

1999 No. 711

EDUCATION, ENGLAND AND WALES

**The Education (References to Delegated Budgets and
Revocation) Regulations 1999**

<i>Made</i> - - - -	<i>10th March 1999</i>
<i>Laid before Parliament</i>	<i>11th March 1999</i>
<i>Coming into force</i>	<i>1st April 1999</i>

In exercise of the powers conferred on the Secretary of State by section 144(1) and (2)(g) of the School Standards and Framework Act 1998(a), the Secretary of State for Education and Employment, as regards England, and the Secretary of State for Wales, as regards Wales, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Education (References to Delegated Budgets and Revocation) Regulations 1999 and shall come into force on 1st April 1999.

(2) In these Regulations “the 1996 Act” means the Education Act 1996(b) and “the 1998 Act” means the School Standards and Framework Act 1998.

Modification of the 1996 Act and other statutory provisions

2. The provisions referred to in Schedule 1 hereto shall have effect as if—

- (a) references, however framed, in those provisions to a school (either of a particular type or description, or without qualification) which has a delegated budget were references to such a school which has a delegated budget within the meaning of Part II of the 1998 Act; and
- (b) references, however framed, in those provisions to a school (either of a particular type or description, or without qualification) which does not have a delegated budget were references to such a school which does not have a delegated budget within the meaning of Part II of the 1998 Act.

3. Section 129 of the 1996 Act shall have effect as if for subsection (1) there were substituted—

“(1) During any period when a school has a delegated budget within the meaning of Part II of the School Standards and Framework Act 1998, any provisions of the articles of government of the school which are inconsistent with the operation during that period of any provisions of Chapter IV of Part II of that Act or of the local education authority’s scheme under section 48 of that Act shall be of no effect to the extent of the inconsistency.”.

4. References in sections 136 and 140 of, and Schedule 14 to, the 1996 Act to a county school with a delegated budget shall include a maintained special school with a delegated budget within the meaning of Part II of the 1998 Act.

(a) 1998 c. 31. For the meaning of “regulations” see section 142(1).

(b) 1996 c. 56.

5.—(1) Notwithstanding the repeal of Chapter V of Part II of the 1996 Act on 1st April 1999(a), a scheme such as is mentioned in section 101(1) of that Act which provides for the application of sections 136(2), 137(6) and 139 of, and Schedule 14 to, that Act as referred to in section 140(3) of that Act, shall continue to apply for the purpose of applying those provisions or “the relevant staffing provisions” as defined in section 56(4) of the 1998 Act.

(2) Where, in relation to the period beginning on 1st April 1999, a local education authority wish to make new provision for the application of sections 136(2) and 137(6) of, and Schedule 14 to, the 1996 Act and section 57 of the 1998 Act(b) as referred to in section 140(3) of the 1996 Act, whether or not such provision has previously been made by a scheme referred to in section 101(1) of that Act, they may do so by making a determination under this regulation and giving notice of it in writing to the governing body of the school.

6. Paragraph 2(3) of Schedule 7 to the 1996 Act shall have effect as if for sub-paragraph (b) there were substituted—

“(b) any provisions of a scheme under section 48 of the School Standards and Framework Act 1998 which relates to the school.”.

7. The Education (School Government) Regulations 1989(c) shall have effect as if for paragraph 2(4)(b)(ii) of the Schedule there were substituted—

“(ii) the management of the school’s budget share within the meaning of Part II of the School Standards and Framework Act 1998;”.

8. The Education (Modification of Enactments relating to Employment) Order 1998(d) shall have effect as if for article 2(3) there were substituted—

“(3) References to “governing bodies with delegated budgets” are references to such a governing body having a right to a delegated budget within the meaning of Part II of the School Standards and Framework Act 1998.”.

Revocation

9. The orders and regulations set out in Schedule 2 hereto are hereby revoked.

10th March 1999

Estelle Morris
Minister of State,
Department for Education and Employment

10th March 1999

Peter Hain
Parliamentary Under Secretary of State,
Welsh Office

(a) See S.I. 1998/2212 (C. 49).

(b) Section 57 of the 1998 Act is a repeal and re-enactment of section 139 of the 1996 Act and applies in relation to county, voluntary and maintained special schools by virtue of S.I. 1999/638.

(c) S.I. 1989/1503.

(d) S.I. 1998/218.

SCHEDULE 1

Regulation 2

Sections 133, 134, and 136 to 140 of, and Schedule 14 and Parts I and IV of Schedule 19 to, the 1996 Act.

The Local Government (Discretionary Payments) Regulations 1996**(a)**.

The Education (Teachers) Regulations 1993**(b)**.

The Education (School Inspection) (Wales) Regulations 1998**(c)**.

SCHEDULE 2

Regulation 9

REVOCATIONS

The Education (Pre-Scheme Financial Statements) Regulations 1989	S.I. 1989/370
The Education (Pre-Scheme Financial Statements) (Amendment) Regulations 1989	S.I. 1989/1288
The Education (Publication of Schemes for Financing Schools) Regulations 1993	S.I. 1993/3070
The Education (Application of Financing Schemes to Special Schools) Regulations 1993	S.I. 1993/3104
The Education (Financial Delegation to Schools) (Mandatory Exceptions) Regulations 1995	S.I. 1995/178
The Education (Financial Delegation to Schools) (Mandatory Exceptions) (Revocation and Amendment) Regulations 1996	S.I. 1996/395
The Local Government Changes for England (Local Management of Schools) Regulations 1995	S.I. 1995/3114
The Education (Significant Variations of Schemes for Financing Schools) Order 1993	
The Education (Significant Variations of Schemes for Financing Schools) (Amendment) Order 1994	

(a) S.I. 1996/1680.

(b) S.I. 1993/543, amended by S.I. 1994/222, 1995/602 and 2594, 1996/1603, 1997/368 and 2679 and 1998/1584.

(c) S.I. 1998/1866.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations modify certain references to “delegated budget” and “budget share” in the Education Act 1996 and in other statutory provisions so as to take into account the coming into force of Chapter IV of Part II of the School Standards and Framework Act 1998 on 1st April 1999. They also provide for the continued operation of schemes made by local education authorities in relation to the staffing of non-school activities at county, voluntary and maintained special schools (*regulation 5*).

These Regulations also revoke a number of orders and regulations which are spent.

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