
STATUTORY INSTRUMENTS

2002 No. 377

**The Financing of Maintained
Schools (England) Regulations 2002**

PART I

INTRODUCTION

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Financing of Maintained Schools (England) Regulations 2002 and shall come into force on 15th March 2002.

(2) These Regulations shall apply for the purposes of the financing of maintained schools in England in the financial year beginning on 1st April 2002.

(3) In these Regulations—

“the 1996 Act” means the Education Act 1996(1);

“the 1998 Act” means the School Standards and Framework Act 1998;

“the 1999 Regulations” means the Financing of Maintained Schools Regulations 1999(2);

“the 2000 Regulations” means the Financing of Maintained Schools (England) Regulations 2000(3);

“the 2001 Regulations” means the Financing of Maintained Schools (England) Regulations 2001(4).

(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 1996 Act or section 28 or 31 of, or paragraph 5 of Schedule 7 to, the 1998 Act.

(6) In these Regulations, except in Part IV where the definition in regulation 28 applies, 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 proposals for the establishment of the school will be such a school and which has a temporary governing body.

(7) In these Regulations a reference to a governing body includes the temporary governing body of a proposed school falling within paragraph (6).

(8) 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.

(1) 1996 c. 56.
(2) S.I. 1999/101.
(3) S.I. 2000/478.
(4) S.I. 2001/475.

Status: This is the original version (as it was originally made).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

(9) 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).

(10) In these Regulations a reference to the permanent exclusion of a pupil is a reference to his permanent exclusion as defined from time to time for the purposes of section 494 of the 1996 Act⁽⁵⁾.

(11) In these Regulations references to net expenditure or to a net local schools budget—

- (a) are references to that expenditure or that local schools budget net of related fees, charges, specific grant or other income received by the local education authority;
- (b) except that there is not to be deducted in order to arrive at the net local schools budget, any specific grant which is used to support expenditure through the individual schools budget or which is a specific grant only to the extent that it has to be used for supporting any or all of the authority's expenditure through the local schools budget.

(12) In these Regulations a reference to a former grant-maintained or grant-maintained special school is a reference to a school which was such a school within the meaning of the 1996 Act immediately before 1st April 1999.

(13) In these Regulations a reference to the LSC is a reference to the Learning and Skills Council for England⁽⁶⁾.

(14) Unless the context otherwise requires, words or expressions used in these Regulations set out in the first column of the following table shall have the meanings attributed to them by the provisions set out opposite thereto in the second column.

budget share	Section 47(1) of the 1998 Act
delegated budget	Section 49(7) of the 1998 Act
expenditure	regulation 3(2) of these Regulations (for the purposes of Part II of these Regulations)
financial year	Section 579(1) of the 1996 Act
formula	regulation 10 of these Regulations
individual schools budget	Section 46(2) of the 1998 Act
key stage	Section 355(1) of the 1996 Act
local schools budget	Section 46(1) of the 1998 Act
maintained school	regulation 1(4) of these Regulations
maintenance grant	sections 244(1) and 250(1) of the 1996 Act
nursery school	Section 6(1) of the 1996 Act
permanent exclusion	regulation 1(10) of these Regulations
scheme	section 48(5) of the 1998 Act
school maintained by a local education authority	regulation 1(9) of these Regulations
school year	section 579(1) of the 1996 Act ⁽⁷⁾
special educational needs	section 312(1) of the 1996 Act.

⁽⁵⁾ Section 494 was substituted by paragraph 128 of Schedule 30 to the 1998 Act.

⁽⁶⁾ The Learning and Skills Council for England was established under section 1 of the Learning and Skills Act 2000 (c. 21).

⁽⁷⁾ Inserted by the Education Act 1997 (c. 44), Schedule 7, paragraph 43.

(15) Unless the context otherwise requires, a reference in these Regulations to a numbered regulation, Part or Schedule is a reference to the regulation or Part of, or Schedule to, these Regulations so numbered and a reference to a numbered paragraph is a reference to the paragraph so numbered in the regulation or Schedule in which the reference appears.

Revocation of the 2000 Regulations and operation of the 2001 Regulations

2.—(1) The 2000 Regulations and the Financing of Maintained Schools (England) (No.2) Regulations 2000⁽⁸⁾ shall be revoked on 1st April 2002.

(2) A school's budget share for the financial year beginning on 1st April 2001 may only be redetermined in the financial year beginning on 1st April 2002 in accordance with the provisions of the 2001 Regulations or the Financing of Maintained Schools (England) (Amendment) Regulations 2001⁽⁹⁾ if such redetermination makes provision for—

- (a) pupils permanently excluded or admitted following a permanent exclusion; or
- (b) the correction of errors, whether in calculation or data, under any of the provisions of those Regulations.

⁽⁸⁾ S.I. 2000/1090.

⁽⁹⁾ S.I. 2001/907.