

*Status: Point in time view as at 01/10/2002.*

*Changes to legislation: School Standards and Framework Act 1998, Cross Heading: Introductory is up to date with all changes known to be in force on or before 24 June 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)*

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 10]

#### INCORPORATION AND POWERS OF GOVERNING BODIES

##### Textual Amendments

- F1** Sch. 10 repealed (1.10.2002 for E. otherwise prosp.)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.)

##### *Introductory*

- <sup>1</sup> [<sup>F1</sup>(1) In the following paragraphs of this Schedule “the governing body” means the governing body of a maintained school incorporated under section 36(1).
- (2) Where an existing school (other than a grouped school) becomes a maintained school on the appointed day in accordance with Schedule 2, the governing body of the school—
- (a) shall continue in existence as a body corporate; and
  - (b) shall so continue in existence as if incorporated under section 36(1);
- but as from that day the governing body shall (subject to regulations under sub-paragraph (3) or (4)) conform with Part II of Schedule 9.
- (3) For the purposes of sub-paragraph (2) the governing body of each such existing school shall (subject to regulations under sub-paragraph (4)) be reconstituted under the instrument of government required by paragraph 6 of Schedule 12 before the appointed day; and regulations may make such provision as the Secretary of State considers necessary or expedient in connection with the reconstitution of a governing body in pursuance of this sub-paragraph.
- (4) Regulations may, in relation to cases where—
- (a) the instrument of government required by paragraph 6 of Schedule 12 in the case of an existing school within sub-paragraph (2) above is not made before the appointed day, or
  - (b) the governing body of such a school are not reconstituted before that day, make such provision as the Secretary of State considers necessary or expedient in connection with any of the following matters, namely—
- (i) the making of such instruments of government on or after that day,
  - (ii) the reconstitution of governing bodies on or after that day, and
  - (iii) the existence of such bodies on and after that day pending their reconstitution at some later date.
- (5) Regulations may, in relation to existing schools which are grouped schools, make such provision as the Secretary of State considers necessary or expedient in connection with the transition of such schools from being grouped under a single

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governing body to having their own governing bodies constituted under instruments of government made in accordance with Schedule 12.

- (6) If the instrument of government required by paragraph 6 of Schedule 12 is not made before the appointed day in the case of an existing school, the following requirements, namely—
- (a) the requirements of paragraph 2(1) below as to the name of the governing body, and
  - (b) the requirements of section 37(3) as to the name of the school,
- shall not apply until such time as that instrument of government is made.
- (7) In this paragraph “existing school” means (subject to sub-paragraph (8))—
- (a) a county, controlled, aided or special agreement school or a maintained special school, or
  - (b) a grant-maintained or grant-maintained special school,
- within the meaning of the <sup>M1</sup>Education Act 1996; and “grouped school” means a school grouped under section 89 or 280 of that Act.
- (8) A school is not an existing school for the purposes of this paragraph if immediately before the appointed day—
- (a) in the case of a school within paragraph (a) of sub-paragraph (7), it has a temporary governing body, or
  - (b) in the case of a school within paragraph (b) of that sub-paragraph, it has a governing body but it has not yet opened;
- and for this purpose a school “opens” on the date when it first admits pupils.
- (9) Regulations may make such provision as the Secretary of State considers necessary or expedient in connection with the transition of—
- (a) any such school as is mentioned in sub-paragraph (8)(a) or (b), or
  - (b) any proposed school which would be a school within sub-paragraph (7)(a) and which has, or is required to have, a temporary governing body,
- to a school with a governing body constituted under an instrument of government made in accordance with Schedule 12.
- (10) Regulations under any provision of this paragraph may, in connection with any matters falling within that provision—
- (a) modify any provision made by or under this Part of this Act;
  - (b) apply any such provision with or without modifications;
  - (c) make provision corresponding or similar to any such provision;
  - (d) provide for the continued application of any provision made by or under any of the Education Acts with or without modifications.]

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#### Marginal Citations

**M1** 1996 c. 56.

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