
STATUTORY INSTRUMENTS

1993 No. 3104

The Education (Application of Financing Schemes to Special Schools) Regulations 1993

Application to special schools of Chapter III of Part I of the 1988 Act

2.—(1) 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.

(2) Where, by virtue of—

- (a) a determination under regulation 2(1) of the 1992 Regulations; or
- (b) paragraph (1) above,

the special schools of a local education authority are required to 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.

(3) Where a new school is included in the special schools of a local education authority which are required (by virtue of a determination under regulation 2(1) of the 1992 Regulations or by virtue of paragraph (1) above) to be covered by a scheme—

- (a) paragraph 2(2) to (5), (9) and (10) of Schedule 4 to that Act⁽¹⁾ (which makes provision as to the application of schemes in relation to new schools) shall apply in relation to that school as it applies in relation to a school to which paragraph 1 of that Schedule applies;
- (b) paragraph 2(6) of that Schedule shall so apply, and paragraph 4(1) of that Schedule shall have effect in relation to that authority's schools, as if the reference in each paragraph to the delegation requirement under a scheme were a reference to any requirement under a scheme made by virtue of regulation 3 below; and
- (c) 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 - (i) paragraph 4(6)(a) (articles of government of new school to indicate that certain provisions are superseded); and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),

shall have effect, in relation to that authority's schools, as if any reference to a county school included a reference to a special school.

(4) 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

⁽¹⁾ Paragraphs 2(3)(b) and (c) and (4)(b) and (c) are repealed by the Education Act 1993, section 307(3) and Schedule 21.

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- (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.