



# School Standards and Framework Act 1998

## 1998 CHAPTER 31

### PART II

#### NEW FRAMEWORK FOR MAINTAINED SCHOOLS

#### CHAPTER IV

##### FINANCING OF MAINTAINED SCHOOLS

##### *Financial delegation*

#### **50 Effect of financial delegation.**

- (1) Where a maintained school has a delegated budget in respect of the whole or part of a [<sup>F1</sup>funding period] the [<sup>F2</sup>local authority] shall secure that in respect of [<sup>F3</sup>that period] there is available to be spent by the governing body—
  - (a) where the school has a delegated budget in respect of the whole of that [<sup>F4</sup>period], a sum equal to the school's budget share for the [<sup>F4</sup>period], or
  - (b) where the school has a delegated budget in respect of only part of that [<sup>F5</sup>period], a sum equal to that portion of the school's budget share for the [<sup>F5</sup>period] which has not been spent.
- (2) The times at which, and the manner in which, any amounts are made available by the authority to the governing body in respect of any such sum shall be such as may be provided by or under the scheme.
- (3) Subject to any provision made by or under the scheme, the governing body may spend any such amounts as they think fit—
  - (a) for any purposes of the school; or

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- (b) (subject also to any prescribed conditions) for such purposes as may be prescribed.

[<sup>F6</sup>(3A) In the case of a school in England—

- (a) subject to regulations under paragraph (b) below, subsection (3)(a) has effect as if amounts spent on providing facilities or services under section 27 of the Education Act 2002 (power of governing body to provide community facilities etc) were spent for purposes of the school;
- (b) regulations may impose restrictions as to the matters on which amounts may be spent under subsection (3)(a).]

- (4) [<sup>F7</sup>In the case of a school in Wales, “purposes of the school” in subsection (3)] does not include purposes wholly referable to the provision of—

- [<sup>F8</sup>(za) facilities and services under section 27 of the Education Act 2002 (power of governing body to provide community facilities etc.),]
- (a) part-time education suitable to the requirements of persons of any age over compulsory school age, or
- (b) full-time education suitable to the requirements of persons who have attained the age of 19;

but any such purposes may be prescribed by regulations under paragraph (b) of that subsection.

- (5) Nothing in subsection (3) shall be read as authorising the payment of allowances to governors otherwise than in accordance with regulations [<sup>F9</sup>under section 19 of the Education Act 2002 (or, in the case of temporary governors of a new school, regulations under section 34(5) of that Act).]
- (6) The governing body may delegate to the head teacher, to such extent as may be permitted by or under the scheme, their powers under subsection (3) in relation to any amount such as is mentioned in that subsection.
- (7) The governors of a school shall not incur any personal liability in respect of anything done in good faith in the exercise or purported exercise of their powers under subsection (3) or (6).

#### Textual Amendments

- F1** Words in s. 50(1) substituted (1.11.2005 for E., 1.4.2010 for W.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 18 para. 8\(a\)](#) (with s. 119); S.I. 2005/2034, art. 8; S.I. 2010/735, art. 2(e)
- 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. 50(1) substituted (1.11.2005 for E., 1.4.2010 for W.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 18 para. 8\(b\)](#) (with s. 119); S.I. 2005/2034, art. 8; S.I. 2010/735, art. 2(e)
- F4** Word in s. 50(1)(a) substituted (1.11.2005 for E., 1.4.2010 for W.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 18 para. 8\(c\)](#) (with s. 119); S.I. 2005/2034, art. 8; S.I. 2010/735, art. 2(e)
- F5** Word in s. 50(1)(b) substituted (1.11.2005 for E., 1.4.2010 for W.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 18 para. 8\(c\)](#) (with s. 119); S.I. 2005/2034, art. 8; S.I. 2010/735, art. 2(e)
- F6** S. 50(3A) inserted (1.4.2011) by [Children, Schools and Families Act 2010 \(c. 26\)](#), [ss. 4\(2\)](#), 29(5) (with s. 27); S.I. 2010/1817, art. 4
- F7** Words in s. 50(4) substituted (1.4.2011) by [Children, Schools and Families Act 2010 \(c. 26\)](#), [ss. 4\(3\)](#), 29(5) (with s. 27); S.I. 2010/1817, art. 4

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- F8** S. 50(4)(za) inserted (2.9.2002 for E., 1.9.2003 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 3 para. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 4; S.I. 2003/1718, art. 5, Sch. Pt. II
- F9** Words in s. 50(5) substituted (1.9.2003 for E., 31.10.2005 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 21 para. 101](#) (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.

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#### Modifications etc. (not altering text)

- C1** Pt. 2 Ch. 4 applied (with modifications) (W.) (12.4.2010) by [The Federation of Maintained Schools and Miscellaneous Amendments \(Wales\) Regulations 2010 \(S.I. 2010/638\)](#), regs. 1(1), [74](#), [75](#)
- C2** Pt. 2 Ch. 4 applied (E.) (1.9.2012) by [The School Governance \(Federations\) \(England\) Regulations 2012 \(S.I. 2012/1035\)](#), regs. 1, [28](#) (with reg. 2)
- C3** Pt. 2 Ch. 4 applied (W.) (22.5.2014) by [The Federation of Maintained Schools \(Wales\) Regulations 2014 \(S.I. 2014/1132\)](#), regs. 1(1), [77](#), [78](#)
- C4** Ss. 49-51: power to modify conferred (1.4.2003 for E., 12.4.2010 for W.) by [Education Act 2002 \(c. 32\)](#), [ss. 25\(1\)\(b\)](#), 216(4) (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4; S.I. 2010/707, art. 3(d)
- C5** Ss. 49-51 modified (E.) (1.9.2012) by [The School Governance \(Federations\) \(England\) Regulations 2012 \(S.I. 2012/1035\)](#), regs. 1, [29](#), [Sch. 8](#) (with reg. 2)
- C6** Ss. 49-51: power to modify conferred (W.) (28.4.2014) by [Education \(Wales\) Measure 2011 \(nawm 7\)](#), [ss. 18](#), 33(2); S.I. 2014/1066, art. 2
- C7** S. 50 modified (W.) (22.5.2014) by [The Federation of Maintained Schools \(Wales\) Regulations 2014 \(S.I. 2014/1132\)](#), regs. 1(1), [78](#)

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#### Commencement Information

- I1** S. 50 wholly in force; s. 50 not in force at Royal Assent see s. 145(3); s. 50(3) and (4) in force at 1.10.1998 by [S.I. 1998/2212](#), art. 2, Sch. 1 Pt. I, [Sch. 2 Pt. I para. 1](#) and s. 50 in force at 1.4.1999 (so far as it is not already in force) by Sch. 1 Pt. IV of the same S.I.

**Changes to legislation:**

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**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\(4\)](#)