
Changes to legislation: Education Act 1996, Part III is up to date with all changes known to be in force on or before 12 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 19

CONDUCT AND STAFFING OF NEW COUNTY, VOLUNTARY AND MAINTAINED SPECIAL SCHOOLS

PART III

STAFFING OF NEW SCHOOLS: FINANCIAL DELEGATION PROPOSED

Modifications etc. (not altering text)

C1 Sch. 19 Pt. III modified (temp. from 1.4.1999) by [S.I. 1999/638](#), [regs. 1, 5](#)

Adaptation of references

- 18 For the purposes of the application (in accordance with paragraphs 19 to 24) of sections 136 to 141 and Schedule 14 in relation to new schools which will be county or voluntary schools—
- (a) references to the governing body of a school shall be read as including the temporary governing body of a new school;
 - (b) references to a county school shall be read as including a new school which on implementation of the relevant proposals will be a county school; and
 - (c) references to a voluntary school of a particular category, or maintained by a particular [^{F1}local authority], shall be read as including a new school which on implementation of the relevant proposals will be a voluntary school of that category, or maintained by that authority.

Textual Amendments

F1 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [Sch. 2 para. 7\(2\)](#) (with [Sch. 2 para. 7\(4\)\(5\)](#))

Application or otherwise of provisions about staffing

- 19 (1) Subject to paragraphs 20 to 24, section 136 or (as the case may be) section 137 (staffing of county or voluntary schools with delegated budgets) shall apply to a new school which on implementation of the relevant proposals will be a school of a category to which that section applies not only at any time when (by virtue of Schedule 12) the new school has a delegated budget but also at any time when it has a temporary governing body and sub-paragraph (2) or (3) is satisfied.
- (2) This sub-paragraph is satisfied if the delegation requirement under the scheme will apply to the school on or before the implementation of the relevant proposals.

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- (3) This sub-paragraph is satisfied if the [^{F1}local authority] propose to exercise any power under the scheme to delegate the management of the school's budget share for a financial year by making such a delegation—
- (a) to the temporary governing body before the implementation of the relevant proposals, or
 - (b) to the governing body of the school on implementation of those proposals.
- (4) Paragraphs 6 to 12 of this Schedule shall not apply in relation to a new school to which section 136 for the time being applies.
- (5) Paragraphs 14 to 16 of this Schedule shall not apply in relation to a new school to which section 137 for the time being applies.

Textual Amendments

F1 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))

- 20 Sections 136, 137 and 138 and Schedule 14 (staffing of schools with delegated budgets) shall apply, in the case of a new school, for the purposes only of—
- (a) the appointment of staff at the school, and
 - (b) the taking of such steps with respect to any other matters referred to in those provisions as may be appropriate in preparation for the conduct of the school following implementation of the relevant proposals.
- 21 In the case of a new school which is a proposed county, controlled, aided or special school, no appointments of staff for the school shall be made by the [^{F1}local authority] before the constitution of a temporary governing body for the school.

Textual Amendments

F1 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))

- 22 Section 139(2) and (5) (payments in respect of dismissal) shall not apply in relation to a new school.
- 23 Any provision included in a scheme by virtue of subsection (3) of section 140 (community schools), so far as it relates to the appointment of staff at a school to which that section applies, shall apply in relation to a new school which on implementation of the relevant proposals will be a school to which that section applies.
- 24 (1) Section 141 (amendment of articles) shall not apply in relation to a new school.
- (2) The [^{F1}local authority] shall, however, incorporate—
- (a) the statement mentioned in section 141(2) in the articles of government for a new school which will be a county or controlled school and to which section 136 applies, or
 - (b) the statement mentioned in section 141(3) in the articles of government for a new school which will be an aided school and to which section 137 applies.

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Changes and effects yet to be applied to :

- Sch. 17-19 repealed by [1998 c. 31 Sch. 30 para. 185](#)[Sch. 31](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(2)(ba) substituted for s. 13(2)(aa)(b) by [2022 asc 1 Sch. 4 para. 8\(2\)](#)
- s. 15A(3A) inserted by [2022 asc 1 Sch. 4 para. 8\(3\)](#)
- s. 15B(3)(c) inserted by [2022 asc 1 Sch. 4 para. 8\(4\)](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/1012 art. 12\(1\)](#)[Sch. 2 para. 3](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/863 Sch. 2 para. 4](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/865 Sch. 2 para. 3](#)
- s. 17A functions made exercisable concurrently by [S.I. 2016/653 Sch. 3 para. 3](#)
- s. 17A-17D inserted by [2009 c. 22 s. 45](#)
- s. 17B-17D applied by [2009 c. 22 s. 86\(8\)](#)
- s. 457(4)(i)-(iia) repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 457(4)(iii) words repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 508(4) inserted by [2022 asc 1 Sch. 4 para. 8\(7\)](#)
- s. 537AA inserted by [2008 c. 25 Sch. 1 para. 8](#)
- s. 548(7A)(7B) inserted by [2008 c. 25 Sch. 1 para. 9\(5\)](#)
- s. 578(1) words repealed by [2005 c. 18 Sch. 19 Pt. 1](#)