

Changes to legislation: Education and Inspections Act 2006, SCHEDULE 5 is up to date with all changes known to be in force on or before 14 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 5

Section 57

FUNDING OF MAINTAINED SCHOOLS

- 1 In section 17(6) of SSFA 1998 (power of ^[F1]local authority] to suspend right to delegated budget), omit the words from “but” onwards.

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. 14\(3\)](#)

Commencement Information

- I1** Sch. 5 para. 1 in force at 8.2.2007 for E. by [S.I. 2006/3400](#), [art. 4\(c\)](#)
I2 Sch. 5 para. 1 in force at 2.4.2010 for W. by [S.I. 2010/736](#), [art. 3\(c\)](#)

- 2 (1) Section 47A of SSFA 1998 (schools forums) is amended as follows.
- (2) In subsection (3)(b), for the words from “function” to the end substitute “ other function that may be imposed on the schools forum by or under this Chapter ”.
- (3) Omit subsection (6) (which enables regulations under subsection (5) of that section to enable the Secretary of State or the Assembly to remove a non-schools member from membership of a schools forum).
- (4) For subsection (9) substitute—
- “(9) In this section “relevant authority”, in relation to a schools forum, means the local education authority by whom the forum is established.”

Commencement Information

- I3** Sch. 5 para. 2 in force at 8.2.2007 for E. by [S.I. 2006/3400](#), [art. 4\(c\)](#)
I4 Sch. 5 para. 2 in force at 2.4.2010 for W. by [S.I. 2010/736](#), [art. 3\(c\)](#)

- 3 (1) Section 48 of SSFA 1998 (local education authorities' financial schemes) is amended as follows.
- (2) In subsection (1), for “prepare” substitute “ maintain ”.
- (3) In subsection (3), for “prepared” substitute “ maintained ”.
- (4) In subsection (4), omit the words from “the approval” to “and for”.
- (5) In subsection (5), for the words from “the scheme prepared” to the end substitute “ the scheme for the time being maintained under this section ”.

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- I5** Sch. 5 para. 3 in force at 8.2.2007 for E. by [S.I. 2006/3400](#), **art. 4(c)**
- I6** Sch. 5 para. 3 in force at 15.3.2010 for specified purposes for W. by [S.I. 2010/736](#), **art. 2(b)** (with [art. 4](#))
- I7** Sch. 5 para. 3 in force at 2.4.2010 for W. in so far as not already in force by [S.I. 2010/736](#), **art. 3(c)** (with [art. 4](#))

4 In section 49 of SSFA 1998 (maintained schools to have delegated budgets) for subsections (2) and (3) substitute—

“(2) A new school shall have a delegated budget from a date determined in accordance with regulations.

(2A) Regulations under subsection (2) may—

- (a) enable the date that would otherwise apply by virtue of the regulations to be varied in accordance with the regulations, on the application of the local education authority, by the authority's schools forum or by the Secretary of State, and
- (b) make provision about the respective powers of the schools forum and the Secretary of State in relation to any application to vary that date.”

Commencement Information

- I8** Sch. 5 para. 4 in force at 8.2.2007 for E. by [S.I. 2006/3400](#), **art. 4(c)**
- I9** Sch. 5 para. 4 in force at 15.3.2010 for specified purposes for W. by [S.I. 2010/736](#), **art. 2(b)** (with [art. 4](#))
- I10** Sch. 5 para. 4 in force at 2.4.2010 for W. in so far as not already in force by [S.I. 2010/736](#), **art. 3(c)** (with [art. 4](#))

5 (1) Schedule 14 to SSFA 1998 (approval, imposition and revision of local education authority schemes) is amended as follows.

(2) For the heading substitute “ REVISION OF LOCAL EDUCATION AUTHORITY SCHEMES ”.

(3) For the italic heading immediately before paragraph 1 substitute “ Publication of schemes ”.

(4) In paragraph 1—

- (a) omit sub-paragraphs (1) to (6), and
- (b) for sub-paragraph (7) substitute—

“(7) A scheme maintained by a local education authority under section 48(1) shall be published in such manner as may be prescribed—

- (a) on its coming into force as revised under this Schedule, and
- (b) on such other occasions as may be prescribed.”

(5) For paragraph 2 substitute—

“2A (1) A local education authority may, in accordance with this paragraph, revise the whole or part of the scheme maintained by them under section 48(1).

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- (2) In revising the scheme, the local education authority shall take into account any guidance given by the Secretary of State, whether—
- (a) generally, or
 - (b) in relation to that authority or any class or description of local education authorities to which that authority belongs,
- as to the provisions the Secretary of State regards as appropriate for inclusion in the scheme.
- (3) As regards any proposed variation of the scheme, the authority—
- (a) shall first consult the governing body and head teacher of every school maintained by the authority (within the meaning of this Chapter), and
 - (b) shall then submit a copy of their proposals to the authority's schools forum for their approval.
- 2B (1) Regulations may make provision preventing schemes as revised from coming into force unless they are approved in accordance with the regulations by the local education authority's schools forum or by the Secretary of State.
- (2) The regulations may in particular—
- (a) prescribe circumstances in which proposals which have been submitted to a local education authority's schools forum may be submitted to the Secretary of State,
 - (b) enable the schools forum or the Secretary of State to approve proposals with modifications, and
 - (c) enable the schools forum or the Secretary of State, in giving their or his approval, to specify the date on which the scheme as revised is to come into force.”

Commencement Information

- I11** Sch. 5 para. 5 in force at 8.2.2007 for E. by [S.I. 2006/3400, art. 4\(c\)](#)
I12 Sch. 5 para. 5 in force at 15.3.2010 for specified purposes for W. by [S.I. 2010/736, art. 2\(b\)](#) (with art. 4)
I13 Sch. 5 para. 5 in force at 2.4.2010 for W. in so far as not already in force by [S.I. 2010/736, art. 3\(c\)](#) (with art. 4)

- 6 In Schedule 15 to SSFA 1998 (suspension of financial delegation), the following provisions (which confer on the governing body a right to appeal to the Secretary of State or the Assembly or relate to that right of appeal) are omitted—
- (a) paragraph 1(4) and (6),
 - (b) paragraph 2(5), and
 - (c) paragraph 3.

Commencement Information

- I14** Sch. 5 para. 6 in force at 8.2.2007 for E. by [S.I. 2006/3400, art. 4\(c\)](#)
I15 Sch. 5 para. 6 in force at 2.4.2010 for W. by [S.I. 2010/736, art. 3\(c\)](#)

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2006/2990 art. 4 by [S.I. 2008/54 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2007/935 art. 7(n) by [S.I. 2007/1271 art. 4](#)
- specified provision(s) transitional provisions for earlier commencing SI 2007/935 by [S.I. 2007/1271 art. 5](#)

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. 11A inserted by [2010 c. 26 s. 7](#)
- s. 88(A1) inserted by [2015 c. 20 Sch. 16 para. 1\(2\)](#)
- s. 93A inserted by [2009 c. 22 s. 246](#)
- s. 93A(7) words inserted by [S.I. 2016/413 reg. 235](#) (This amendment comes into force on the day that section 93A of the Education and Inspections Act 2006 (c. 40) comes into force. That provision is still prospective)
- s. 162(5A)(aa) inserted by [2010 nawm 1 Sch. 1 para. 20\(a\)](#)