



# School Standards and Framework Act 1998

## 1998 CHAPTER 31

### PART VII

#### MISCELLANEOUS AND GENERAL

##### *Construction*

#### **141 Minor authorities.**

- (1) For the purposes of this Act a maintained school serves an area for which there are one or more minor authorities if the area served by the school is—
  - (a) a parish or community;
  - (b) an area in England which is not within a parish and is not situated in—
    - (i) a county for which there is no council, or
    - (ii) a county in which there are no district councils; or
  - (c) an area comprising two or more areas each of which falls within paragraph (a) or (b).
- (2) Where the area served by the school is a parish—
  - (a) the parish council (if there is one), or
  - (b) the parish meeting (if there is no parish council),is the minor authority in relation to the school.
- (3) Where the area served by the school is a community, the community council is the minor authority in relation to the school.
- (4) Where the area served by the school is an area falling within subsection (1)(b), any district council for the whole or part of the area is a minor authority in relation to the school.

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- (5) Where the area served by the school is an area falling within subsection (1)(c), each of the relevant authorities is a minor authority in relation to the school.
- (6) In subsection (5) “the relevant authorities” means the bodies which, if the two or more constituent areas referred to in subsection (1)(c) were taken separately, would be minor authorities in relation to the school.
- (7) References in this section to the area served by a school are references to the area appearing to the local education authority to be served by the school.

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

- C1** S. 141 applied with modification (3.12.1998 until the appointed day) by S.I. 1998/2763, **reg. 6(1)(2)**  
 S. 141 extended (10.3.1999) by S.I. 1999/362, **reg. 2(4)**.  
 S. 141 applied (with modifications) (10.3.1999) by S.I. 1999/362, **reg. 8(1)**.  
 S. 141 applied (with modifications) (10.3.1999) by S.I. 1999/362, **reg. 9(1)**.  
 S. 141 applied (with modifications) (10.3.1999) by S.I. 1999/362, **reg. 27(1)**.  
 S. 141 applied (with modifications) (10.3.1999) by S.I. 1999/362, **reg. 43(1)**.  
 S. 141 applied (with modifications) (1.9.1999) by S.I. 1999/2243, **reg. 32(1)(2)**.  
 S. 141 applied (with modifications) (1.9.1999) by S.I. 1999/2262, **reg. 32(1)(2)**.  
 S. 141 modified (1.9.1999) by S.I. 1999/2262, **reg. 32(2)**.

**142 General interpretation.**

- (1) In this Act, unless the context otherwise requires—

<sup>F1</sup> . . .

“Church in Wales school” means a [<sup>F2</sup>foundation or voluntary] school in the Province of Wales in relation to which the religion or religious denomination specified under section 69(4) is “Church in Wales” and “appropriate diocesan authority”, in relation to such a school, means the Diocesan Board of Finance for the diocese of the Church in Wales in which the school is situated or such other person as the Secretary of State may by order designate in respect of that diocese;

“Church of England school” means a [<sup>F2</sup>foundation or voluntary] school in the Province of Canterbury or York in relation to which the religion or religious denomination specified under section 69(4) is “Church of England” and “appropriate diocesan authority”, in relation to such a school, means the Diocesan Board of Education for the diocese of the Church of England in which the school is situated;

“community or foundation special school” means a community special school or a foundation special school;

“contract of employment”, “employee” and “employer” have the same meaning as in the <sup>M1</sup>Employment Rights Act 1996;

“employment” (except in section 92(4)) means employment under a contract of employment, and “employed” shall be construed accordingly;

[<sup>F3</sup>“exclude”, in relation to the exclusion of a child from a school, means exclude on disciplinary grounds (and “exclusion” shall be construed accordingly);

“foundation governor”, in relation to a foundation school, a foundation special school or a voluntary school, means a person appointed as a foundation

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governor in accordance with regulations under section 19 of the Education Act 2002;]

“maintained school” (except in Part III) has the meaning given by section 20(7);

“prescribed” means prescribed by regulations;

“reception class” means a class in which education is provided which is suitable to the requirements of pupils aged five and any pupils under or over that age whom it is expedient to educate with pupils of that age;

“regulations” means regulations made by the Secretary of State under this Act;

“relevant age group”, in relation to a school, means an age group in which pupils are normally admitted (or, as the case may be, will normally be admitted) to the school;

“Roman Catholic Church school” means a [F<sup>2</sup>foundation or voluntary] school in relation to which the religion or religious denomination specified under section 69(4) is “Roman Catholic” and “appropriate diocesan authority”, in relation to such a school, means the bishop of the Roman Catholic diocese in which the school is situated;

“school maintained by a local education authority”, in relation to any time on or after the appointed day, means a community, foundation or voluntary school, a community or foundation special school, a maintained nursery school or a pupil referral unit;

“statutory provision” means a provision contained in an Act or in subordinate legislation within the meaning of the <sup>M2</sup>Interpretation Act 1978.

- (2) Before making an order in respect of any diocese in Wales in exercise of the power conferred by the definition of “appropriate diocesan authority” the Secretary of State shall consult the bishop for the diocese.
- (3) Any reference in this Act to the religion or religious denomination specified in relation to a school under section 69(4) [F<sup>4</sup> or 124B(2)] shall be construed, in a case where more than one religion or religious denomination is so specified, as including a reference to any of those religions or religious denominations.
- (4) As a result of subsection (3), subsection (1) has the effect that a school may, for example, be both a Church of England school and a Roman Catholic Church school and so have a different appropriate diocesan authority in each of those capacities; and, in the case of a school with two appropriate diocesan authorities, any reference in this Act to “the appropriate diocesan authority” is—
  - (a) in relation to anything required to be done by or in relation to that authority, a reference to both of the authorities concerned; or
  - (b) in relation to anything authorised to be done by or in relation to that authority, a reference to either or both of the authorities concerned (or, in the context of section 16(6) or (8), to both of them acting together).
- (5) For the purposes of this Act children are to be regarded as admitted to a school for nursery education if they are or are to be placed on admission in a nursery class.
- (6) For the purposes of this Act references to disposing of land include references to—
  - (a) granting or disposing of any interest in land;
  - (b) entering into a contract to dispose of land or to grant or dispose of any such interest; and

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- (c) granting an option to purchase any land or any such interest.
- (7) For the purposes of this Act—
- (a) a person employed by a local education authority is to be regarded as employed to work at a school if his employment with the authority for the time being involves work at that school; and
  - (b) a person employed by a local education authority is to be regarded as employed to work solely at a school if his only employment with the authority (disregarding any employment under a separate contract with the authority) is for the time being at that school.
- (8) This Act shall be construed as one with the <sup>M3</sup>Education Act 1996; and (without prejudice to their generality) paragraphs 1 and 2 of Schedule 39 to that Act (construction of references etc.) apply to references in this Act to provisions of that Act.
- (9) Where, however, an expression is given for the purposes of any provision of this Act a meaning different from that given to it for the purposes of that Act, the meaning given for the purposes of that provision shall apply instead of the one given for the purposes of that Act.
- (10) Subsection (1) of section 576 of that Act (meaning of “parent”) shall, in its application for the purposes of—
- (a) section 43 or 62(2) of this Act, or
  - (b) paragraph 4 of Schedule 2 or paragraph 4 or 14 of Schedule 9 to this Act,
- be taken as referring only to persons within paragraph (a) or (b) of that subsection who are individuals.

#### Textual Amendments

- F1** S. 142(1): definition of “the appropriate further education funding council” repealed (28.7.2000 for specified purposes and otherwise 1.4.2001) by 2000 c. 21, ss. 149, 153, Sch. 9 para. 88, **Sch. 11**; S.I. 2001/654, art. 2, **Sch. Pt. II** (with art. 3)
- F2** Words in s. 142(1) inserted (1.9.2003) by [The Independent Schools \(Employment of Teachers in Schools with a Religious Character\) Regulations 2003 \(S.I. 2003/2037\)](#), regs. 1(1), **4(2)**
- F3** Words in s. 142(1) inserted (1.4.2003 for E. for specified purposes, 1.9.2003 for E. In so far as not already in force) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 21 para. 112** (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4; S.I. 2003/1667, art. 4
- F4** Words in s. 142(3) inserted (1.9.2003) by [The Independent Schools \(Employment of Teachers in Schools with a Religious Character\) Regulations 2003 \(S.I. 2003/2037\)](#), regs. 1(1), **4(3)**

#### Marginal Citations

- M1** 1996 c. 18.  
**M2** 1978 c. 30.  
**M3** 1996 c. 56.

## 143 Index.

The expressions listed in the left-hand column below are defined by, or (as the case may be) are to be interpreted in accordance with, the provisions of this Act listed in the right-hand column in relation to those expressions.

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<b><i>Expression</i></b>	<b><i>Relevant provision</i></b>
ability (in Chapter II of Part III)	section 99(5)
adjudicator	section 25(3)
admission arrangements (in Part III in relation to a maintained school)	sections 88(2) and 99(5)
admission authority (in Chapter I of Part III in relation to a maintained school)	section 88(1)
admitted to a school for nursery education	section 142(5)
alteration (in Part II in the context of a prescribed alteration to a maintained school)	section 28(11)
appeal panel (in Chapter I of Part III)	section 84(6)
appointed day (except in Part I of Schedule 32)	section 20(7)
appropriate diocesan authority (in relation to a Church in Wales, Church of England or Roman Catholic Church school)	section 142(1) and (4)
appropriate further education funding council	section 142(1)
area (in Part II)	section 28(11)
budget share (in Part II)	section 47(1)
Chief Inspector (in Chapter IV of Part I)	section 14(4)
child (in Chapter I of Part III but not in sections 96 and 97)	section 84(6)
Church in Wales school	section 142(1)
Church of England school	section 142(1)
class (in Chapter I of Part I)	section 4
community or foundation special school	section 142(1)
“contract of employment” and other expressions relating to employment	section 142(1) and (7)
discontinuing, and implementing proposals to discontinue, a school (in Part II in relation to a local education authority)	section 29(10)
disposing of land	section 142(6)
education action zone (in Chapter III of Part I)	section 10(1)

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exclude, exclusion (in relation to the exclusion of a child from a school)	[ <sup>F5</sup> section 64(4)][ <sup>F5</sup> section 142(1)]
foundation (in relation to a foundation or voluntary school) (and having a foundation)	section 21(3)
foundation body	section 21(4)
foundation governor	[ <sup>F6</sup> paragraph 2 of Schedule 9][ <sup>F6</sup> section 142(1)]
governing body	
(in Chapter III of Part I)	section 10(6)
(of a maintained school or of a school maintained by a local education authority) (in Chapter IV of Part II)	section 45(3)
grammar school (in Chapter II of Part III)	section 104(7)
group (in relation to a foundation body)	section 21(4)
individual schools budget (in Part II)	[ <sup>F7</sup> section 45A(3)]
infant class (in Chapter I of Part I)	section 4
land or other property held on trust, or by trustees, for the purposes of a school	section 21(3)(c)
[ <sup>F8</sup> LEA budget (in Part 2)]	[ <sup>F8</sup> section 45A(1)]
local education authority (in relation to a school maintained, or proposed to be maintained, by such an authority)	section 22(8)
[ <sup>F9</sup> local schools budget (in Part II)]	[ <sup>F9</sup> section 46(1)]
maintain (in relation to a maintained school or a maintained nursery school)	section 22(8)
maintained school	
(generally)	section 20(7)
(in Chapter IV of Part II in a context referring to a local education authority)	section 45(3)
(in Chapter I of Part III)	section 84(6)
(in Chapter II of Part III)	section 99(5)
maintained nursery school	section 22(9)
member of the Inspectorate (in Chapter IV of Part I)	section 14(4)
minor authority	section 141
new school (in Chapter IV of Part II)	section 45(4)
nursery education (in Part V)	section 117

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ordinary teaching session (in Chapter I of Part I)	section 4
participating school (in Chapter III of Part I in relation to an education action zone)	section 10(6)
prescribed	section 142(1)
promoters (in Part II)	section 28(2)
[ <sup>F10</sup> school teacher](in Chapter I of Part I in relation to an infant class)	section 4
reception class	section 142(1)
regulations	section 142(1)
relevant age group	section 142(1)
[ <sup>F11</sup> relevant standard number (in Chapter I of Part III)]	[ <sup>F11</sup> section 84(6)]
right to a delegated budget (in Part II)	section 49(7)
Roman Catholic Church school	section 142(1)
scheme (in Part II in relation to a maintained school)	section 48(5)
school having a delegated budget (in Part II)	section 49(7)
school maintained by a local education authority (generally)	section 142(1)
(in Chapter IV of Part II)	section 45(3)
school opening date	[ <sup>F12</sup> section 44(9)][ <sup>F12</sup> section 33(6)]
school organisation committee	section 24(4)
school requiring special measures (in Chapter IV of Part I)	section 14(4)
[ <sup>F13</sup> school which has a religious character ]	
[ <sup>F13</sup> (in Part 2 in relation to a foundation or voluntary school)	section 69(3)]
[ <sup>F13</sup> (in Part 5A in relation to an independent school)	sections 69(3) and 124B(1).]
school which has selective admission arrangements (in Chapter II of Part III)	section 104(2)
[ <sup>F14</sup> schools budget (in Part 2)]	[ <sup>F14</sup> section 45A(2)]
specified religion or religious denomination	section 142(3)
statutory provision	section 142(1)

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### Textual Amendments

- F5** Words in s. 143 substituted (1.9.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 21 para. 113(a)** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4
- F6** Words in s. 143 substituted (1.9.2003 for E., 31.10.2005 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 21 para. 113(b)** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.
- F7** S. 143: Words in entry relating to "individual schools budget" substituted (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 215(1), 216, **Sch. 21 para.113(c)** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3** (with Sch.)
- F8** S. 143: Entry relating to "LEA budget (in Part 2)" inserted (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 215(1), 216, **Sch. 21 para.113(d)** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3** (with Sch.)
- F9** S. 143: Entry relating to "local schools budget" repealed (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 215(2), 216, **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3** (with Sch.)
- F10** Words in s. 143 substituted (19.12.2002 for W., 1.8.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 21 para. 113(e)** (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 4, Sch. Pt. 1; S.I. 2003/1667, art. 3
- F11** S. 143: Entry relating to "relevant standard number" repealed (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 215(2), 216, **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3** (with Sch.)
- F12** Words in s. 143 substituted (1.9.2003 for E., 31.10.2005 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 21 para. 113(f)** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.
- F13** Words in s. 143 substituted (1.9.2003) by [The Independent Schools \(Employment of Teachers in Schools with a Religious Character\) Regulations 2003 \(S.I. 2003/2037\)](#), regs. 1(1), **5**
- F14** S. 143: Entry relating to "schools budget (in Part 2)" inserted (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 215(1), 216, **Sch. 21 para.113(g)** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3** (with Sch.)



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