



Education Act 2002

2002 CHAPTER 32

PART 3

MAINTAINED SCHOOLS

CHAPTER 2

FINANCING OF MAINTAINED SCHOOLS

Determination of budgets

41 Determination of specified budgets of [F¹local authority]

(1) After section 45 of the School Standards and Framework Act 1998 there is inserted—

“45A Determination of specified budgets of [F¹local authority]

- (1) For the purposes of this Part, a [F¹local authority]’s “[F¹local authority] budget” for a financial year is the amount appropriated by the authority for meeting all expenditure by the authority in that year of a class or description prescribed for the purposes of this subsection.
- (2) For the purposes of this Part, a [F¹local authority]’s “schools budget” for a financial year is the amount appropriated by the authority for meeting all expenditure by the authority in that year of a class or description prescribed for the purposes of this subsection (which may include expenditure incurred otherwise than in respect of schools).
- (3) For the purposes of this Part, a [F¹local authority]’s “individual schools budget” for a financial year is the amount remaining after deducting from the authority’s schools budget for that year such planned expenditure by the authority in respect of that year as they may determine should be so deducted in accordance with regulations.

Changes to legislation: Education Act 2002, Cross Heading: Determination of budgets is up to date with all changes known to be in force on or before 15 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) 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.
- (5) Before the [^{F2}schools budget deadline] in any financial year, a [^{F1}local authority] shall—
 - (a) determine the proposed amount of their schools budget for the following financial year, and
 - (b) give notice of their determination to the Secretary of State and to the governing body of every school maintained by the authority.
- [^{F3}(6) For the purposes of this section and section 45B “the schools budget deadline” is—
 - (a) the end of December in the case of an authority in England, and
 - (b) the end of January in the case of an authority in Wales.”]

^{F4}(2)

(3) Section 46 of that Act (determination of [^{F1}local authority]’s local schools budget and individual schools budget) shall cease to have effect.

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. 11(2)**

F2 Words in s. 41 substituted (18.11.2003 for E., 27.11.2003 for W.) by [Local Government Act 2003 \(c. 26\)](#), s. 128(6), **Sch. 7 para. 66(3)**; S.I. 2003/2938, art. 3(a) (with art. 8, Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I

F3 Words in s. 41 inserted (18.11.2003 for E., 27.11.2003 for W.) by [Local Government Act 2003 \(c. 26\)](#), s. 128(6), **Sch. 7 para. 66(4)**; S.I. 2003/2938, art. 3(a) (with art. 8, Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I

F4 S. 41(2) repealed (1.11.2005 for E., 1.4.2010 for W.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), **Sch. 19 Pt. 4**; S.I. 2005/2034, art. 8; S.I. 2010/735, art. 2(f)

Commencement Information

I1 S. 41 partly in force; s. 41 not in force at Royal Assent, see s. 216; s. 41(1)(3) in force for E. at 1.10.2002 by [S.I. 2002/2439](#), **art. 3** (with transitional provisions and savings in [art. 4, Sch.](#))

I2 S. 41 in force at 4.12.2003 for W. by [S.I. 2003/2961](#), **art. 5, Sch. Pt. II**

^{F5}**42 Power of Secretary of State to set minimum schools budget**

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Textual Amendments

- F5** S. 42 repealed (1.11.2005 for E., 1.4.2010 for W.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 19 Pt. 4](#); [S.I. 2005/2034](#), art. 8; [S.I. 2010/735](#), art. 2(f)

43 Schools forums

After section 47 of the School Standards and Framework Act 1998 (c. 31) there is inserted—

“Schools forums

47A Schools forums

- (1) Every [^{F1}local authority] shall in accordance with regulations establish for their area before such date as may be prescribed a body, to be known as a schools forum, representing the governing bodies and head teachers of schools maintained by the authority and, if the authority so determine, also representing such bodies as the authority may from time to time in accordance with regulations determine.
- (2) Subsection (1) does not apply in relation to the Common Council of the City of London or the Council of the Isles of Scilly.
- (3) The purpose of a schools forum is to advise the relevant authority on such matters relating to the authority’s schools budget as may be prescribed by regulations under section 45A(3) or by regulations under this subsection.
- (4) Regulations under section 45A(3) or under subsection (3) may include provision requiring a relevant authority to have regard to advice given by their schools forum, or requiring a relevant authority to consult their schools forum in relation to prescribed matters or before taking prescribed decisions.
- (5) Regulations may make provision as to the constitution, meetings and proceedings of a schools forum.
- (6) Regulations made by virtue of subsection (5) may include provision enabling the Secretary of State in prescribed circumstances to remove from membership of a schools forum any non-schools member.
- (7) Regulations may make provision with respect to expenses of a schools forum.
- (8) Except as provided by regulations, the expenses of a schools forum shall be defrayed by the relevant authority.
- (9) In this section—
 - “non-schools member”, in relation to a schools forum, means a member other than a schools member;
 - “relevant authority”, in relation to a schools forum, means the [^{F1}local authority] by whom the forum is established;
 - “schools member”, in relation to a schools forum, means a member elected to represent governing bodies or head teachers of schools maintained by the relevant authority.”

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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. 11\(2\)](#)
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Commencement Information

- I3** S. 43 partly in force; s. 43 not in force at Royal Assent, see s. 216; s. 43 in force for E. at 2.9.2002 by [S.I. 2002/2002](#), [art. 4](#)
- I4** S. 43 in force at 1.11.2003 for W. by [S.I. 2003/1718](#), [art. 6](#), [Sch. Pt. III](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1 by [S.I. 2004/571 Sch.](#)
- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1A and 2 by [S.I. 2005/2570 art. 2](#)

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. 27(1A) inserted by [2010 c. 26 s. 4\(1\)](#)
- s. 29(2A)-(2D) inserted by [2009 c. 22 s. 260\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 250 omitted (1.9.2012) by virtue of 2011 c. 21, s. 29(9)(d); S.I. 2012/1087, art. 3)
- s. 29B inserted by [2008 c. 25 s. 157](#)
- s. 8585A substituted for s. 85 by [2006 c. 40 s. 74\(1\)](#)
- s. 85A amendment to earlier affecting provision 2006 c. 40 s. 74(1) by [2011 c. 21 s. 31\(2\)](#)
- s. 85A(5) words substituted by [2009 c. 22 Sch. 12 para. 34](#)
- s. 86(1) s. 86 renumbered as s. 86(1) by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 86(2) inserted by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 88(2)-(7) inserted by [2006 c. 40 s. 74\(3\)](#)
- s. 88(7) repealed by [S.I. 2010/1080 Sch. 1 para. 45Sch. 2 Pt. 1](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 88(2)-(7) by 2006 c. 40, s 74(3) was repealed without ever being brought into force.)
- s. 142(9)(b) words substituted by [S.I. 2010/1158 Sch. 2 para. 11\(10\)\(b\)](#)
- s. 210A inserted by [2008 c. 25 Sch. 1 para. 79](#)