

Changes to legislation: Education Act 2002, SCHEDULE 3 is up to date with all changes known to be in force on or before 05 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 3

Section 40

AMENDMENTS OF PART 2 OF SCHOOL STANDARDS AND FRAMEWORK ACT 1998

Introductory

- 1 In this Schedule “the 1998 Act” means the School Standards and Framework Act 1998.

Commencement Information

- I1** Sch. 3 para. 1 partly in force; Sch. 3 para. 1 not in force at Royal Assent, see s. 216; Sch. 3 para. 1 in force for E. at 2.9.2002 by [S.I. 2002/2002](#), [art. 4](#)
- I2** Sch. 3 para. 1 in force at 1.9.2003 for W. by [S.I. 2003/1718](#), [art. 5](#), [Sch. Pt. II](#)

Expenditure incurred for community purposes

- 2 (1) Section 48 of the 1998 Act ([F1local authorities]’ financial schemes) is amended as follows.
- (2) In subsection (1) after “by the authority” there is inserted “ or the exercise by the governing bodies of those schools of the power conferred by section 27 of the Education Act 2002 (power of governing body to provide community facilities etc.) ”.
- (3) In subsection (2) after paragraph (d) there is inserted—
- “(dd) the imposition, by or under the scheme, of conditions which must be complied with by schools in relation to the exercise of the power mentioned in subsection (1), including conditions prescribing financial controls and procedures;”.

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 \(S.I. 2010/1158\)](#), [art. 1](#), [Sch. 2 para. 11\(3\)](#)

Commencement Information

- I3** Sch. 3 para. 2 partly in force; Sch. 3 para. 2 not in force at Royal Assent, see s. 216; Sch. 3 para. 2 in force for E. at 2.9.2002 by [S.I. 2002/2002](#), [art. 4](#)
- I4** Sch. 3 para. 2 in force at 1.9.2003 for W. by [S.I. 2003/1718](#), [art. 5](#), [Sch. Pt. II](#)

- 3 In section 50 of the 1998 Act (effect of financial delegation), in subsection (4) (meaning of “purposes of the school”) before paragraph (a) there is inserted—
- “(za) facilities and services under section 27 of the Education Act 2002 (power of governing body to provide community facilities etc.),”.

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Commencement Information

- I5** Sch. 3 para. 3 partly in force; Sch. 3 para. 3 not in force at Royal Assent, see s. 216; Sch. 3 para. 3 in force for E. at 2.9.2002 by [S.I. 2002/2002](#), [art. 4](#)
- I6** Sch. 3 para. 3 in force at 1.9.2003 for W. by [S.I. 2003/1718](#), [art. 5](#), [Sch. Pt. II](#)

4 After section 51 of the 1998 Act there is inserted—

“Expenditure incurred for community purposes

51A Expenditure incurred for community purposes

- (1) Expenditure incurred by the governing body of a maintained school in the exercise of the power conferred by section 27 of the Education Act 2002 (power of governing body to provide community facilities etc.) shall, as against third parties, be treated as part of the expenses of maintaining the school under section 22, but if met by the ^[F2]local authority] may be recovered by them from the governing body.
- (2) Except as provided by regulations under section 50(3)(b), no expenditure incurred by the governing body of a maintained school in the exercise of the power referred to in subsection (1) shall be met from the school’s budget share for any financial year.
- (3) Subsection (2) applies at a time when the school does not have a delegated budget by virtue of any suspension under section 17 or Schedule 15, as well as a time when it does have a delegated budget.”

Textual Amendments

- F2** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [art. 1](#), [Sch. 2 para. 11\(2\)](#)

Commencement Information

- I7** Sch. 3 para. 4 partly in force; Sch. 3 para. 4 not in force at Royal Assent, see s. 216; Sch. 3 para. 4 in force for E. at 2.9.2002 by [S.I. 2002/2002](#), [art. 4](#)
- I8** Sch. 3 para. 4 in force at 1.9.2003 for W. by [S.I. 2003/1718](#), [art. 5](#), [Sch. Pt. II](#)

5 In Schedule 15 to the 1998 Act (suspension of financial delegation), in paragraph 1(1) (cases where ^[F2]local authority] may suspend governing body’s right to a delegated budget) the word “or” at the end of paragraph (a) is omitted and at the end of paragraph (b) there is inserted “or

- (c) are not managing in a satisfactory manner any expenditure, or sums received, in the exercise of the power conferred by section 27 of the Education Act 2002 (power to provide community facilities etc.).”

Textual Amendments

- F2** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [art. 1](#), [Sch. 2 para. 11\(2\)](#)

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- I9** Sch. 3 para. 5 partly in force; Sch. 3 para. 5 not in force at Royal Assent, see s. 216; Sch. 3 para. 5 in force for E. at 2.9.2002 by [S.I. 2002/2002](#), [art. 4](#)
- I10** Sch. 3 para. 5 in force at 1.9.2003 for W. by [S.I. 2003/1718](#), [art. 5](#), [Sch. Pt. II](#)

Teachers engaged otherwise than as employees

- 6 (1) Section 58 of the 1998 Act (appointment and dismissal of certain teachers at a school with a religious character) is amended as follows.
- (2) In subsection (2)—
- (a) for “the teaching staff of” there is substituted “ teachers at ”, and
- (b) for “the teaching staff shall” there is substituted “ the teachers shall ”.
- (3) In subsection (3), for “the number of the teaching staff”, in both places where it occurs, there is substituted “ the total number of teachers ”.
- (4) In subsection (4), for “while holding the post of” there is substituted “ while he remains ”.
- (5) In subsection (6), for the words from “may” to the end there is substituted “may—
- (a) in the case of a teacher who is an employee, require the appropriate body to dismiss him from employment as a reserved teacher at the school, and
- (b) in the case of a teacher who is engaged otherwise than under a contract of employment, require the governing body to terminate his engagement.”.
- (6) In subsection (9), in the definition of “reserved teacher”, after “employed” there is inserted “ or engaged ”.

Commencement Information

- I11** Sch. 3 para. 6 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 4](#)
- I12** Sch. 3 para. 6 in force at 1.4.2006 for W. by [S.I. 2006/879](#), [art. 4](#), [Sch.](#)

- 7 In section 59 of the 1998 Act (staff at community, secular foundation or voluntary, or special school), in subsection (2)(b), after “employed” there is inserted “ or engaged ”.

Commencement Information

- I13** Sch. 3 para. 7 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 4](#)
- I14** Sch. 3 para. 7 in force at 1.4.2006 for W. by [S.I. 2006/879](#), [art. 4](#), [Sch.](#)

- 8 (1) Section 60 of the 1998 Act (staff at foundation or voluntary school with religious character) is amended as follows.
- (2) In subsection (5)(b), after “employment” there is inserted “ or engagement ”.
- (3) In subsection (6), after “employed” there is inserted “ or engaged ”.

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- I15** Sch. 3 para. 8 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 4](#)
- I16** Sch. 3 para. 8 in force at 1.4.2006 for W. by [S.I. 2006/879](#), [art. 4](#), [Sch.](#)

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1 by [S.I. 2004/571 Sch.](#)
- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1A and 2 by [S.I. 2005/2570 art. 2](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 27(1A) inserted by [2010 c. 26 s. 4\(1\)](#)
- s. 29(2A)-(2D) inserted by [2009 c. 22 s. 260\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 250 omitted (1.9.2012) by virtue of 2011 c. 21, s. 29(9)(d); S.I. 2012/1087, art. 3)
- s. 29B inserted by [2008 c. 25 s. 157](#)
- s. 8585A substituted for s. 85 by [2006 c. 40 s. 74\(1\)](#)
- s. 85A amendment to earlier affecting provision 2006 c. 40 s. 74(1) by [2011 c. 21 s. 31\(2\)](#)
- s. 85A(5) words substituted by [2009 c. 22 Sch. 12 para. 34](#)
- s. 86(1) s. 86 renumbered as s. 86(1) by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 86(2) inserted by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 88(2)-(7) inserted by [2006 c. 40 s. 74\(3\)](#)
- s. 88(7) repealed by [S.I. 2010/1080 Sch. 1 para. 45Sch. 2 Pt. 1](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 88(2)-(7) by 2006 c. 40, s 74(3) was repealed without ever being brought into force.)
- s. 142(9)(b) words substituted by [S.I. 2010/1158 Sch. 2 para. 11\(10\)\(b\)](#)
- s. 210A inserted by [2008 c. 25 Sch. 1 para. 79](#)