



# School Standards and Framework Act 1998

## 1998 CHAPTER 31

### PART II

#### NEW FRAMEWORK FOR MAINTAINED SCHOOLS

#### CHAPTER I

#### INTRODUCTORY

#### *The new categories of schools*

### 23 Charitable status of maintained schools, etc.

(1) The following shall be charities <sup>F1</sup>...—

(a) the governing body of any foundation, voluntary or foundation special school; and

(b) any foundation body established under section 21;

but no governing body of a community or community special school shall be a charity.

[<sup>F2</sup>(1A) Any body to which subsection (1)(a) or (b) applies is, as a result of its inclusion in Schedule 3 to the Charities Act 2011, an exempt charity for the purposes of that Act.]

<sup>F3</sup>(2) .....

(3) Any foundation established otherwise than under this Act which has no property other than the premises of any school or schools falling within subsection (1)(a) shall be a charity [<sup>F4</sup>and is an institution which is to be treated for the purposes of section 31(3) of the Charities Act 2011 as if that provision applied to it.]

(4) In this section—

[<sup>F5</sup>(a) “institution” has the same meaning as in the Charities Act 2011;]

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**Changes to legislation:** School Standards and Framework Act 1998, Section 23 is up to date with all changes known to be in force on or before 22 April 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

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(b) “premises” includes a teacher’s dwelling-house.

#### Textual Amendments

- F1** Words in s. 23(1) repealed (31.1.2009) by Charities Act 2006 (c. 50), s. 79(2), Sch. 8 para. 194(2), **Sch. 9**; S.I. 2008/3267, art. 2, **Sch.** (with arts. 3-27) (as amended: (29.9.2009) by S.I. 2009/2648, **art. 3**; (26.7.2010) by S.I. 2010/1942, **art. 2**; and (1.8.2011) by S.I. 2011/1725, arts. 1(2), 3, **Sch. para. 6**)
- F2** S. 23(1A) substituted (14.3.2012) by Charities Act 2011 (c. 25), s. 355, **Sch. 7 para. 75(1)** (with s. 20(2), Sch. 8)
- F3** S. 23(2) omitted (1.8.2011) by virtue of The Charities Act 2006 (Changes in Exempt Charities) Order 2011 (S.I. 2011/1725), art. 1(2), **Sch. para. 3(b)**
- F4** Words in s. 23(3) substituted (14.3.2012) by Charities Act 2011 (c. 25), s. 355, **Sch. 7 para. 75(2)** (with s. 20(2), Sch. 8)
- F5** Words in s. 23(4)(a) substituted (14.3.2012 immediately before the Charities Act 2011 (c. 25) comes into force) by The Charities (Pre-consolidation Amendments) Order 2011 (S.I. 2011/1396), art. 1, **Sch. para. 46(1)** and s. 23(4)(a) further substituted (14.3.2012) by Charities Act 2011 (c. 25), s. 355, **Sch. 7 para. 75(3)** (with s. 20(2), Sch. 8)

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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\(4\)](#)