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F12 S. 45(3)(aa)(ab) inserted (1.9.2012 for specified purposes) by Education Act 2011 (c. 21), ss. 50(3)(b), 82(3); S.I. 2012/1087, art. 3

F13 Words in s. 45(3)(b)(i) substituted (19.12.2002 for W. and 1.4.2003 for E.) by Education Act 2002 (c. 32), ss. 215(1), 216, Sch. 21 para. 99(3)(b) (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 4, Sch. Pt. 1; S.I. 2003/124, art. 4

Modifications etc. (not altering text)

C1 S. 45(1A) modified (31.3.2004) by The Blackburn with Darwen (Maintained Nursery School Governance) Order 2004 (S.I. 2004/657), arts. 1(1), 3(c)

C2 S. 45(3)(4) modified (20.11.1998) by S.I. 1998/2670, reg. 3(4)

[^{F14}45A Determination of specified budgets of [^{F9}local authority]

(1) For the purposes of this Part, a [^{F9}local authority]’s “[^{F15}non-schools education budget]” for a [^{F16}relevant period] is the amount appropriated by the authority for meeting all [^{F17}education] expenditure by the authority in [^{F18}that period] of a class or description prescribed for the purposes of this subsection.

[In subsection (1) “relevant period” means a financial year or such other period as may ^{F19}(1A) be prescribed.]

(2) For the purposes of this Part, a [^{F9}local authority]’s “schools budget” for a [^{F20}funding period] is the amount appropriated by the authority for meeting all [^{F21}education] expenditure by the authority in [^{F22}that period] of a class or description prescribed for the purposes of this subsection (which may include expenditure incurred otherwise than in respect of schools).

[The amount referred to in subsection (2) includes the amount of any grant which is ^{F23}(2A) appropriated, for meeting the expenditure mentioned in that subsection, in accordance with a condition which—

- (a) is imposed under section 16 of the Education Act 2002 (terms on which assistance under section 14 of that Act is given) or any other enactment, and
- (b) requires that the grant be applied as part of the authority’s schools budget for the funding period.]

(3) For the purposes of this Part, a [^{F9}local authority]’s “individual schools budget” for a [^{F24}funding period] is the amount remaining after deducting from the authority’s schools budget for [^{F25}that period] such planned [^{F26}education] expenditure by the authority in respect of [^{F25}that period] as they may determine should be so deducted in accordance with regulations.

(4) Regulations under subsection (3) may—

- (a) prescribe classes or descriptions of expenditure which are authorised or required to be deducted from an authority’s schools budget;
- (b) provide, in relation to any prescribed class or description of expenditure specified in the regulations, that such expenditure may only be deducted subject to either or both of the following, namely—
 - (i) such limit or limits (however framed) as may be specified by or determined in accordance with the regulations, and
 - (ii) such other conditions as may be so specified or determined.

[Regulations under subsection (3) may also make provision— ^{F27}(4A)

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- (a) enabling any expenditure falling outside any classes or descriptions of expenditure prescribed by virtue of subsection (4)(a) to be deducted from the authority's schools budget if the deduction of such expenditure is authorised, on the application of the authority, by the authority's schools forum or the Secretary of State, and
- (b) enabling any limit or condition that would otherwise apply by virtue of subsection (4)(b)(i) or (ii) to be varied or excluded, on the application of the authority, by the authority's schools forum or the Secretary of State.]

[For the purposes of this Part, the duty imposed on a local authority in England by ^{F28}(4B) section 7(1) of the Childcare Act 2006 (duty to secure prescribed early years provision free of charge) is to be treated as [^{F29}an education function of the authority].]

^{F30}(5)

^{F30}(6)

[In this section “education expenditure” means expenditure incurred by a local ^{F31}(7) authority in connection with the performance of their education functions.]]

Textual Amendments

- F9** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 10(2)** (with Sch. 2 para. 10(4))
- F14** S. 45A inserted (1.10.2002 for E., 4.12.2003 for W.) by Education Act 2002 (c. 32), **ss. 41(1)**, 216(4) (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3 (with art. 4, Sch. para. 1); S.I. 2003/2961, art. 5, Sch. Pt. II
- F15** Words in s. 45A(1) substituted (5.5.2010) by The Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 10(6)(a)(i)**
- F16** Words in s. 45A(1) substituted (1.11.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 16 para. 3(2)(a)** (with s. 119); S.I. 2005/2034, art. 8
- F17** Word in s. 45A(1) inserted (5.5.2010) by The Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 10(6)(a)(ii)**
- F18** Words in s. 45A(1) substituted (1.11.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 16 para. 3(2)(b)** (with s. 119); S.I. 2005/2034, art. 8
- F19** S. 45A(1A) inserted (1.11.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 16 para. 3(3)** (with s. 119); S.I. 2005/2034, art. 8
- F20** Words in s. 45A(2) substituted (1.11.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 16 para. 3(4)(a)** (with s. 119); S.I. 2005/2034, art. 8
- F21** Word in s. 45A(2) inserted (5.5.2010) by The Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 10(6)(b)**
- F22** Words in s. 45A(2) substituted (1.11.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 16 para. 3(4)(b)** (with s. 119); S.I. 2005/2034, art. 8
- F23** S. 45A(2A) inserted (1.11.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 16 para. 3(5)** (with s. 119); S.I. 2005/2034, art. 8
- F24** Words in s. 45A(3) substituted (1.11.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 16 para. 3(6)(a)** (with s. 119); S.I. 2005/2034, art. 8
- F25** Words in s. 45A(3) substituted (1.11.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 16 para. 3(6)(b)** (with s. 119); S.I. 2005/2034, art. 8
- F26** Word in s. 45A(3) inserted (5.5.2010) by The Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 10(6)(c)**
- F27** S. 45A(4A) inserted (1.11.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 16 para. 3(7)** (with s. 119); S.I. 2005/2034, art. 8

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- F28** S. 45A(4B) inserted (12.1.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), ss. 202(2), 269(4); S.I. 2009/3317, art. 2, Sch.
- F29** Words in s. 45A(4B) substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, Sch. 2 para. 10(6)(d)
- F30** S. 45A(5)(6) repealed (1.11.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), Sch. 16 para. 3(8), Sch. 19 Pt. 4 (with s. 119); S.I. 2005/2034, art. 8
- F31** S. 45A(7) added (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, Sch. 2 para. 10(6)(e)

Modifications etc. (not altering text)

- C3** S. 45A savings for effects of 2002 c. 32, s. 41(1) (W.) (19.11.2003) by The Education Act 2002 (Transitional Provisions and Consequential Amendments) (No.2) (Wales) Regulations 2003 (S.I. 2003/2959), regs. 1(1), 3

[^{F32}45A Power to require [^{F1}local authorities] in England to determine schools budget

- (1) Regulations may require a [^{F9}local authority] in England, not later than the prescribed date, to make an initial determination of their schools budget for a funding period.
- (2) The date prescribed for the purposes of subsection (1) may be a date falling up to 48 months before the beginning of the funding period.
- (3) Regulations under subsection (1) may—
 - (a) authorise or require [^{F1}local authorities] in England to take account of matters arising after the initial determination of their schools budgets for any funding period but before the beginning of the funding period, by redetermining their schools budgets for the period in accordance with the regulations, and
 - (b) require notice of any initial determination or revised determination to be given in accordance with the regulations to the governing bodies of schools maintained by the [^{F9}local authority].

Textual Amendments

- F1** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, Sch. 2 para. 10(3) (with Sch. 2 para. 10(4))
- F9** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, Sch. 2 para. 10(2) (with Sch. 2 para. 10(4))
- F32** Ss. 45AA-45AC inserted (1.11.2005 for E. in relation to the insertion of s. 45AA) by Education Act 2005 (c. 18), s. 125(4), Sch. 16 para. 4 (with s. 119); S.I. 2005/2034, art. 8

^{F33}45AB Duty of [^{F1}local authorities] in Wales to determine schools budget

.....

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Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 10(3)** (with [Sch. 2 para. 10\(4\)](#))
- F32** Ss. 45AA-45AC inserted (1.11.2005 for E. in relation to the insertion of s. 45AA) by [Education Act 2005 \(c. 18\)](#), s. 125(4), **Sch. 16 para. 4** (with s. 119); S.I. 2005/2034, art. 8
- F33** S. 45AB repealed (1.9.2010) by [The School Standards and Framework Act 1998 \(Repeal\) \(Wales\) Order 2010 \(S.I. 2010/823\)](#), arts. 1, 2

45AC Power to require [F1local authorities] in Wales to determine schools budget

- (1) Regulations may require a [F9local authority] in Wales, not later than the prescribed date, to make an initial determination of their schools budget for a funding period.
- (2) The date prescribed for the purposes of subsection (1) may be a date falling up to 48 months before the beginning of the funding period.
- (3) Regulations under subsection (1) may—
 - (a) authorise or require [F1local authorities] in Wales to take account of matters arising after the initial determination of their schools budgets for the funding period but before the beginning of the funding period, by redetermining their schools budgets for the period in accordance with the regulations, and
 - (b) require notice of any initial determination or revised determination to be given in accordance with the regulations to the Assembly and to the governing bodies of schools maintained by the [F9local authority].

^{F34}(4)]

Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 10(3)** (with [Sch. 2 para. 10\(4\)](#))
- F9** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 10(2)** (with [Sch. 2 para. 10\(4\)](#))
- F32** Ss. 45AA-45AC inserted (1.11.2005 for E. in relation to the insertion of s. 45AA) by [Education Act 2005 \(c. 18\)](#), s. 125(4), **Sch. 16 para. 4** (with s. 119); S.I. 2005/2034, art. 8
- F34** S. 45AC(4) repealed (1.9.2010) by [The School Standards and Framework Act 1998 \(Repeal\) \(Wales\) Order 2010 \(S.I. 2010/823\)](#), arts. 1, 2

[F3545B Power of Assembly to set minimum schools budget for [F9local authority] in Wales

- (1) If it appears to the National Assembly for Wales that, in all the circumstances, the proposed amount of a [F9local authority]'s schools budget for a funding period is inadequate, the Assembly may, within the period of fourteen days beginning with the schools budget deadline in the funding period preceding that funding period, give the authority a notice under subsection (6) or (7).

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- (2) In subsection (1), the reference to the proposed amount of a [^{F9}local authority]'s schools budget for a funding period is—
- (a) if section 45AB is in force in relation to that funding period, a reference to the amount specified in a notice under section 45AB(1)(b), or
 - (b) if regulations under section 45AC(1) are in force in relation to that funding period, a reference to such amount, determined by the authority in accordance with those regulations and specified in a notice required by those regulations to be given to the Assembly, as may be prescribed.
- (3) If at the schools budget deadline in any funding period, a [^{F9}local authority] in Wales have failed to give the Assembly a notice under section 45AB(1)(b) or a notice required as mentioned in subsection (2)(b), the Assembly may, at any time after that deadline, give the authority a notice under subsection (6) or (7).
- (4) In this section “the schools budget deadline”—
- (a) in a case falling within subsection (2)(a), has the same meaning as in section 45AB, and
 - (b) in a case falling within subsection (2)(b), means the time in the funding period preceding the funding period to which the schools budget relates by which regulations under section 45AC(1) require notice of a revised determination of the schools budget to be given to the Assembly.
- (5) In this section and section 45C “the period under consideration” means the funding period to which the notice mentioned in subsection (2)(a) or (b) relates or, in a case falling within subsection (3), the funding period in relation to which such a notice ought to have been given.
- (6) A notice under this subsection is a notice determining the minimum amount of the authority's schools budget for the period under consideration.
- (7) A notice under this subsection is a notice which—
- (a) specifies the amount which the Assembly would have determined as the minimum amount of the authority's schools budget for the period under consideration if the Assembly had acted under subsection (4), and
 - (b) states the Assembly's intention to determine the minimum amount of the authority's schools budget for the following funding period.
- (8) A notice under subsection (6) or (7) must include a statement of the Assembly's reasons for giving the notice.
- (9) The Assembly may act under different subsections in relation to different authorities.]

Textual Amendments

- F9** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 10(2)** (with Sch. 2 para. 10(4))
- F35** Ss. 45B-45D substituted for ss. 45B, 45C (1.11.2005 for E., 1.4.2010 for W.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 16 para. 5** (with s. 119); S.I. 2005/2034, **art. 8**; S.I. 2010/735, **art. 2(d)**

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[^{F35}45C Effect of notice under section 45B(6)]

- (1) The [^{F9}local authority] may, within the period of fourteen days beginning with the date of a notice under section 45B(6), give the National Assembly for Wales notice of their objection to the Assembly's determination, giving reasons for their objection.
- (2) Where the [^{F9}local authority] have given notice of their objection under subsection (1), the notice under section 45B(6) shall cease to have effect, but the Assembly may by order prescribe the minimum amount of the authority's schools budget for the period under consideration.
- (3) The amount prescribed under subsection (2) must not be greater than the amount specified in the notice under section 45B(6).
- (4) An order under subsection (2) may relate to two or more authorities.
- (5) Where—
 - (a) a notice under section 45B(6) has been given to a [^{F9}local authority] and no notice of objection has been given during the period specified in subsection (1), or
 - (b) an order has been made under subsection (2),
 the [^{F9}local authority] shall determine a schools budget for the period under consideration which is not less than the amount specified in relation to the authority in the notice or order.]

Textual Amendments

- F9** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, Sch. 2 para. 10(2) (with Sch. 2 para. 10(4))
- F35** Ss. 45B-45D substituted for ss. 45B, 45C (1.11.2005 for E., 1.4.2010 for W.) by Education Act 2005 (c. 18), s. 125(4), Sch. 16 para. 5 (with s. 119); S.I. 2005/2034, art. 8; S.I. 2010/735, art. 2(d)

[^{F35}45D Power of Assembly to repeal Wales-only school funding provisions]

The Assembly may by order—

- (a) repeal any of the following provisions—
 - section 45AB,
 - section 45AC(4), and
 - sections 45B and 45C, and
- (b) make any amendments of the other provisions of this Chapter which appear to the Assembly to be necessary or expedient in consequence of any repeal made by virtue of paragraph (a).]

Textual Amendments

- F35** Ss. 45B-45D substituted for ss. 45B, 45C (1.11.2005 for E., 1.4.2010 for W.) by Education Act 2005 (c. 18), s. 125(4), Sch. 16 para. 5 (with s. 119); S.I. 2005/2034, art. 8; S.I. 2010/735, art. 2(d)

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F36 46 Determination of LEA’s local schools budget and individual schools budget.

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Textual Amendments

F36 S. 46 repealed (1.10.2002 for E., 4.12.2003 for W.) by [Education Act 2002 \(c. 32\), ss. 41\(3\), 216\(4\), Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2439, [art. 3](#) (with art. 4, Sch. para. 2 and with transitional provisions in [The Education Act 2002 \(Transitional Provisions and Consequential Amendments\) \(No.2\) \(Wales\) Regulations 2003 \(S.I. 2003/2959\), regs. 1\(1\), 5](#)); S.I. 2003/2961, art. 5, [Sch. Pt. II](#)

47 Determination of school’s budget share.

- (1) For the purposes of this Part a maintained school’s budget share for a [F37 funding period] is such amount as the [F9 local authority] may determine, in accordance with regulations, to allocate to the school out of the authority’s individual schools budget for [F38 that period].
- (2) Regulations under this section may, in particular, make provision—
 - (a) as to the time when schools’ budget shares are to be initially determined by [F1 local authorities];
 - (b) specifying—
 - (i) factors or criteria which such authorities are to take into account, or
 - (ii) requirements as to other matters with which such authorities are to comply,in determining such shares, whether generally or in such cases as are specified in the regulations;
 - (c) requiring adjustments to be made to such shares by such authorities in respect of—
 - (i) pupils permanently excluded from schools maintained by them, or
 - (ii) pupils admitted to schools maintained by them who have been permanently excluded from other maintained schools;
 - (d) as to the treatment of new schools, including provision authorising the determination of nil amounts as the budget shares of such schools;
 - [F39](dd) authorising or requiring such authorities to take account of matters arising after the initial determination of budget shares for a funding period but before the beginning of the funding period, by redetermining budget shares for that period in accordance with the regulations, and requiring them in that connection to disregard such matters as may be specified in the regulations;]
 - (e) authorising or requiring such authorities to take account of matters arising during the course of a [F40 funding period]—
 - (i) by redetermining budget shares for that [F41 funding period], or
 - (ii) by making adjustments to such shares for the following [F41 funding period],in accordance with the regulations, and requiring them in that connection to disregard such matters as may be specified in the regulations;
 - (f) requiring consultation to be carried out by such authorities in relation to the factors or criteria which are to be taken into account in determining such shares and as to the time and manner of such consultation;

Changes to legislation: School Standards and Framework Act 1998, Cross Heading: Budgetary framework is up to date with all changes known to be in force on or before 03 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- [^{F42}(ff) requiring notice of any initial determination or revised determination to be given in accordance with the regulations to the governing bodies of schools maintained by the authority in question;]
- [^{F43}(g) authorising [^{F1}local authorities] in prescribed cases to determine (or redetermine) budget shares, to such extent as may be prescribed, in accordance with arrangements approved by the authority's schools forum or the Secretary of State in accordance with the regulations (in place of the arrangements provided for by the regulations);]
- [^{F44}(2A) The time by which regulations made in pursuance of subsection (2)(a) require an initial determination of schools' budget shares for a funding period to be made may be up to 48 months before the beginning of the funding period.]
- (3) Regulations made in pursuance of subsection (2)(c) may provide for the adjustments to be made on such basis as may be prescribed, which may involve the deduction from one school's budget share of an amount which is greater or less than that allocated to another school's budget share in respect of the excluded pupil.

Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\), art. 1, Sch. 2 para. 10\(3\)](#) (with [Sch. 2 para. 10\(4\)](#))
- F9** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\), art. 1, Sch. 2 para. 10\(2\)](#) (with [Sch. 2 para. 10\(4\)](#))
- F37** Words in s. 47(1) substituted (1.11.2005 for E.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 16 para. 6\(2\)\(a\)](#) (with [s. 119](#)); [S.I. 2005/2034, art. 8](#)
- F38** Words in s. 47(1) substituted (1.11.2005 for E.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 16 para. 6\(2\)\(b\)](#) (with [s. 119](#)); [S.I. 2005/2034, art. 8](#)
- F39** S. 47(2)(dd) inserted (1.11.2005 for E.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 16 para. 6\(3\)\(a\)](#) (with [s. 119](#)); [S.I. 2005/2034, art. 8](#)
- F40** Words in s. 47(2)(e) substituted (1.11.2005 for E.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 16 para. 6\(3\)\(b\)](#) (with [s. 119](#)); [S.I. 2005/2034, art. 8](#)
- F41** Words in s. 47(2)(e)(i)(ii) substituted (1.11.2005 for E.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 16 para. 6\(3\)\(b\)](#) (with [s. 119](#)); [S.I. 2005/2034, art. 8](#)
- F42** S. 47(2)(ff) inserted (1.11.2005 for E.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 16 para. 6\(3\)\(c\)](#) (with [s. 119](#)); [S.I. 2005/2034, art. 8](#)
- F43** S. 47(2)(g) substituted (1.11.2005 for E.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 16 para. 6\(3\)\(d\)](#) (with [s. 119](#)); [S.I. 2005/2034, art. 8](#) (with [Sch. paras. 34](#))
- F44** S. 47(2A) inserted (1.11.2005 for E.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 16 para. 6\(4\)](#) (with [s. 119](#)); [S.I. 2005/2034, art. 8](#)

[^{F45}47ZA] Free of charge early years provision outside a maintained school: budgetary framework: England

- (1) This section applies where a local authority in England propose to allocate an amount of relevant financial assistance to a relevant childcare provider for a funding period out of the authority's individual schools budget for the period.
- (2) The amount to be allocated is to be determined in accordance with regulations.

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- (3) Financial assistance provided by a local authority in England to a childcare provider is “relevant” financial assistance if it is provided—
- (a) for the purpose of the discharge of the authority's duty under section 7 of the Childcare Act 2006, and
 - (b) in respect of the provision of childcare.
- (4) Regulations under this section may, in particular—
- (a) specify factors or criteria which an authority are to take into account in determining the amount of any relevant financial assistance to be provided by them to a relevant childcare provider;
 - (b) specify factors or criteria which an authority are to disregard in determining such an amount;
 - (c) specify requirements as to other matters with which an authority are to comply in determining such an amount;
 - (d) make provision about consultation to be carried out by an authority in connection with determining such an amount;
 - (e) authorise an authority, in prescribed circumstances and to a prescribed extent, to determine such an amount in accordance with arrangements approved by the Secretary of State (instead of in accordance with arrangements provided for by the regulations);
 - (f) require an authority to provide relevant childcare providers with prescribed information relating to their determination of such an amount;
 - (g) make provision about the circumstances in which an authority are required to redetermine such an amount;
 - (h) specify a time by which an authority's determination of such an amount is to take place.
- (5) For the purposes of this section—
- (a) “childcare” has the meaning given in section 18 of the Childcare Act 2006;
 - (b) “relevant childcare provider” means a provider of childcare other than the governing body of a maintained school;
 - (c) a reference to an authority's determination of the amount of any relevant financial assistance includes a reference to the authority's redetermination of such an amount.]

Textual Amendments

F45 S. 47ZA inserted (28.2.2011) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), **ss. 202(3)**, 269(4) (as amended by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 16(2)**); S.I. 2010/2374, **art. 3**

Changes to legislation:

School Standards and Framework Act 1998, Cross Heading: Budgetary framework is up to date with all changes known to be in force on or before 03 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(3)(aa) inserted by [2011 nawm 7 s. 16\(2\)](#) (Amendment not applied to [legislation.gov.uk](#) - s.16(02) of 2011 nawm007 omitted by 2013 nawm001 s. 100(4), Sch. 5 para. 13(2); S.I. 2014/178, art. 2(f) (with art. 3) prior to commencement)
- s. 18B inserted by [2011 nawm 7 s. 16\(3\)](#) (Amendment not applied to [legislation.gov.uk](#) - s.16(02) of 2011 nawm007 omitted by 2013 nawm001 s. 100(4), Sch. 5 para. 13(2); S.I. 2014/178, art. 2(f) (with art. 3) prior to commencement)
- Sch. 22 para. 5(1B) inserted by [2023 c. 55 s. 235\(4\)](#)