WELSH STATUTORY INSTRUMENTS

2004 No. 2507 (W.225)

EDUCATION, WALES

The Education (LEA Financial Schemes) (Wales) Regulations 2004

Made - - - -	*21 September 2004*
Coming into force - -	*30 September 2004*

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred upon the Secretary of State by sections 48(1) and (2) and 138(7) and (8) of, and paragraph 1(7) of Schedule 14 to, the School Standards and Framework Act 1998(**1**) and now vested in the National Assembly for Wales(**2**).

Name, commencement and application

1.—(1) These Regulations are called the Education (LEA Financial Schemes) (Wales) Regulations 2004 and come into force on 30 September 2004.

(2) They apply only to financial years beginning after 31 March 2005.

(3) They apply only to Wales.

Interpretation

2.—(1) In these Regulations —

"the 1996 Act" ("*Deddf 1996*") means the Education Act 1996(**3**);

"the 1998 Act" ("*Deddf 1998*") means the School Standards and Framework Act 1998;

"budget share" ("*cyfran o'r gyllideb*") has the meaning given to it by section 47(1) of the 1998 Act;

"delegated budget" ("*cyllideb ddirprwyedig*") is to be construed in accordance with section 49(7) of the 1998 Act;

"governing body" ("*corff llywodraethu*") includes a temporary governing body and "governor" ("*llywodraethwr*") includes a member of a temporary governing body.

(**1**) 1998 c. 31. Section 48(1) and (2) was amended by paragraph 2 of Schedule 3 to the Education Act 2002, c. 32.
(**2**) *See* the National Assembly for Wales (Transfer of Functions) Order 1999, S.I.1999/672 and section 211 of the Education Act 2002.
(**3**) 1996 c. 56.

(2) In these Regulations, references to schools maintained by a local education authority (however framed) include only community schools, foundation schools, voluntary schools, community special schools and foundation special schools, maintained by the authority (including a proposed such school to be maintained by the authority which has a temporary governing body the arrangements for the constitution of which were made by the authority in compliance with the duty imposed on them by section 44(1)(**4**) of the 1998 Act or section 34(1) of the 2002 Act(**5**)).

Revocation

3. Regulations 25 to 28 of, and Schedule 5 to, the Financing of Maintained Schools Regulations 1999(**6**) are revoked on 1 April 2005.

Required content of schemes

4. A scheme prepared by a local education authority under section 48(1) of the 1998 Act must deal with the matters connected with the financing of schools maintained by the authority set out in the Schedule to these Regulations.

Manner of publication

5. For the purposes of paragraph 1(7) of Schedule 14 to the 1998 Act (prescribed manner of publication of schemes) a scheme must be published by the local education authority concerned on its coming into force and in the circumstances prescribed in regulation 6 by —

(a) furnishing a copy to the governing body and head teacher of each school maintained by the authority; and

(b) making a copy available for reference at all reasonable times and without charge —

(i) at the principal education office of the authority; and

(ii) at each school maintained by the authority or on a website which is maintained by the authority and accessible to the public.

Additional occasions when schemes require publication

6. For the purposes of paragraph 1(7)(b) of Schedule 14 to the 1998 Act (prescribed occasions on which publication of schemes is required) a scheme must be published by the local education authority concerned on the coming into force of any revision of it.

(**4**) Section 44(1) will be repealed by Schedule 22 to the Education Act 2002.
(**5**) Section 34(1) will be brought into force on a day to be appointed.
(**6**) S.I. 1999/101.