



School Standards and Framework Act 1998

1998 CHAPTER 31

PART VII

MISCELLANEOUS AND GENERAL

Construction

142 General interpretation.

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

^{F1}
...

^{F2}“the Assembly” means the National Assembly for Wales;

“Church in Wales school” means a [^{F3}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 [^{F3}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 ^{M1}Employment Rights Act 1996;

Status: Point in time view as at 05/05/2010. This version of this provision has been superseded.

Changes to legislation: *School Standards and Framework Act 1998, Section 142 is up to date with all changes known to be in force on or before 09 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)*

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

[^{F4}“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 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” [^{F5}(except in sections 89 to 90)] 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” [^{F6}(except in sections 89 to 90)] 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 [^{F3}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 [^{F7}local 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 ^{M2}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) [^{F8}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 [^{F9}(or Part 4 of the Education and Inspections Act 2006)] 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

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of section 16(6) or (8) ^{F10}or of section 64(4) or (6) of the Education and Inspections Act 2006], to both of them acting together).

^{F11}(5) For the purposes of this Act children are to be regarded as admitted to a school for nursery education if—

- (a) in the case of a school in England, they are admitted for early years provision as defined by section 20 of the Childcare Act 2006 and are not, or are not to be, placed on admission in a reception class or any more senior class, and
- (b) in the case of a school in Wales, 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
- (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 ^{F7}local 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 ^{F7}local 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 ^{M3}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 (30.6.2008) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 17 para. 4**; S.I. 2008/1429, art. 3(2), Sch. Pt. 2
- F3** 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)**

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- F4** 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, 9.1.2004 for W. for specified purposes, 31.10.2005 for W. 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; S.I. 2003/2961, art. 7, Sch. Pt. IV; S.I. 2005/2910, art. 4, Sch.
- F5** Words in s. 142(1) inserted (2.12.2008) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 72(a)**; S.I. 2008/3077, art. 2(d)
- F6** Words in s. 142(1) inserted (2.12.2008) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 72(b)**; S.I. 2008/3077, art. 2(d)
- F7** 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))
- F8** 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)**
- F9** Words in s. 142(4) inserted (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 7 para. 15(a)**; S.I. 2007/935, art. 5(cc)
- F10** Words in s. 142(4)(b) inserted (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 7 para. 15(b)**; S.I. 2007/935, art. 5(cc)
- F11** S. 142(5) substituted (1.9.2008) by Childcare Act 2006 (c. 21), s. 109(2), **Sch. 2 para. 35**; S.I. 2008/2261, art. 2 (with Sch. 1)

Marginal Citations

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

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