
STATUTORY INSTRUMENTS

1999 No. 362

The Education (Transition to New Framework) (New Schools, Groups and Miscellaneous) Regulations 1999

PART I

INTRODUCTION

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Transition to New Framework) (New Schools, Groups and Miscellaneous) Regulations 1999 and shall come into force on 10th March 1999.

(2) Subject to regulation 3, Part II of these Regulations applies—

- (a) in relation to any time before the appointed day, to any county, voluntary or maintained special school proposals for the establishment of which are implemented on or after 1st January 1999 and which has a temporary governing body;
- (b) in relation to any time on or after the appointed day, to any maintained school which fell within sub-paragraph (a) immediately before the appointed day;
- (c) in relation to any time before the appointed day, to any proposed school (proposals for the establishment of which have been approved, or have effect under section 504(3) of the Education Act 1996⁽¹⁾ as if approved, under section 37, 43, or 340(4) of the 1996 Act or have been determined to be implemented under section 38 of that Act but in either case have not yet been implemented) which has a temporary governing body;
- (d) in relation to any time on or after the appointed day to any school or proposed school which fell within sub-paragraph (c) immediately before the appointed day.

(3) Part III of these Regulations applies—

- (a) in relation to any time before the appointed day, to any grant-maintained school which does not open before the appointed day (and for the purposes of these Regulations a school “opens” on the date when it first admits pupils);
- (b) in relation to any time on or after the appointed day to any maintained school which fell within sub-paragraph (a) immediately before the appointed day.

(4) Subject to regulation 3, Part IV of these Regulations applies—

- (a) in relation to any time before the appointed day, to any school grouped under section 89 or 280 of the 1996 Act;
- (b) in relation to any time on or after the appointed day, to any maintained school which fell within sub-paragraph (a) immediately before the appointed day.

(5) Part V of these Regulations applies—

- (a) in relation to any time before the appointed day, to county, voluntary, maintained special, grant-maintained or grant-maintained special schools which will become maintained schools;
 - (b) in relation to any time on or after the appointed day, to maintained schools which were schools within sub-paragraph (a) immediately before the appointed day.
- (6) Part VI of these Regulations applies to maintained schools which, immediately before the appointed day, were grant-maintained schools or grant-maintained special schools.
- (7) Part VII of these Regulations applies—
- (a) in relation to any time before the appointed day, to county, voluntary, maintained special, grant-maintained or grant-maintained special schools, which will become maintained schools;
 - (b) in relation to any time on or after the appointed day, to maintained schools which were formerly county, voluntary, maintained special, grant-maintained or grant-maintained special schools
- except schools falling within paragraph (2), (3) or (4) above.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

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

“the 1996 Act” means the Education Act 1996;

“additional co-opted governor” means a co-opted governor required by virtue of paragraph 15 of Schedule 9 to the 1998 Act;

“county school”, “voluntary school”, “maintained special school”, “grant-maintained school” and “grant-maintained special school” have the same meanings as in the 1996 Act;

“employee of the local education authority” means a person employed by the local education authority in connection with their functions as a local education authority;

“the First Transitional Regulations” means the Education (School Government) (Transition to New Framework) Regulations 1998(2);

“GM governing body” means the governing body of a new GM school constituted under the 1996 Act before the appointed day;

“grouped governing body” means the governing body of a grouped school constituted under the 1996 Act before the appointed day;

“group” means two or more schools conducted by a grouped governing body or a grouped transitional governing body, as the case may be;

“grouped school” means a school referred to in regulation 1(4);

“instrument of government” means the first instrument of government for a maintained school within the meaning in section 37(1) of the 1998 Act;

“new GM school” means a school referred to in regulation 1(3);

“new LEA maintained school” means a school or proposed school referred to in regulation 1(2);

“representative governor” means a representative governor required by virtue of paragraph 10 of Schedule 9 to the 1998 Act;

“teacher” means a teacher employed under a contract of employment or a contract for services or otherwise engaged to provide his services as a teacher;

“temporary governing body” means the temporary governing body of a new LEA maintained school constituted under the 1996 Act before the appointed day;

“local education authority” in relation to any proposed school or school which will become or is a maintained school means the local education authority which will maintain or maintains the proposed school or school on or after the appointed day.

(2) A reference in these Regulations (however expressed) to a proposed school or school which is to be or is maintained by a local education authority is a reference to a proposed school or school which is to be or is—

- (a) so maintained in accordance with section 20(4) or (5) of the 1998 Act; or
- (b) treated by regulation 6 as established as a maintained school.

(3) A reference in these Regulations to written notice to the clerk to the governing body of the school includes written notice to the clerk to the temporary governing body, the transitional governing body, the GM governing body, the GM transitional governing body, the grouped governing body or the grouped transitional governing body, as the case may be.

(4) Except where the context otherwise requires, the words or expression used in these Regulations set out in the first column of the table below have the meaning given by, (or as the case may be) are to be interpreted in accordance with, the provision referred to in the second column of that table:

“actual incorporation date” (for the purposes of Part II)	regulation 14;
“actual incorporation date” (for the purposes of Part IV)	regulation 47;
“appointed day”	section 20(7) of the 1998 Act(3);
“education action zone”	section 10(1) of the 1998 Act;
“Education Action Forum”	section 11(2) of the 1998 Act;
“GM transitional governing body”	regulation 30;
“grouped transitional governing body”	regulation 49;
“maintained school”	section 20(7) of the 1998 Act;
“minor authority” and “area for which there are one or more minor authorities”	section 141 of the 1998 Act;
“reconstitution date”	regulation 31;
“school’s opening date”	regulation 1(3)(a);
“transitional governing body”	regulation 13.

- (5) Unless the context otherwise requires, any reference in these Regulations to—
- (a) a numbered Part, regulation or Schedule is a reference to the Part, regulation or Schedule in these Regulations so numbered;
 - (b) a numbered paragraph is a reference to the paragraph so numbered in the regulation or Schedule in which the reference appears; and

(3) The day appointed by S.I. [1998/2083](#) is 1st September 1999.

- (c) a numbered sub-paragraph is a reference to the sub-paragraph so numbered in the paragraph in which the reference appears.

New and grouped schools: interpretation

3.—(1) This regulation applies for the purposes of—

- (a) these Regulations;
- (b) the First Transitional Regulations; and
- (c) paragraph 1 of Schedule 10 to the 1998 Act.

(2) A school which has a temporary governing body on 31st August 1999 has a temporary governing body immediately before the appointed day even if it has a permanent governing body constituted under an instrument of government with effect from midnight on 31st August 1999.

(3) In the case of a group comprising two schools grouped under section 89 of the 1996 Act immediately before 31st August 1999, where one of the schools is discontinued with effect from 31st August 1999, the other school will be treated as a school grouped under section 89 of the 1996 Act immediately before the appointed day.

(3) A school grouped under section 89 or 280 of the 1996 Act on 31st August 1999 is treated as grouped under section 89 or 280 of the 1996 Act immediately before the appointed day even if he has a governing body constituted under an instrument of government with effect from midnight on 31 st August 1999.

Conflicting regulations and instruments of government

4. These Regulations shall prevail over any conflicting provision in—

- (a) the Education (School Government) Regulations 1989(4); or
- (b) any instrument of government within the meaning of the 1996 Act.

Breach of prescribed time limits

5. A failure by any person to discharge any duty within a time limit prescribed by these Regulations shall not relieve him of that duty.

(4) S.I. 1989/1503, as amended by S.I. 1991/2845, 1993/3107 and 1996/2050.