

2000 No. 1090

EDUCATION, ENGLAND

**The Financing of Maintained Schools (England) (No. 2)
Regulations 2000**

<i>Made</i> - - - -	<i>17th April 2000</i>
<i>Laid before Parliament</i>	<i>18th April 2000</i>
<i>Coming into force</i>	<i>19th April 2000</i>

In exercise of the powers conferred on the Secretary of State by sections 47(2) and 138(7) of the School Standards and Framework Act 1998(a) the Secretary of State for Education and Employment hereby makes the following Regulations:

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Financing of Maintained Schools (England) (No. 2) Regulations 2000 and shall come into force on 19th April 2000.

(2) These Regulations shall apply for the purposes of the financing of maintained schools in England in the financial year beginning on 1st April 2000.

(3) In these Regulations “the Principal Regulations” means the Financing of Maintained Schools (England) Regulations 2000(b).

(4) In these Regulations “maintained school” means a community, foundation or voluntary school or a community or foundation special school.

(5) In these Regulations a reference to proposals for the establishment of a school is a reference to a proposal for the establishment of the school under section 35, 41 or 339(1) of the Education Act 1996(c) or section 28 or 31 of, or paragraph 5 of Schedule 7 to, the School Standards and Framework Act 1998.

(6) In these Regulations a reference (however framed) to a community, foundation or voluntary school or a community or foundation special school includes a proposed school which, on implementation of the proposals for the establishment of the school, will be such a school in the financial year beginning on 1st April 2000.

(7) In these Regulations a reference to a primary or secondary school means a primary or secondary school which is a community, foundation or voluntary school.

(8) In these Regulations a reference (however framed) to schools maintained by a local education authority does not include schools which are not maintained schools as defined in paragraph (4).

(a) 1998 c. 31. By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) the powers conferred by these provisions are exercisable by the Secretary of State only in relation to England. For the meaning of “regulations” see section 142(1).

(b) S.I. 2000/478.

(c) 1996 c. 56.

Redeterminations of budget shares under these Regulations

2.—(1) Subject to paragraphs (2), (3) and (5) and regulation 3 below, a local education authority shall on or before 5th May 2000 redetermine the budget share of each school maintained by them by adding the amount which is set out in column (2) of the table below, opposite the description of that school in column (1).

(1) <i>Description of school</i>	(2) <i>Amount to be added</i>
Primary school with 100 pupils or fewer	£3,000
Primary school with more than 100 pupils but fewer than 201 pupils	£6,000
Primary school with 201 pupils or more	£9,000
Middle deemed primary school ^(a) which does not have a year 8 or year 9 class	£9,000
Secondary school with 600 pupils or fewer	£30,000
Secondary school with more than 600 pupils but fewer than 1,201 pupils	£40,000
Secondary school with 1,201 pupils or more	£50,000
Special school	£15,000

(2) A local education authority shall redetermine the budget share of a middle deemed primary school which has a year 8 or year 9 class as if that school were a secondary school.

(3) Where a proposed school does not have a budget share on or before 5th May 2000, a local education authority shall redetermine the budget share of that school in accordance with this regulation as soon as it does have a budget share.

(4) References in the table to a number of pupils are references to—

- (a) the number of full-time equivalent pupils registered at the school on 20th January 2000; or
- (b) in the case of a school which is to open during the financial year or a school proposals for the establishment of which have not been fully implemented, the number of full-time equivalent pupils indicated, when proposals for the establishment of the school were published, as the number of such pupils to be admitted to the school when the proposals were fully implemented,

where, the “full-time equivalent” is the number of full-time pupils plus half the number of part-time pupils, and a “part-time pupil” is one who does not attend school for both the morning and afternoon sessions at least 5 days each week.

(5) A local education authority shall not redetermine the budget share of a school in accordance with these Regulations if proposals to discontinue the school in the financial year have already been approved.

Additional arrangements approved by the Secretary of State

3. The Secretary of State may, where it appears to him to be expedient to do so, authorise a local education authority to redetermine budget shares, to such extent as he may specify, in accordance with arrangements approved by him in place of the arrangements provided for by these Regulations.

Subsequent redeterminations of budget shares under these Regulations

4. A local education authority may at any time redetermine the budget share of a school previously redetermined in accordance with these Regulations in order to correct an error in that redetermination, whether arising from a mistake as to the number of registered pupils at the school or otherwise.

^(a) The Education (Middle Schools) Regulations 1980 (S.I. 1980/918) determine whether a middle school is to be deemed a primary or a secondary school for the purposes of the Education Acts.

Redeterminations of budget shares under the Principal Regulations

5. Whenever a local education authority redetermine a school's budget share in accordance with the Principal Regulations, on or after the date that these Regulations come into force, they shall—

- (a) first determine an amount in accordance with the Principal Regulations, without taking into account the amount to be added in accordance with these Regulations; and then
- (b) add to the amount so determined the amount to be added in accordance with these Regulations.

17th April 2000

Estelle Morris
Minister of State,
Department for Education and Employment

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make additional provision for the redetermination of schools' budget shares in the financial year beginning on 1st April 2000. Additional amounts are to be added to budget shares depending on whether the school is a primary, secondary or special school and, except in the case of a special school or certain middle deemed primary schools, depending on the numbers of registered pupils at the school.

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