
STATUTORY INSTRUMENTS

2008 No. 228

The School Finance (England) Regulations 2008

PART 3

FORMULAE FOR DETERMINATION OF BUDGET SHARES

CHAPTER 1

FACTORS AND CRITERIA TAKEN INTO ACCOUNT

New, reorganised and closing schools

22.—(1) A local education authority must include factors or criteria in their formulae which enable them to determine, or redetermine, a school's budget share for funding periods 1, 2 and 3 so as to take into account the particular needs of that school in the following cases—

- (a) a proposed school;
- (b) a school, proposals for the establishment of which have not been fully implemented⁽¹⁾;
- (c) a school which is the subject of a prescribed alteration within the meaning of regulations made under section 18 of the 2006 Act⁽²⁾;
- (d) a school which is to be discontinued; and
- (e) a school which is to be the subject of a significant change, as determined by the authority.

(2) In the case of schools falling within sub-paragraph (1)(c), such factors or criteria may not be used for a period of more than seven years after the date of implementation of the relevant alteration.

(3) For the purposes of these Regulations, proposals for the establishment of a school have been fully implemented when the number of pupils admitted to the school in each age group has, in the opinion of the local education authority, reached either—

- (a) the number of pupils indicated, when proposals for the establishment of the school were published, as the number of pupils to be admitted to each age group when the proposals were fully implemented; or
- (b) if no such number was indicated, such number as the authority may determine.

⁽¹⁾ Proposals for the establishment of a school may be published under sections 7, 10 or 11 of the 2006 Act.

⁽²⁾ Regulations made under this section are the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 ([2007/1289](#) as amended by [2007/3646](#)).