STATUTORY INSTRUMENTS

2002 No. 2868

EDUCATION, ENGLAND

The Financing of Maintained Schools (England) (Amendment No. 3) Regulations 2002

Made - - - -	*15th November 2002*
Laid before Parliament	*26th November 2002*
Coming into force - -	*17th December 2002*

In exercise of the powers conferred upon the Secretary of State by section 47 of the School Standards and Framework Act 1998(**a**) the Secretary of State for Education and Skills hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Financing of Maintained Schools (England) (Amendment No. 3) Regulations 2002 and shall come into force on 17th December 2002.

(2) These Regulations shall apply only in relation to England.

Revocation of the Financing of Maintained Schools (England) (Amendment No. 2) Regulations 2002

2. The Financing of Maintained Schools (England) (Amendment No. 2) Regulations 2002(**b**) are hereby revoked.

Amendment of the Financing of Maintained Schools (England) Regulations 2002

3.—(1) The Financing of Maintained Schools (England) Regulations 2002(**c**) shall be amended as follows.

(2) After the words "In this regulation" in regulation 17(4), there shall be inserted "and in regulation 17A".

(3) The following shall be inserted after regulation 17:-

> "17A.-(1) A secondary school's budget share for the financial year beginning on 1st April 2002 shall be redetermined by 31 March 2003 or, if earlier, within one month of the receipt by the local education authority of written notification from the LSC of a revised allocation

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(**a**) 1998 c.31. By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) the powers conferred by these provisions are exercisable by the Secretary of State only in relation to England. For the meaning of "prescribed" and "regulations" see section 142(1).
(**b**) S.I. 2002/2763.
(**c**) S.I. 2002/377.

("the revised allocation") in respect of the sum referred to in paragraph (1) of regulation 17 ("the original amount").

(2) Any redetermination under paragraph (1) shall be carried out by:

(a) deducting from the budget share the original amount;

(b) adding to the budget share the revised allocation;

(c) adding to the budget share an amount equal to any deduction made in respect of that school under regulation 17(3)(b).

(3) If the revised allocation exceeds the revised Real Terms Guarantee amount for the school, and the local education authority, in its initial determination of the budget share, made a deduction under regulation 17(3)(b), then the local education authority may deduct from the total sum added to the budget share under paragraph (2), an amount not exceeding:

(a-b) * (c/d)

where:

a = the revised allocation for the school in question

b = the revised Real Terms Guarantee amount for the school in question

c = the amount deducted by the local education authority under regulation 17(3)(b) in its initial determination

d = the difference between the original Real Terms Guarantee amount for the school and the original amount

(4) Where

(a) the revised allocation exceeds the revised Real Terms Guarantee amount for the school;

(b) regulation 17(3)(b) did not apply to the initial determination of the school's budget share because the original amount did not exceed the original Real Terms Guarantee amount; and

(c) the authority made a deduction under regulation 17(3)(b) in respect of other maintained schools,

the authority may deduct from the total sum added to the budget share under paragraph (2), an amount not exceeding:

(a-b) * (c/d)

where:

a = the revised allocation for the school in question

b = the revised Real Terms Guarantee amount for the school in question

c = the total amounts deducted by the local education authority under regulation 17(3)(b) in its initial determination of maintained schools' budget shares

d = the total difference between the original Real Terms Guarantee amounts and the original amounts for those schools in the determination of whose budget shares a deduction was made under regulation 17(3)(b).

(5) Where

(a) the revised allocation exceeds the revised Real Terms Guarantee amount for the school;

(b) regulation 17(3)(b) did not apply to the initial determination of the school's budget share because the original amount did not exceed the original Real Terms Guarantee amount; and

(c) the original amount did not exceed the original Real Terms Guarantee amount for any other school maintained by the authority,

then the authority may deduct from the total sum added to the budget share under paragraph (2), an amount not exceeding:

$$(a-b) * (2/3)$$

where:

a = the revised allocation for the school in question

b = the revised Real Terms Guarantee amount for the school in question.

(6) In this regulation, a reference to the "revised Real Terms Guarantee amount" is a reference to the amount of the Real Terms Guarantee amount in respect of the revised allocation.".

David Miliband
Minister of State,
Department for Education and Skills

15th November 2002

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke the Financing of Maintained Schools (England) (Amendment No. 2) Regulations 2002 and further amend the Financing of Maintained Schools (England) Regulations 2002. They provide for the redetermination of a school's budget share in accordance with a specific formula in the event of the revision by the Learning and Skills Council of the amount allocated in respect of a school's sixth form.

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