



# School Standards and Framework Act 1998

## 1998 CHAPTER 31

### PART II **E+W**

#### NEW FRAMEWORK FOR MAINTAINED SCHOOLS

### CHAPTER III **E+W**

#### GOVERNMENT OF MAINTAINED SCHOOLS

##### *Government of new schools*

#### **44 Arrangements for government of new schools. **E+W****

- (1) Where proposals for the establishment of a maintained school fall to be implemented under paragraph 5 or 10 of Schedule 6, the local education authority shall make arrangements providing for the constitution of a temporary governing body for the school.
- (2) Once constituted in accordance with arrangements made under subsection (1) the temporary governing body shall continue in existence until such time as the governing body are constituted for the school under an instrument of government.
- (3) The local education authority shall secure that the governing body are so constituted—
  - (a) as soon as is reasonably practicable after the time when the requirement for there to be an instrument of government for the school takes effect in accordance with subsection (4), and
  - (b) in any event not later than the last day of the term in which the school first admits pupils.
- (4) The requirement for there to be an instrument of government for a school (imposed by section 37) shall take effect in relation to a school falling within subsection (1) above

*Status: Point in time view as at 01/10/1998.*

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as from the school opening date; and for the purposes of this Part proposals for the establishment of a maintained school shall be taken to be implemented on that date.

- (5) Regulations may make provision with respect to—
- (a) the making and termination of arrangements for the constitution of temporary governing bodies, including such arrangements made in anticipation of proposals falling to be implemented as mentioned in subsection (1);
  - (b) the constitution, meetings and proceedings of temporary governing bodies, the payment of allowances to temporary governors, and the appointment of clerks to such bodies;
  - (c) the transition from a temporary governing body to a governing body constituted under an instrument of government; and
  - (d) such other matters relating to temporary governing bodies as the Secretary of State considers appropriate.
- (6) Regulations under subsection (5) may, in connection with any matters falling within that subsection—
- (a) modify any provision made by or under any of Schedules 9 to 12;
  - (b) apply any such provision with or without modifications;
  - (c) make provision corresponding or similar to any such provision.
- (7) Subject to subsection (8), the temporary governing body of a school shall be treated for the purposes of the Education Acts as if they were the governing body during the period—
- (a) beginning with the school opening date, and
  - (b) ending with the time when the governing body are constituted for the school under an instrument of government;
- and for the purposes of sections 495 to 498 of the <sup>M1</sup>Education Act 1996 (general default powers of the Secretary of State) the temporary governing body of a school shall also be so treated at any time falling before the school opening date.
- (8) Despite subsection (7), nothing in any of the following provisions, namely—
- (a) section 36,
  - (b) section 37(1) or (2), or
  - (c) (subject to any regulations made by virtue of subsection (5)) any of Schedules 9 to 12,
- applies to any temporary governing body.
- (9) In this Part “school opening date”, in relation to a new maintained school, means the date when the school first admits pupils.

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

- C1** S. 44 applied (with modifications) (1.9.1999) by [S.I. 1999/704, reg. 13](#).
- C2** S. 44 modified (temp.) (E.) (2.9.2002) by [The Education Act 2002 \(Transitional Provisions etc.\) \(England\) Regulations 2002 \(S.I. 2002/2113\), reg. 7](#)
- C3** S. 44(1) extended (1.9.1999) by [S.I. 1999/2243, reg. 5\(1\)](#).  
 S. 44(1) restricted (1.9.1999) by [S.I. 1999/2243, reg. 6\(1\)](#).  
 S. 44(1) extended (1.9.1999) by [S.I. 1999/2262, reg. 5\(1\)](#).  
 S. 44(1) amended (1.9.1999) by [S.I. 1999/2262, reg.7](#).
- C4** S. 44(5) modified (20.11.1998) by [S.I. 1998/2670, reg.3\(1\)\(2\)](#)
- C5** S. 44(6) modified (20.11.1998) by [S.I. 1998/2670, reg.3\(1\)](#)

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**Commencement Information**

- II** S. 44 wholly in force at 1.9.1999; s. 44 not in force at Royal Assent see s. 145(3); s. 44(5)(6) in force at 1.10.1998 by S.I. 1998/2212, art. 2, **Sch. 1, Pt. I**; s. 44 in force at 1.9.1999, in so far as not already in force, by S.I. 1999/2323, art. 2(1), **Sch. 1** (with arts. 3-5, Schs. 5-7).

**Marginal Citations**

- M1** 1996 c. 56.

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