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STATUTORY INSTRUMENTS

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**1992 No. 164**

**The Education (Application of Financing Schemes to Special Schools) Regulations 1992**

**Application to special schools of Chapter III of Part 1 of 1988 Act**

2.—(1) A local education authority may determine that the schools required to be covered in either or both of the financial years beginning in 1992 and 1993 by a scheme made by the authority shall be taken to include the authority's special schools.

(2) The schools required to be covered in the financial year beginning in 1994 and in subsequent financial years by a scheme made by a local education authority shall include the authority's special schools.

(3) Subject to regulation 4 below, where, by virtue of—

- (a) a determination under paragraph (1) above; or
- (b) paragraph (2) above, be covered in any financial year by a scheme made by the authority, the provisions of Chapter III of Part I of the 1988 Act (other than sections 33 and 49 and Schedule 4) shall have effect, in relation to that authority, as if any reference contained in those provisions to a county school maintained by an authority included a reference to a special school of that authority.

(4) Where a new school is included in the special schools of a local education authority which are required (by virtue of a determination under paragraph (1) above or by virtue of paragraph (2) above) to be covered by a scheme—

- (a) paragraphs 2(2) to (10) of Schedule 4 to that Act (which make provision as to the application of schemes in relation to new schools) shall apply in relation to that school as they apply in relation to a school to which paragraph 1 of that Schedule applies; and
- (b) the following provisions of that Schedule, that is to say—

(i) paragraph 4(6)(a)

(articles of government of new school to indicate that certain provisions are superseded); and

(ii) paragraph 7(2)

(articles of government of new school to contain statement of any inconsistency between articles and Chapter III of Part I of the 1988 Act), any reference to a county school included a reference to a special school.

(5) In this regulation references, in relation to a financial year, to the special schools of a local education authority are references to—

- (a) any special school maintained by that authority at the beginning of that year;
- (b) any new school that is established, at any time during that year, as a special school maintained by that authority; and
- (c) any school proposed to be established by that authority which will be a special school and which has a temporary governing body during the whole or any part of that year.