



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, Section 45 is up to date with all changes known to be in force on or before 23 April 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)**

Changes to legislation:

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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\(4\)](#)