
STATUTORY INSTRUMENTS

1993 No. 3104

EDUCATION, ENGLAND AND WALES

The Education (Application of Financing Schemes to Special Schools) Regulations 1993

<i>Made</i>	- - - -	<i>8th December 1993</i>
<i>Laid before Parliament</i>		<i>10th December 1993</i>
<i>Coming into force</i>	- -	<i>1st January 1994</i>

In exercise of the powers conferred on the Secretary of State by section 43 of the Education Reform Act 1988(1) (as extended by paragraph 3 of Schedule 4) and by section 232(5) and (6) of that Act, the Secretary of State for Education, as respects England, and the Secretary of State for Wales, as respects Wales, hereby make the following Regulations:

Citation, commencement, interpretation and revocation

1.—(1) These Regulations may be cited as the Education (Application of Financing Schemes to Special Schools) Regulations 1993.

(2) These Regulations shall come into force on 1st January 1994.

(3) In these Regulations—

“the 1988 Act” means the Education Reform Act 1988;

“new school” and “temporary governing body” have the same meanings as in section 48 of the 1988 Act;

“scheme” means a scheme made by a local education authority under section 33 of the 1988 Act; and

“the 1992 Regulations” means the Education (Application of Financing Schemes to Special Schools) Regulations 1992(2).

(4) The 1992 Regulations are revoked.

(1) 1988 c. 40. A new section 43 is substituted by section 276 of the Education Act 1993 (c. 35).

(2) S.I.1992/164.

Application to special schools of Chapter III of Part I of the 1988 Act

2.—(1) The schools required to be covered in the financial year beginning in 1994 and in subsequent financial years by a scheme made by a local education authority shall include the authority's special schools.

(2) Where, by virtue of—

- (a) a determination under regulation 2(1) of the 1992 Regulations; or
- (b) paragraph (1) above,

the special schools of a local education authority are required to be covered in any financial year by a scheme made by the authority, the provisions of Chapter III of Part I of the 1988 Act (other than sections 33 and 49 and Schedule 4) shall have effect, in relation to that authority, as if any reference contained in those provisions to a county school maintained by an authority included a reference to a special school of that authority.

(3) Where a new school is included in the special schools of a local education authority which are required (by virtue of a determination under regulation 2(1) of the 1992 Regulations or by virtue of paragraph (1) above) to be covered by a scheme—

- (a) paragraph 2(2) to (5), (9) and (10) of Schedule 4 to that Act⁽³⁾ (which makes provision as to the application of schemes in relation to new schools) shall apply in relation to that school as it applies in relation to a school to which paragraph 1 of that Schedule applies;
- (b) paragraph 2(6) of that Schedule shall so apply, and paragraph 4(1) of that Schedule shall have effect in relation to that authority's schools, as if the reference in each paragraph to the delegation requirement under a scheme were a reference to any requirement under a scheme made by virtue of regulation 3 below; and
- (c) the following provisions of that Schedule, that is to say—
 - (i) paragraph 4(6)(a) (articles of government of new school to indicate that certain provisions are superseded); and
 - (ii) paragraph 7(2) (articles of government of new school to contain statement of any inconsistency between articles and Chapter III of Part I of the 1988 Act),

shall have effect, in relation to that authority's schools, as if any reference to a county school included a reference to a special school.

(4) In this regulation references, in relation to a financial year, to the special schools of a local education authority are references to—

- (a) any special school maintained by that authority at the beginning of that year;
- (b) any new school that is established, at any time during that year, as a special school maintained by that authority; and
- (c) any school proposed to be established by that authority which will be a special school and which has a temporary governing body during the whole or any part of that year.

Delegation of budget share to governing body of special schools

3. Provision for requiring the delegation by the local education authority concerned of the management of the budget share of any special school to the governing body of that school, or of the budget share of any new school which will be a special school to the temporary governing body of that school,—

(3) Paragraphs 2(3)(b) and (c) and (4)(b) and (c) are repealed by the Education Act 1993, section 307(3) and Schedule 21.

- (a) may be included in a scheme, in the case of a local education authority in England, in relation to either or both of the financial years beginning in 1994 and 1995, and, in the case of a local education authority in Wales, in relation to any financial year;
- (b) shall be included in a scheme in respect of such schools as the Secretary of State directs; and
- (c) in the case of a local education authority in England, shall be included in a scheme in relation to the financial year beginning in 1996 and subsequent financial years.

3rd December 1993

John Patten
Secretary of State for Education

8th December 1993

John Redwood
Secretary of State for Wales

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which are made under the new section 43 of the Education Reform Act 1988 substituted by section 276 of the Education Act 1993, replace the Education (Application of Financing Schemes to Special Schools) Regulations 1992, which are revoked.

They repeat the requirement in those Regulations for all schemes for financing schools maintained by local education authorities to cover the special schools (and proposed such schools with temporary governing bodies) maintained by them from the financial year beginning on 1st April 1994 (*regulation 2*). The main change introduced by the Regulations is to require schemes to provide for financial delegation to the governing bodies (or temporary governing bodies) of such schools as the Secretary of State directs and, from the financial year beginning on 1st April 1996, of all schools maintained by local education authorities in England (*regulation 3*).