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STATUTORY INSTRUMENTS

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**1998 No. 1968**

**EDUCATION, ENGLAND AND WALES**

**The School Standards and Framework Act 1998  
(Infant Class Sizes) (Modification) Regulations 1998**

<i>Made</i>	- - - -	<i>10th August 1998</i>
<i>Laid before Parliament</i>		<i>11th August 1998</i>
<i>Coming into force</i>	- -	<i>1st September 1998</i>

In exercise of the powers conferred upon the Secretary of State by section 144(1) and 2(f) of the School Standards and Framework Act 1998(1), the Secretary of State for Education and Employment, as regards England, and the Secretary of State for Wales, as regards Wales, hereby make the following Regulations:—

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the School Standards and Framework Act 1998 (Infant Class Sizes) (Modification) Regulations 1998, and shall come into force on 1st September 1998.

(2) In these Regulations—

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

“the 1996 Act” means the Education Act 1996(2).

(3) Any reference in these Regulations to a county, voluntary, maintained special, grant-maintained or grant-maintained special school, shall be construed in accordance with the 1996 Act.

**Modification of sections 2 and 3 of the 1998 Act**

2. Until the appointed day (as defined in section 20(7) of the 1998 Act) sections 2 and 3 of the 1998 Act shall have effect as if any reference in those provisions to a school maintained by a local education authority were a reference to—

(a) a county, voluntary or maintained special school maintained by that authority, or

(b) a grant-maintained or grant-maintained special school situated within that authority’s area.

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(1) 1998 c. 31.  
(2) 1996 c. 56.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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7th August 1998

*Tessa Blackstone*  
Minister of State,  
Department for Education and Employment

10th August 1998

*Peter Hain*  
Parliamentary Under Secretary of State, Welsh  
Office

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Section 2 of the School Standards and Framework Act 1998 requires every local education authority (LEA) to prepare a plan setting out the arrangements which they propose to make for the purpose of securing that the limit on infant class sizes imposed under section 1 is complied with at schools maintained by that authority. And section 3 of the 1998 Act requires the Secretary of State to make Regulations providing for the payment of grants to LEAs in respect of expenditure incurred by them for the purpose of securing that the limit is met at schools maintained by them.

The 1998 Act defines “schools maintained by a local education authority” by reference to the new categories into which schools will be divided on or after “the appointed day” (defined in section 20(7) of the Act). The appointed day is expected to be 1st September 1999. These Regulations modify the references in sections 2 and 3 to schools maintained by an LEA so that, until that day, they will be construed as references to schools falling within the categories of maintained school provided for in the Education Act 1996.