



# School Standards and Framework Act 1998

## 1998 CHAPTER 31

### PART II

#### NEW FRAMEWORK FOR MAINTAINED SCHOOLS

#### CHAPTER I

#### INTRODUCTORY

#### *The new categories of schools*

### 22 Maintenance and other funding of schools. **E**

- (1) A [<sup>F1</sup>local authority] are under a duty to maintain the following schools—
- any maintained schools which they are required to maintain by virtue of section 20(4) or (5);
  - any maintained schools established by them<sup>F2</sup>...;
  - any maintained schools established in their area<sup>F3</sup>... otherwise than by them or any other [<sup>F1</sup>local authority]; and
  - any maintained nursery school established by them.
- [<sup>F4</sup>(2) Subsection (1) has effect subject to any statutory provision authorising the discontinuance of a maintained school or maintained nursery school.]
- (3) In the case of a community school, a community special school or a maintained nursery school, the [<sup>F1</sup>local authority]'s duty to maintain the school includes—
- the duty of defraying all the expenses of maintaining it, and
  - the duty of making premises available to be used for the purposes of the school.

*Status: There are multiple versions of this provision on screen. These apply to different geographical extents. **Skip to:** E - England extent W - Wales extent*

*Changes to legislation: School Standards and Framework Act 1998, Section 22 is up to date with all changes known to be in force on or before 08 May 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) View outstanding changes*

- (4) In the case of a foundation, voluntary controlled or foundation special school, the [<sup>F1</sup>local authority]’s duty to maintain the school includes—
- (a) the duty of defraying all the expenses of maintaining it, and
  - (b) the duty, [<sup>F5</sup>under any enactment of providing new premises for the school].
- (5) In the case of a voluntary aided school, the [<sup>F1</sup>local authority]’s duty to maintain the school includes—
- (a) the duty of defraying all the expenses of maintaining it, except any [<sup>F6</sup>expenditure that by virtue of paragraph 3 of Schedule 3 is to be met] by the governing body, and
  - (b) the duty, [<sup>F7</sup>under any enactment of providing new premises for the school].
- (6) For the purposes of this Act the expenses of maintaining a foundation, voluntary or foundation special school include the payment of rates.
- (7) Schedule 3 (which makes provision as to the functions of governing bodies, [<sup>F8</sup>local authorities] and the Secretary of State as to the funding of foundation, voluntary and foundation special schools) shall have effect.
- (8) In this Act—
- (a) in relation to a school maintained (or proposed to be maintained) by a [<sup>F1</sup>local authority], “the [<sup>F1</sup>local authority]” means that authority; and
  - (b) in relation to schools falling within subsections (3) to (6), “maintain” shall be read in accordance with those subsections.
- (9) In this Act “maintained nursery school” means a nursery school which is maintained by a [<sup>F1</sup>local authority] and is not a special school.

#### Extent Information

**E1** This version of this provision extends to England only; a separate version has been created for Wales.

#### Textual Amendments

- F1** 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))
- F2** Words in s. 22(1)(b) repealed (19.12.2002 for W., 1.4.2003 for E.) by Education Act 2002 (c. 32), s. 216(4), Sch. 21 para. 96(2)(a), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 4, Sch. Pt. 1; S.I. 2003/124, art. 4
- F3** Words in s. 22(1)(c) repealed (19.12.2002 for W., 1.4.2003 for E.) by Education Act 2002 (c. 32), s. 216(4), Sch. 21 para. 96(2)(b), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 4, Sch. Pt. 1; S.I. 2003/124, art. 4
- F4** S. 22(2) substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 3 para. 15**; S.I. 2007/935, art. 7(o)
- F5** Words in s. 22(4)(b) substituted (19.12.2002 for W., 1.4.2003 for E.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 96(3)** (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 4, Sch. Pt. 1; S.I. 2003/124, art. 4
- F6** Words in s. 22(5)(a) substituted (E.) (1.4.2002) by The Regulatory Reform (Voluntary Aided Schools Liabilities and Funding) (England) Order 2002 (S.I. 2002/906), **art. 3**
- F7** Words in s. 22(5)(b) substituted (19.12.2002 for W., 1.4.2003 for E.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 96(4)** (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 4, Sch. Pt. 1; S.I. 2003/124, art. 4

*Status:* There are multiple versions of this provision on screen. These apply to different geographical extents. *Skip to:* E - England extent W - Wales extent

*Changes to legislation:* School Standards and Framework Act 1998, Section 22 is up to date with all changes known to be in force on or before 08 May 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) View outstanding changes

**F8** 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(3) (with Sch. 2 para. 10(4))

## 22 Maintenance and other funding of schools. **W**

- (1) A [<sup>F1</sup>local authority] are under a duty to maintain the following schools—
- (a) any maintained schools which they are required to maintain by virtue of section 20(4) or (5);
  - <sup>F9</sup>(b) any maintained schools established by them <sup>F10</sup>. . . ;
  - <sup>F11</sup>(c) any maintained schools established in their area <sup>F12</sup>. . . otherwise than by them or any other [<sup>F1</sup>local authority]; and
  - (d) any maintained nursery school established by them.

[<sup>F4</sup>(2) Subsection (1) has effect subject to any statutory provision authorising the discontinuance of a maintained school or maintained nursery school.]

- (3) In the case of a community school, a community special school or a maintained nursery school, the [<sup>F1</sup>local authority]'s duty to maintain the school includes—
- (a) the duty of defraying all the expenses of maintaining it, and
  - (b) the duty of making premises available to be used for the purposes of the school.
- (4) In the case of a foundation, voluntary controlled or foundation special school, the [<sup>F1</sup>local authority]'s duty to maintain the school includes—
- (a) the duty of defraying all the expenses of maintaining it, and
  - <sup>F13</sup>(b) the duty, [<sup>F14</sup>under any enactment of providing new premises for the school].
- (5) In the case of a voluntary aided school, the [<sup>F1</sup>local authority]'s duty to maintain the school includes—
- (a) the duty of defraying all the expenses of maintaining it, except any expenses that by virtue of paragraph 3 of Schedule 3 are payable by the governing body, and
  - <sup>F15</sup>(b) the duty, [<sup>F16</sup>under any enactment of providing new premises for the school].
- (6) For the purposes of this Act the expenses of maintaining a foundation, voluntary or foundation special school include the payment of rates.
- (7) Schedule 3 (which makes provision as to the functions of governing bodies, [<sup>F8</sup>local authorities] and the Secretary of State as to the funding of foundation, voluntary and foundation special schools) shall have effect.
- (8) In this Act—
- (a) in relation to a school maintained (or proposed to be maintained) by a [<sup>F1</sup>local authority], “the [<sup>F1</sup>local authority]” means that authority; and
  - (b) in relation to schools falling within subsections (3) to (6), “maintain” shall be read in accordance with those subsections.
- (9) In this Act “maintained nursery school” means a nursery school which is maintained by a [<sup>F1</sup>local authority] and is not a special school.

*Status:* There are multiple versions of this provision on screen. These apply to different geographical extents. *Skip to:* E - England extent W - Wales extent

*Changes to legislation:* School Standards and Framework Act 1998, Section 22 is up to date with all changes known to be in force on or before 08 May 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) View outstanding changes

### Extent Information

- E2** This version of this provision extends to Wales only; a separate version has been created for England.

### Textual Amendments

- F1** 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))
- F4** S. 22(2) substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 3 para. 15**; S.I. 2007/935, art. 7(o)
- F8** 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(3)** (with Sch. 2 para. 10(4))
- F9** Words in s. 22(1)(b) repealed (19.12.2002 for W., 1.4.2003 for E.) by Education Act 2002 (c. 32), s. 216(4), Sch. 21 para. 96(2)(a), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 4, Sch. Pt. 1; S.I. 2003/124, art. 4
- F10** Words in s. 22(1)(b) repealed (19.12.2002 for W.) by Education Act 2002 (c. 32), ss. 215(1)(2), 216, Sch. 21 para. 96(2)(a), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 4, Sch. Pt. 1
- F11** Words in s. 22(1)(c) repealed (19.12.2002 for W., 1.4.2003 for E.) by Education Act 2002 (c. 32), s. 216(4), Sch. 21 para. 96(2)(b), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 4, Sch. Pt. 1; S.I. 2003/124, art. 4
- F12** Words in s. 22(1)(c) repealed (19.12.2002 for W.) by Education Act 2002 (c. 32), ss. 215(1)(2), 216, Sch. 21 para. 96(2)(b), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 4, Sch. Pt. 1
- F13** Words in s. 22(4)(b) substituted (19.12.2002 for W., 1.4.2003 for E.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 96(3)** (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 4, Sch. Pt. 1; S.I. 2003/124, art. 4
- F14** Words in s. 22(4)(b) substituted (19.12.2002 for W.) by Education Act 2002 (c. 32), ss. 215(1), 216, **Sch. 21 para. 96(3)** (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 4, Sch. Pt. 1
- F15** Words in s. 22(5)(b) substituted (19.12.2002 for W., 1.4.2003 for E.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 96(4)** (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 4, Sch. Pt. 1; S.I. 2003/124, art. 4
- F16** Words in s. 22(5)(b) substituted (19.12.2002 for W.) by Education Act 2002 (c. 32), ss. 215(1), 216, **Sch. 21 para. 96(4)** (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 4, Sch. Pt. 1

**Status:**

There are multiple versions of this provision on screen. These apply to different geographical extents.

**Skip to:**

- E - England extent
- W - Wales extent

**Changes to legislation:**

School Standards and Framework Act 1998, Section 22 is up to date with all changes known to be in force on or before 08 May 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.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(3)(aa) inserted by [2011 nawm 7 s. 16\(2\)](#) (Amendment not applied to [legislation.gov.uk](#) - s.16(02) of 2011 nawm007 omitted by 2013 nawm001 s. 100(4), Sch. 5 para. 13(2); S.I. 2014/178, art. 2(f) (with art. 3) prior to commencement)
- s. 18B inserted by [2011 nawm 7 s. 16\(3\)](#) (Amendment not applied to [legislation.gov.uk](#) - s.16(02) of 2011 nawm007 omitted by 2013 nawm001 s. 100(4), Sch. 5 para. 13(2); S.I. 2014/178, art. 2(f) (with art. 3) prior to commencement)
- Sch. 22 para. 5(1B) inserted by [2023 c. 55 s. 235\(4\)](#)