
STATUTORY INSTRUMENTS

1998 No. 3198 (C. 80)

EDUCATION, ENGLAND AND WALES

**The School Standards and Framework Act 1998
(Commencement No. 4 and Transitional Provisions) Order 1998**

Made - - - - 15th December 1998

In exercise of the powers conferred on the Secretary of State by sections 145(3) and 138(7) of the School Standards and Framework Act 1998⁽¹⁾, the Secretary of State for Education and Employment hereby makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the School Standards and Framework Act 1998 (Commencement No. 4 and Transitional Provisions) Order 1998.

(2) In this Order “the Act” means the School Standards and Framework Act 1998.

Commencement of provisions

2.—(1) Section 89 of the Act (so far as it is not already in force) shall come into force on 6th January 1999.

(2) The provisions of the Act specified in the Schedule to this Order shall come into force on 1st February 1999.

Transitional provisions relating to section 89 of the Act

3.—(1) Section 89 of the Act shall not apply in relation to the determination of admission arrangements for any school year earlier than the school year 2000/2001.

(2) For the purposes of this Article and Article 4, admission arrangements are to be treated as being for the particular school year in which pupils are to be admitted to the relevant school in consequence of the arrangements.

4.—(1) Any step taken, before the coming into force of section 89, by an admission authority for the purpose of consultation about their proposed admission arrangements for the school year 2000/2001 shall, except as specified in paragraph (2), be taken into account in determining whether that authority have complied with their duty to consult under that section.

(1) 1998 c. 31.

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(2) Paragraph (1) does not apply to the extent that the step in question, had it been taken after the commencement of section 89, would have contravened any requirement applying under or for the purposes of that section.

15th December 1998

Estelle Morris
Minister of State,
Department for Education and Employment

SCHEDULE

Article 2(2)

PROVISIONS TO COME INTO FORCE ON 1ST FEBRUARY 1999

- Section 28(9).
- Section 29(8).
- Section 33(4).
- Section 77 so far as not already in force.
- Section 109(3) and (4).
- Section 116.

Schedule 6, paragraph 5(4)	to the extent that, in each case, that provision confers power to provide for sections 28, 29 and 31 and Part I of Schedule 6 to have effect with modifications.
paragraph 10(4)	

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 6th January 1999 section 89 of the School Standards and Framework Act 1998, which requires admission authorities for maintained schools to determine the admission arrangements for their schools for each school year, and to consult other admission authorities before doing so. The Order contains a transitional provision to ensure that section 89 does not apply in relation to arrangements under which pupils will be admitted to schools before the school year beginning in 2000. There is also provision to ensure that account will be taken of any consultation which has taken place before section 89 comes into force.

The Order brings into force on 1st February 1999 provisions controlling the disposal or change of use of school playing fields by governing bodies, and provisions conferring powers to make regulations and orders relating to the establishment, alteration or discontinuance of schools and to the transfer of functions relating to school lunches to governing bodies.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

The following provisions of the Act have been or will be brought into force by commencement orders made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 10 to 12 and Schedule 1.	8th August 1998.	1998/2048.
Sections 13 and 104(1) to (3) and (5) to (7).	1st September 1998.	1998/2048.
Sections 5 to 9, 14, 15, 16(1) to (5) and (13), 17 to 19, 24(2)	1st October 1998.	1998/2212.

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
to (4), 24(5), 25, 26(2) to (8), 38(3), 39(1) (partially), 44(5) and (6), 45 to 48, 50(3) and (4), 52, 62, 63, 69(2) to (5), 71(7), 72, 77 (partially), 81, 88, 89(2) to (8) (partially), 90(1) to (3), (5), (9) and (10) (partially), 91(2) to (4), (6) and (9) (partially), 92 (partially), 93(3), (8) and (9), 98(5) and (8) to (10) (partially), 99(1), (2) and (5), 100 (partially), 101 (partially), 102(1) and (4) (partially), 103(3), 104(4)(a), 105, 106, 108, 112(1) and (2), 113, 117, 119, 122, 123, 127, 134(1) and (3), 135 (which introduces Schedule 28) (partially), 136, 140(1) (which introduces Schedule 30) (partially) and section 140(3) (which introduces Schedule 31) (partially); paragraphs 1, 2 and 5 of Schedule 4; Schedule 5; paragraph 6 of Schedule 11; Schedule 14; paragraphs 1, 2(4) (partially) and 3(4) (partially) of Schedule 19; paragraphs 5(1), (5) and (6) (partially), 6(7) and (10) (partially), 9(1), (6) and (7) (partially), and 10(7) (partially) of Schedule 23; and Schedule 26.		
Paragraphs 139 (partially) and 153 of Schedule 30.	20th November 1998.	1998/2791.
Sections 66(8) and 107.	1st December 1998.	1998/2212.
Sections 110, 111, 140(1) (which introduces Schedule 30) (partially) and 140(3) (which introduces Schedule 31) (partially).	1st February 1999.	1998/2212.
Sections 49, 50 in so far as not already in force, 51, 53, 118, 124, 125(5), 140(1) and (3) (partially); Schedule 15 and Schedule 27 (partially).	1st April 1999.	1998/2212.

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Paragraph 139 of Schedule 30 (for all remaining purposes).	1st April 1999.	1998/2791.