

## SCHEDULE

Regulation 9

### PROVISIONS OF ENACTMENTS APPLYING IN RELATION TO NEW SCHOOLS WITH MODIFICATIONS

1. The following provisions of the Education Acts, namely—
  - (a) sections 324(5)(b), 324(5A) and 439 of the Education Act 1996 **(1)**,
  - (b) sections 1, 84, 85A, 86, 87, 89B, 89C, 92, 94, 95 to 99, 101, 102 and 103(3) of the 1998 Act **(2)**,
  - (c) any Regulations made under any of the provisions referred to in sub-paragraphs (a) and (b) above,

shall apply in relation to a new school, but subject to the exceptions and modifications specified in paragraphs 2 to 9 below.

2. A reference in any of the provisions specified in paragraph 1 to a school of one of the following categories, namely—
  - (a) a maintained school,
  - (b) a school maintained by a local education authority,
  - (c) a community, foundation or voluntary school,

shall be construed as a reference to a new school which will become a school of that category when it first admits pupils.

3. A reference in any of those provisions to a governing body of a school shall have effect as if it were a reference to a temporary governing body or (where the context admits) to any other person responsible for the admission of pupils under the initial admission arrangements.

4. A reference in any of those provisions to “admission arrangements” shall be construed as “initial admission arrangements” as defined in regulation 3.

5. A reference in any of those provisions to an “admission authority” shall have effect as if it were a reference to an “admission authority” as defined in regulation 3.

6. Section 99 of the 1998 Act shall not apply in relation to a new school to be established in substitution for one or more discontinued schools each of which has been designated as a grammar school under section 104 of the 1998 Act but shall otherwise have effect as if subsections (2)(a) and 4(a) were omitted.

7. Section 101(1) of the 1998 Act shall have effect as if in sub-paragraph (a) for the words “any year” there shall be substituted “the year in which pupils are first to be admitted to a new school”.

8. Section 103(3) of the 1998 Act shall have effect as if the words “(whether authorised by section 100 or section 101)” were omitted.

9. Part 4 of the Education (School Information) (England) Regulations 2002 **(3)** shall not apply in relation to any new school, the school opening date for which is between 15th April and 1st August in any year.

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(1) Section 324(5)(b) was amended, and section 324(5A) inserted, by paragraph 77 of Schedule 30 to the 1998 Act, and section 324(5)(b) was further amended by paragraph 43 of Schedule 21 to the 2002 Act. Section 439 was amended by paragraph 115 of Schedule 30 to the 1998 Act and further amended by paragraph 14 of Schedule 4 to the 2002 Act.

(2) Section 1 was amended by paragraph 87 of Schedule 21 to the 2002 Act. Section 85A was inserted by section 46 of that Act. Section 86 was amended by section 47 of, and paragraph 3 of Schedule 4 to, that Act. Sections 89A, 89B and 89C were inserted by sections 47(2) and 48 respectively of that Act. Sections 84, 87, 92, and 95 to 98 were amended by paragraphs 2, 4, 7, and 9 to 12 respectively of Schedule 4 to that Act. Section 94 was amended by section 50 of, and paragraph 8 of Schedule 4 to, that Act.

(3) S.I.2002/2897.

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