
STATUTORY INSTRUMENTS

1998 No. 1969

The Education (Allocation of Grant-maintained and Grant-maintained Special Schools to New Categories) Regulations 1998

PART I
INTRODUCTION

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Allocation of Grant-maintained and Grant-maintained Special Schools to New Categories) Regulations 1998 and shall come into force on 7th September 1998.

(2) These Regulations apply to grant-maintained and grant-maintained special schools, within the meaning of the Education Act 1996⁽¹⁾, save that regulations 4(1) (to the extent that that paragraph relates to notifying and giving information to the persons referred to in regulation 4(3)(a)) and (2)(c) to (h), 5 to 12, 13(2) and (3), 14(5) and 16(2)(a) do not apply to a grant-maintained special school which is established in a hospital.

Interpretation

2.—(1) In these Regulations—

“the Act” means the School Standards and Framework Act 1998;

“the ballot administration company” means Electoral Reform (Ballot Services) Limited;

“the 1994 Regulations” means the Education (Grant-maintained Special Schools) Regulations 1994⁽²⁾;

“Church school” means a Church of England school, a Church in Wales school or a Roman Catholic Church school;

“electoral list” means a list of names and addresses of registered parents of registered pupils at the school who are eligible to vote in a ballot held pursuant to regulation 8;

“funding authority” means in relation to a school in England, the Funding Agency for Schools⁽³⁾ and, in relation to a school in Wales, the Secretary of State;

“notice” means notice in writing and references to “notify” and “notification” shall be construed accordingly;

“parental list” means a list of the names and addresses of registered parents of registered pupils at a school produced in accordance with regulation 5;

(1) 1996 c. 56.

(2) S.I.1994/653, amended by S.I. 1994/1231, 1994/2003 and 1996/111.

(3) The Funding Agency for Schools was established under section 3 of the Education Act 1993 (c. 35), which Act was repealed by Part I of Schedule 38 to the Education Act 1996. Section 20 of that Act provides for the continued existence of the Funding Agency for Schools.

“registered” means, in the context of registered parents of registered pupils at a school and subject to regulations 6(2) and 9(2), shown in the register kept under section 434 of the Education Act 1996 and the Education (Pupil Registration) Regulations 1995(4); and

“school” means, unless the context otherwise requires, any grant-maintained or grant-maintained special school within the meaning of the Education Act 1996.

(2) The words or expression used in these Regulations in the first column in the table below have the meaning given by the statutory provision referred to in the second column of that table:

“appointed day”	section 20(7) of the Act;
“appropriate diocesan authority”	section 142(1) and (4) of the Act;
“Church of England school”	section 142(1) of the Act;
“Church in Wales school”	section 142(1) of the Act;
“final decision”	paragraph 5(4) of Schedule 2 to the Act;
“foundation”	section 21(3) of the Act;
“foundation body”	section 21(4) of the Act;
“indicative allocation”	paragraph 3 of Schedule 2 to the Act;
“parent”	section 576 of the Education Act 1996;
“promoters”	section 212(1) of the Education Act 1996;
“preliminary decision”	paragraph 4(1) of Schedule 2 to the Act;
“Roman Catholic Church school”	section 142(1) of the Act;
“school day”	section 579(1) of the Education Act 1996;
“transfer agreement”	paragraph 4(4) or 7(4), as the case may be, of Schedule 21 to the Act.

(3) Notwithstanding any provision of the instrument of government for a grant-maintained school (made pursuant to Chapter IV of Part I of the Education Reform Act 1988(5), Chapter V of Part II of the Education Act 1993(6), or Chapter V of Part III of the Education Act 1996) or for a grant-maintained special school (made pursuant to Part III of the Education Act 1993 or Chapter II of Part IV of the Education Act 1996), in so far as these Regulations make different provision to the instrument of government, these Regulations are to apply instead.

(4) In these Regulations, unless the context otherwise requires, a reference to a numbered regulation is a reference to a regulation in these Regulations so numbered and any reference to a paragraph is to a paragraph of the regulation in which the reference is made, and any reference to a sub-paragraph is a reference to a sub-paragraph of the paragraph in which the reference is made.

(5) A failure by any person to discharge any duty under these Regulations within a time limit prescribed by these Regulations shall not relieve such a person of that duty.

(4) S.I. 1995/2089, amended by S.I. 1997/2624.

(5) 1988 c. 40; the relevant provisions of Chapter IV of Part I were repealed by sections 303 and 307 of, and Schedule 21 to, the Education Act 1993. The instrument of government continues to have effect by virtue of Schedule 39 to the Education Act 1996.

(6) 1993 c. 35; the Education Act 1993 was repealed by section 582 of, and Schedule 38 to, the Education Act 1996. The instrument of government continues to have effect by virtue of Schedule 39 to the Education Act 1996.