
*Changes to legislation: There are currently no known outstanding effects
for the Education Act 2005, Paragraph 4. (See end of Document for details)*

SCHEDULES

SCHEDULE 16

FUNDING OF MAINTAINED SCHOOLS

Determination of budgets

4 After section 45A insert—

“45AA Power to require [^{F1}local authorities] in England to determine schools budget

- (1) Regulations may require a [^{F2}local authority] in England, not later than the prescribed date, to make an initial determination of their schools budget for a funding period.
- (2) The date prescribed for the purposes of subsection (1) may be a date falling up to 48 months before the beginning of the funding period.
- (3) Regulations under subsection (1) may—
 - (a) authorise or require [^{F2}local authorities] in England to take account of matters arising after the initial determination of their schools budgets for any funding period but before the beginning of the funding period, by redetermining their schools budgets for the period in accordance with the regulations, and
 - (b) require notice of any initial determination or revised determination to be given in accordance with the regulations to the governing bodies of schools maintained by the [^{F2}local authority].

45AB Duty of [^{F1}local authorities] in Wales to determine schools budget

- (1) Before the schools budget deadline in any funding period, a [^{F2}local authority] in Wales must—
 - (a) determine the proposed amount of their schools budget for the following funding period, and
 - (b) give notice of their determination to the National Assembly for Wales and to the governing body of every school maintained by the authority.
- (2) For the purposes of this section “the schools budget deadline”, in relation to an authority in Wales, means the end of January or such other time as may be prescribed.

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45AC Power to require [^{F1}local authorities] in Wales to determine schools budget

- (1) Regulations may require a [^{F2}local authority] in Wales, not later than the prescribed date, to make an initial determination of their schools budget for a funding period.
- (2) The date prescribed for the purposes of subsection (1) may be a date falling up to 48 months before the beginning of the funding period.
- (3) Regulations under subsection (1) may—
 - (a) authorise or require [^{F1}local authorities] in Wales to take account of matters arising after the initial determination of their schools budgets for the funding period but before the beginning of the funding period, by redetermining their schools budgets for the period in accordance with the regulations, and
 - (b) require notice of any initial determination or revised determination to be given in accordance with the regulations to the Assembly and to the governing bodies of schools maintained by the [^{F2}local authority].
- (4) Regulations under subsection (1) are not to have effect in relation to an authority's schools budget for any funding period if section 45AB is in force in relation to that funding period.”

Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 13(3)**
- F2** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 13(2)**

Commencement Information

- I1** Sch. 16 para. 4 partly in force; Sch. 16 para. 4 not in force at Royal Assent see s. 125; Sch. 16 para. 4 in force for E. for certain purposes at 1.11.2005 by [S.I. 2005/2034](#), **art. 8**
- I2** Sch. 16 para. 4 in force at 1.4.2010 for W. by [S.I. 2010/735](#), **art. 2(d)**

Changes to legislation:

There are currently no known outstanding effects for the Education Act 2005, Paragraph 4.