
STATUTORY INSTRUMENTS

1999 No. 2484 (c. 62)

EDUCATION, ENGLAND

The School Standards and Framework Act 1998 (Amendment of Commencement Orders) (England) Order 1999

Made - - - - 27th August 1999
Coming into force - - 31st August 1999

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 extent

1.—(1) This Order may be cited as the School Standards and Framework Act 1998 (Amendment of Commencement Orders) (England) Order 1999, and shall come into force on 31st August 1999.

(2) This Order extends to England only.

Amendment

2.—(1) Schedule 4 to the School Standards and Framework Act 1998 (Commencement No. 6 and Saving and Transitional Provisions) Order 1999(2) shall be amended as follows.

(2) In paragraph 2(3), for “an application” (at the second place where it appears) substitute “that application”.

(3) In paragraph 11, omit “422.”.

(4) After paragraph 11, add the following new paragraph—

“Admissions to new schools

12.—(1) This paragraph applies to a school—

- (a) where the proposals for its establishment were published under the provisions of Part II of the 1996 Act (schools maintained by local education authorities);
- (b) which is treated (or will be treated) as established under section 28 of the 1998 Act by virtue of—

(1) 1998 c. 31.

(2) S.I.1999/1016 (c. 29).

- (i) regulation 6 of the Education (Transition to New Framework) (New Schools, Groups and Miscellaneous) Regulations 1999⁽³⁾, or
- (ii) regulation 12 of the Education (Transition to New Framework) (School Organisation Proposals) Regulations 1999⁽⁴⁾; and

(c) which first admits pupils in the 1999–2000 school year.

(2) Where, before 1st September 1999, initial admission arrangements for a school to which this paragraph applies have been made pursuant to section 422 of the 1996 Act in relation to the 1999–2000 school year, those arrangements shall continue to have effect on and after that date for the purposes of the admission of pupils to the school in the course of that year.

(3) Section 422(6) of the 1996 Act⁽⁵⁾, and the other provisions of the 1996 Act referred to in that subsection, shall continue to have effect in relation to a school to which this paragraph applies for the purposes of—

- (a) the determination of an application for the admission of a child to the school in the 1999–2000 school year which is made before 1st September 1999; and
- (b) an appeal against a decision as mentioned in section 423(1) or (2) or 423A(2) of the 1996 Act concerning the admission of a child to the school in the 1999–2000 school year where before that date—
 - (i) notice of appeal has been given, but
 - (ii) the appeal has not been determined by an appeal committee constituted in accordance with paragraph 1 or 2 of Schedule 33 to the 1996 Act.

(4) The reference in sub-paragraph (3)(a) to an application for the admission of a child to a school includes a reference to—

- (a) a preference expressed by a parent in accordance with arrangements made by a local education authority under section 411(1) of the 1996 Act; and
- (b) an application as mentioned in section 438(4) or 440(2) of that Act.

(5) Sub-paragraphs (2) and (3) apply notwithstanding the repeal of section 422 of the 1996 Act.”.

3. Article 16 of the School Standards and Framework Act 1998 (Commencement No. 7 and Saving and Transitional Provisions) Order 1999⁽⁶⁾ shall be amended by the insertion after paragraph (2) of the following paragraph—

“(3) Notwithstanding the repeal referred to in paragraph (1) above and the amendment to section 568 of the 1996 Act by paragraph 175 of Schedule 30 to the 1998 Act, section 568 of the 1996 Act shall have effect in relation to an order under section 274 of the 1996 Act made after 1st September 1999 as if section 274 were included in subsection (2) as an excepted provision for the purposes of subsection (1) of that section.”.

Malcolm Wicks

Parliamentary Under-Secretary of State
Department for Education and Employment

27th August 1999

(3) S.I. 1999/362.

(4) S.I. 1999/704.

(5) Section 422(6) of the 1996 Act was amended by paragraph 32 of Schedule 7 of the Education Act 1997 (c. 44).

(6) S.I. 1999/2323 (c. 59).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the School Standards and Framework Act 1998 (Commencement No. 6 and Saving and Transitional Provisions) Order 1999 (“the No. 6 Commencement Order”) and the School Standards and Framework Act 1998 (Commencement No. 7 and Saving and Transitional Provisions) Order 1999 (“the No. 7 Commencement Order”). It amends the No. 6 Commencement Order by inserting a further saving and transitional provision in Schedule 4. It applies to schools established pursuant to proposals published under the Education Act 1996 and which first admit pupils in the 1999–2000 school year. It allows for admission arrangements determined for such schools under section 422 of the 1996 Act before 1st September 1999 to continue to have effect in relation to that school year; and for applications for admission, and appeals against admission decisions, made before that date to be dealt with in accordance with section 422(6). The new provision will have effect notwithstanding the coming into force on 1st September 1999 of the repeal of section 422 of the 1996 Act.

The Order amends article 16 of the No. 7 Commencement Order (savings provisions relating to the winding up of grant-maintained schools and grant-maintained special schools) by applying the provisions of section 568 of the 1996 Act to an order made under section 274 of that Act after 1st September 1999. Any such order continues to be an “excepted provision” not required to be made by statutory instrument.

The Order also corrects textual errors in paragraphs 2(3) and 11 of Schedule 4 to the No. 6 Commencement Order.