



School Standards and Framework Act 1998

1998 CHAPTER 31

PART II

NEW FRAMEWORK FOR MAINTAINED SCHOOLS

CHAPTER IV

FINANCING OF MAINTAINED SCHOOLS

Budgetary framework

[^{F1}45A Determination of specified budgets of [^{F2}local authority]

- (1) For the purposes of this Part, a [^{F2}local authority]'s “[^{F3}non-schools education budget]” for a [^{F4}relevant period] is the amount appropriated by the authority for meeting all [^{F5}education] expenditure by the authority in [^{F6}that period] of a class or description prescribed for the purposes of this subsection.

[In subsection (1) “relevant period” means a financial year or such other period as may ^{F7}(1A) be prescribed.]

- (2) For the purposes of this Part, a [^{F2}local authority]'s “schools budget” for a [^{F8}funding period] is the amount appropriated by the authority for meeting all [^{F9}education] expenditure by the authority in [^{F10}that period] of a class or description prescribed for the purposes of this subsection (which may include expenditure incurred otherwise than in respect of schools).

[The amount referred to in subsection (2) includes the amount of any grant which is ^{F11}(2A) appropriated, for meeting the expenditure mentioned in that subsection, in accordance with a condition which—

Status: Point in time view as at 05/05/2010.

Changes to legislation: School Standards and Framework Act 1998, Section 45A is up to date with all changes known to be in force on or before 18 June 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)

- (a) is imposed under section 16 of the Education Act 2002 (terms on which assistance under section 14 of that Act is given) or any other enactment, and
 - (b) requires that the grant be applied as part of the authority's schools budget for the funding period.]
- (3) For the purposes of this Part, a [^{F2}local authority]'s "individual schools budget" for a [^{F12}funding period] is the amount remaining after deducting from the authority's schools budget for [^{F13}that period] such planned [^{F14}education] expenditure by the authority in respect of [^{F13}that period] as they may determine should be so deducted in accordance with regulations.
- (4) Regulations under subsection (3) may—
- (a) prescribe classes or descriptions of expenditure which are authorised or required to be deducted from an authority's schools budget;
 - (b) provide, in relation to any prescribed class or description of expenditure specified in the regulations, that such expenditure may only be deducted subject to either or both of the following, namely—
 - (i) such limit or limits (however framed) as may be specified by or determined in accordance with the regulations, and
 - (ii) such other conditions as may be so specified or determined.
- [Regulations under subsection (3) may also make provision—
- ^{F15}(4A) (a) enabling any expenditure falling outside any classes or descriptions of expenditure prescribed by virtue of subsection (4)(a) to be deducted from the authority's schools budget if the deduction of such expenditure is authorised, on the application of the authority, by the authority's schools forum or the Secretary of State, and
- (b) enabling any limit or condition that would otherwise apply by virtue of subsection (4)(b)(i) or (ii) to be varied or excluded, on the application of the authority, by the authority's schools forum or the Secretary of State.]
- [For the purposes of this Part, the duty imposed on a local authority in England by ^{F16}(4B) section 7(1) of the Childcare Act 2006 (duty to secure prescribed early years provision free of charge) is to be treated as [^{F17}an education function of the authority].]
- ^{F18}(5)
- ^{F18}(6)
- [In this section "education expenditure" means expenditure incurred by a local ^{F19}(7) authority in connection with the performance of their education functions.]]

Textual Amendments

- F1** S. 45A inserted (1.10.2002 for E., 4.12.2003 for W.) by [Education Act 2002 \(c. 32\)](#), **ss. 41(1)**, 216(4) (with **ss. 210(8)**, 214(4)); [S.I. 2002/2439](#), art. 3 (with art. 4, [Sch. para. 1](#)); [S.I. 2003/2961](#), art. 5, [Sch. Pt. II](#)
- 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. 10(2)** (with [Sch. 2 para. 10\(4\)](#))
- F3** Words in s. 45A(1) 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. 10(6)(a)(i)**
- F4** Words in s. 45A(1) substituted (1.11.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), **Sch. 16 para. 3(2)(a)** (with s. 119); [S.I. 2005/2034](#), art. 8

Status: Point in time view as at 05/05/2010.

Changes to legislation: School Standards and Framework Act 1998, Section 45A is up to date with all changes known to be in force on or before 18 June 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)

- F5** Word in s. 45A(1) inserted (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. 10(6)(a)(ii)**
- F6** Words in s. 45A(1) substituted (1.11.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 16 para. 3(2)(b)** (with s. 119); S.I. 2005/2034, art. 8
- F7** S. 45A(1A) inserted (1.11.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 16 para. 3(3)** (with s. 119); S.I. 2005/2034, art. 8
- F8** Words in s. 45A(2) substituted (1.11.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 16 para. 3(4)(a)** (with s. 119); S.I. 2005/2034, art. 8
- F9** Word in s. 45A(2) inserted (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. 10(6)(b)**
- F10** Words in s. 45A(2) substituted (1.11.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 16 para. 3(4)(b)** (with s. 119); S.I. 2005/2034, art. 8
- F11** S. 45A(2A) inserted (1.11.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 16 para. 3(5)** (with s. 119); S.I. 2005/2034, art. 8
- F12** Words in s. 45A(3) substituted (1.11.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 16 para. 3(6)(a)** (with s. 119); S.I. 2005/2034, art. 8
- F13** Words in s. 45A(3) substituted (1.11.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 16 para. 3(6)(b)** (with s. 119); S.I. 2005/2034, art. 8
- F14** Word in s. 45A(3) inserted (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. 10(6)(c)**
- F15** S. 45A(4A) inserted (1.11.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 16 para. 3(7)** (with s. 119); S.I. 2005/2034, art. 8
- F16** S. 45A(4B) inserted (12.1.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), **ss. 202(2), 269(4)**; S.I. 2009/3317, art. 2, **Sch.**
- F17** Words in s. 45A(4B) 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. 10(6)(d)**
- F18** S. 45A(5)(6) repealed (1.11.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), Sch. 16 para. 3(8), **Sch. 19 Pt. 4** (with s. 119); S.I. 2005/2034, art. 8
- F19** S. 45A(7) added (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. 10(6)(e)**

Modifications etc. (not altering text)

- C1** S. 45A savings for effects of 2002 c. 32, s. 41(1) (W.) (19.11.2003) by The Education Act 2002 (Transitional Provisions and Consequential Amendments) (No.2) (Wales) Regulations 2003 (S.I. 2003/2959), regs. 1(1), **3**

Status:

Point in time view as at 05/05/2010.

Changes to legislation:

School Standards and Framework Act 1998, Section 45A is up to date with all changes known to be in force on or before 18 June 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.