



Education Act 2002

2002 CHAPTER 32

PART 3

MAINTAINED SCHOOLS

CHAPTER 1

GOVERNMENT OF MAINTAINED SCHOOLS

39 Interpretation of Chapter 1

(1) In this Chapter—

“budget share” has the same meaning as in Part 2 of the School Standards and Framework Act 1998 (c. 31);

“federation” and “federated school” [^{F1}in relation to England] have the meaning given by section 24;

“maintained school” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;

“maintained nursery school” means a nursery school which is maintained by a [^{F2}local authority] and is not a special school;

“statutory provision” means a provision contained in an Act or in subordinate legislation within the meaning of the Interpretation Act 1978 (c. 30).

(2) In this Chapter—

(a) references to a school having a delegated budget are references to the governing body of the school being entitled to manage the school’s budget share, and

(b) where a school has a delegated budget the governing body are accordingly said to have a right to a delegated budget.

Changes to legislation: Education Act 2002, Section 39 is up to date with all changes known to be in force on or before 25 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

Textual Amendments

- F1** Words in s. 39(1) inserted (28.4.2014) by [Education \(Wales\) Measure 2011 \(nawm 7\)](#), **ss. 19(6)**, 33(2); [S.I. 2014/1066](#), **art. 2**
- F2** 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. 11(2)**

Commencement Information

- I1** S. 39 partly in force; s. 39 not in force at Royal Assent, see s. 216; s. 39(2) and the definition of "budget share" in s. 39(1) in force for E. at 1.10.2002 by [S.I. 2002/2439](#), **art. 3** (with transitional provisions and savings in [art. 4](#), **Sch.**)
- I2** S. 39(1) in force at 1.4.2003 for specified purposes except in relation to W. by [S.I. 2003/124](#), **art. 4**
- I3** S. 39(1) in force at 1.9.2003 so far as not already in force except in relation to W. by [S.I. 2003/1667](#), **art. 4**
- I4** S. 39(1) in force at 1.9.2004 for specified purposes for W. by [S.I. 2004/1728](#), **art. 5**, **Sch. Pt. 2**
- I5** S. 39(1) in force at 31.10.2005 for W. so far as not already in force by [S.I. 2005/2910](#), **art. 4**, **Sch.**
- I6** S. 39(2) in force at 31.10.2005 for W. by [S.I. 2005/2910](#), **art. 4**, **Sch.**

Changes to legislation:

Education Act 2002, Section 39 is up to date with all changes known to be in force on or before 25 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.

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1 by [S.I. 2004/571 Sch.](#)
- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1A and 2 by [S.I. 2005/2570 art. 2](#)

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. 27(1A) inserted by [2010 c. 26 s. 4\(1\)](#)
- s. 29(2A)-(2D) inserted by [2009 c. 22 s. 260\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 250 omitted (1.9.2012) by virtue of 2011 c. 21, s. 29(9)(d); S.I. 2012/1087, art. 3)
- s. 29B inserted by [2008 c. 25 s. 157](#)
- s. 8585A substituted for s. 85 by [2006 c. 40 s. 74\(1\)](#)
- s. 85A amendment to earlier affecting provision 2006 c. 40 s. 74(1) by [2011 c. 21 s. 31\(2\)](#)
- s. 85A(5) words substituted by [2009 c. 22 Sch. 12 para. 34](#)
- s. 86(1) s. 86 renumbered as s. 86(1) by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 86(2) inserted by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 88(2)-(7) inserted by [2006 c. 40 s. 74\(3\)](#)
- s. 88(7) repealed by [S.I. 2010/1080 Sch. 1 para. 45Sch. 2 Pt. 1](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 88(2)-(7) by 2006 c. 40, s 74(3) was repealed without ever being brought into force.)
- s. 142(9)(b) words substituted by [S.I. 2010/1158 Sch. 2 para. 11\(10\)\(b\)](#)
- s. 210A inserted by [2008 c. 25 Sch. 1 para. 79](#)