

Status: Point in time view as at 02/01/2008.

Changes to legislation: School Standards and Framework Act 1998, SCHEDULE 1A is up to date with all changes known to be in force on or before 26 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

[^{F1}SCHEDULE 1A

Section 19A

GOVERNING BODIES CONSISTING OF INTERIM EXECUTIVE MEMBERS

Textual Amendments

- F1** Sch. 1A inserted (2.9.2002 for E., 2.1.2008 for W.) by Education Act 2002 (c. 32), ss. 59(2), 216(4), Sch. 6 (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 4; S.I. 2007/3611, art. 4(1), Sch. Pt. 1

Interpretation of Schedule

1 (1) In this Schedule—

“the appropriate authority” means—

- (a) where this Schedule applies by virtue of a notice under section 16A(1), the local education authority who gave the notice, and
- (b) where this Schedule applies by virtue of a notice under section 18A(1), the [^{F2}Assembly];

“existing governors”, in relation to a school in respect of which a notice under section 16A(1) or 18A(1) has been given, means the governors who hold office immediately before the governing body becomes constituted in accordance with this Schedule;

“the interim period”, in relation to a school in respect of which a notice under section 16A(1) or 18A(1) has been given, means the period during which the governing body is constituted in accordance with this Schedule;

“a normally constituted governing body” means a governing body constituted in accordance with regulations made by virtue of section 19 of the Education Act 2002 (governing bodies).

(2) In this Schedule any reference to the discontinuance of a maintained school is a reference to the local education authority ceasing to maintain it.

Textual Amendments

- F2** Word in Sch. 1A substituted (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 7 para. 17; S.I. 2007/935, art. 5(cc)

Modifications etc. (not altering text)

- C1** Sch. 1A para. 1 modified (temp.) (2.9.2002) by The Education Act 2002 (Transitional Provisions etc.) (England) Regulations 2002 (S.I. 2002/2113), regs. 1, 5(a)

Status: Point in time view as at 02/01/2008.

Changes to legislation: School Standards and Framework Act 1998, SCHEDULE 1A is up to date with all changes known to be in force on or before 26 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)

Governing body to consist of members appointed by appropriate authority

- 2 (1) The governing body of the school shall consist of members appointed by the appropriate authority, instead of being constituted in accordance with regulations made by virtue of section 19 of the Education Act 2002.
- (2) In the following provisions of this Schedule—
- (a) the governing body as constituted in accordance with this Schedule is referred to as “the interim executive board”, and
 - (b) the members of the governing body as so constituted are referred to as “interim executive members”.

Modifications etc. (not altering text)

- C2** Sch. 1A para. 2 modified (temp.) (2.9.2002) by [The Education Act 2002 \(Transitional Provisions etc.\) \(England\) Regulations 2002 \(S.I. 2002/2113\)](#), [regs. 1, 5\(b\)](#)

Effect of notice under section 16A(1) or 18A(1)

- 3 (1) On the date specified in the notice under section 16A(1) or 18A(1), the existing governors shall vacate office.
- (2) Sub-paragraph (1) does not prevent the appointment of an existing governor as an interim executive member.
- (3) During the interim period, any reference in any provision contained in, or made under, the Education Acts to a governor or foundation governor of a school shall have effect, in relation to the school, as a reference to an interim executive member.
- (4) During the interim period, section 83 (modification of provisions making governors of foundation or voluntary school ex officio trustees) shall have effect in relation to the school with the substitution for paragraphs (a) to (c) of a reference to the interim executive members.

Interim executive members

- 4 (1) The number of interim executive members must not be less than two.
- (2) The initial appointment of interim executive members shall be made so as to take effect on the date specified in the notice under section 16A(1) or 18A(1).
- (3) The appropriate authority may appoint further interim executive members at any time during the interim period.
- 5 (1) Every appointment of an interim executive member must be made by an instrument in writing setting out the terms of his appointment.
- (2) An interim executive member—
- (a) shall hold office in accordance with the terms of his appointment and subject to paragraph 18, and
 - (b) may at any time be removed from office by the appropriate authority for incapacity or misbehaviour.
- (3) The terms of appointment of an interim executive member may provide for his appointment to be terminable by the appropriate authority by notice.

Status: Point in time view as at 02/01/2008.

Changes to legislation: School Standards and Framework Act 1998, SCHEDULE 1A is up to date with all changes known to be in force on or before 26 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)

Duty of appropriate authority to inform other persons

- 6 (1) The appropriate authority shall give a copy of the notice under section 16A(1) or 18A(1) and of every instrument of appointment of an interim executive member—
- (a) to every interim executive member,
 - (b) to every existing governor of the school,
 - (c) where the local education authority are the appropriate authority, to the [F²Assembly],
 - (d) where the [F²Assembly] is the appropriate authority, to the local education authority,
 - (e) in the case of a foundation or voluntary school which is a Church of England school, a Church in Wales school or a Roman Catholic Church school, to the appropriate diocesan authority, and
 - (f) in the case of any other foundation or voluntary school, to the person or persons by whom the foundation governors are appointed.
- (2) A failure to comply with sub-paragraph (1) does not invalidate the notice or appointment.

Textual Amendments

- F2** Word in [Sch. 1A](#) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\), s. 188\(3\)](#), [Sch. 7 para. 17](#); [S.I. 2007/935, art. 5\(cc\)](#)

Power to specify duration of interim period

- 7 The appropriate authority may in the notice under section 16A(1) or 18A(1) specify the duration of the interim period.

Chairman

- 8 The appropriate authority may nominate one of the interim executive members to be chairman of the interim executive board.

Remuneration and allowances

- 9 The appropriate authority may pay to any interim executive member such remuneration and allowances as the appropriate authority may determine.

Duty of interim executive board

- 10 (1) During the interim period, the interim executive board shall conduct the school so as to secure, so far as is practicable to do so, the provision of a sound basis for future improvement in the conduct of the school.
- (2) Sub-paragraph (1) is without prejudice to the other duties of the interim executive board as governing body.

Proceedings of interim executive board

- 11 (1) The interim executive board may determine their own procedure.

Status: Point in time view as at 02/01/2008.

Changes to legislation: School Standards and Framework Act 1998, SCHEDULE 1A is up to date with all changes known to be in force on or before 26 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)

- (2) The interim executive board may make such arrangements as they think fit for the discharge of their functions by any other person.

Effect on suspension of delegated budget

- 12 (1) If immediately before the date specified in a notice under section 16A(1) or 18A(1) the school does not have a delegated budget, the suspension of the governing body's right to a delegated budget is by virtue of this sub-paragraph revoked with effect from that date.
- (2) If a notice under paragraph 1 of Schedule 15 (suspension of delegated budget for mismanagement etc.) has been given to the governing body before the date specified in a notice under section 16A(1) or 18A(1) but has not yet taken effect, the notice shall cease to have effect on that date.
- (3) During the interim period, the local education authority may not exercise the power conferred by section 17 (power to suspend right to delegated budget).
- (4) Sub-paragraph (1) is to be construed in accordance with section 49(7).

Exclusion of certain statutory provisions

- 13 (1) Regulations made by virtue of subsection (2) or (3) of section 19 of the Education Act 2002 (governing bodies) shall not apply in relation to the interim executive board.
- (2) The instrument of government of the school shall not, so far as it relates to the constitution of the governing body, have effect in relation to the interim executive board.

Modifications etc. (not altering text)

- C3** Sch. 1A para. 13 modified (temp.) (2.9.2002) by [The Education Act 2002 \(Transitional Provisions etc.\) \(England\) Regulations 2002 \(S.I. 2002/2113\)](#), [regs. 1, 5\(c\)](#)

- 14 During the interim period—
- (a) the local education authority may not exercise any power conferred by section 16 (power to appoint additional governors), and
- (b) the [F²Assembly] may not exercise any power conferred by section 18 (power to appoint additional governors).

Textual Amendments

- F2** Word in [Sch. 1A](#) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 7 para. 17](#); [S.I. 2007/935](#), art. 5(cc)

Closure of school

- 15 (1) At any time during the interim period, the interim executive board may, if they think fit, make a report to the local education authority and the [F²Assembly] recommending that the school be discontinued, and stating the reasons for that recommendation.

Status: Point in time view as at 02/01/2008.

Changes to legislation: School Standards and Framework Act 1998, SCHEDULE 1A is up to date with all changes known to be in force on or before 26 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)

- (2) The interim executive board may not—
- (a) publish under section 29(2) proposals to discontinue the school, or
 - (b) serve notice under section 30(2).

Textual Amendments

F2 Word in [Sch. 1A](#) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\), s. 188\(3\)](#), [Sch. 7 para. 17](#); [S.I. 2007/935, art. 5\(cc\)](#)

- 16 (1) Where during the interim period—
- (a) the [^{F2}Assembly] gives a direction under section 19(1) or 32(1) in relation to the school, or
 - (b) the local education authority determine to discontinue the school,
- the interim period shall continue until the discontinuance date, even where it would otherwise end before that date.
- (2) In this paragraph “the discontinuance date” means—
- (a) the date on which proposals for discontinuing the school are implemented under Part 3 of Schedule 6,
 - (b) the date on which the school is discontinued under section 30, or
 - (c) the date specified in the direction under section 19(1) or 32(1),
- as the case may be.

Textual Amendments

F2 Word in [Sch. 1A](#) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\), s. 188\(3\)](#), [Sch. 7 para. 17](#); [S.I. 2007/935, art. 5\(cc\)](#)

Notice of resumption of government by normally constituted governing body

- 17 (1) Where—
- (a) the notice under section 16A(1) or 18A(1) did not specify the duration of the interim period, and
 - (b) paragraph 16 does not apply,
- the appropriate authority may give notice to the persons mentioned in sub-paragraph (2) specifying a date on which the governing body are to become a normally constituted governing body.
- (2) The persons referred to in sub-paragraph (1) are—
- (a) every interim executive member,
 - (b) where the local education authority are the appropriate authority, the [^{F2}Assembly],
 - (c) where the [^{F2}Assembly] is the appropriate authority, the local education authority,
 - (d) in the case of a foundation or voluntary school which is a Church of England school, a Church in Wales school or a Roman Catholic Church school, the appropriate diocesan authority, and

Status: Point in time view as at 02/01/2008.

Changes to legislation: School Standards and Framework Act 1998, SCHEDULE 1A is up to date with all changes known to be in force on or before 26 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)

- (e) in the case of any other foundation or voluntary school, the person or persons by whom the foundation governors are appointed.

Textual Amendments

F2 Word in [Sch. 1A](#) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\), s. 188\(3\), Sch. 7 para. 17](#); [S.I. 2007/935, art. 5\(cc\)](#)

Time when interim executive members cease to hold office

- 18 (1) The interim executive members shall vacate office—
- (a) in a case where paragraph 16 applies, on the discontinuance date within the meaning of that paragraph,
 - (b) in a case where that paragraph does not apply and the notice under section 16A(1) or 18A(1) specified the duration of the interim period, at the end of the specified period, and
 - (c) in any other case, on the date specified under paragraph 17 (1).
- (2) Sub-paragraph (1) does not prevent the termination of the appointment of an interim executive member at any earlier time under paragraph 5(2)(b) or in accordance with the terms of his appointment.

Establishment of normally constituted governing body

- 19 (1) Where interim executive members are to vacate office on the date referred to in paragraph 18(1)(b) or (c), the local education authority shall make arrangements providing for the constitution of the governing body on and after that date.
- (2) Regulations may make provision with respect to the transition from an interim executive board to a normally constituted governing body, and may in connection with that transition—
- (a) modify any provision made under any of sections 19, 20 and 23 of the Education Act 2002 or by Schedule 1 to that Act,
 - (b) apply any such provision with or without modifications, and
 - (c) make provision corresponding to or similar to any such provision.
- (3) The provision that may be made by virtue of sub-paragraph (2) includes, in particular, provision enabling governors to be elected or appointed, and to exercise functions, before the end of the interim period.]

Status:

Point in time view as at 02/01/2008.

Changes to legislation:

School Standards and Framework Act 1998, SCHEDULE 1A is up to date with all changes known to be in force on or before 26 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.