



# School Standards and Framework Act 1998

## 1998 CHAPTER 31

### PART II **E+W**

#### NEW FRAMEWORK FOR MAINTAINED SCHOOLS

### CHAPTER VII **E+W**

#### MISCELLANEOUS AND SUPPLEMENTAL

#### *Supplementary provisions*

#### **82 Modification of trust deeds. **E+W****

- (1) The Secretary of State may by order make such modifications of any trust deed or other instrument relating to—
  - (a) a school which is or is to become a foundation, voluntary or foundation special school, or
  - (b) property held on trust for the purposes of such a school,as appear to him to be necessary or expedient in connection with the operation of any provision of this Act [<sup>F1</sup>, the Learning and Skills Act 2000 [<sup>F2</sup>, the Education Act 2002 or the Education and Inspections Act 2006]] or anything done under or for the purposes of any such provision.
- (2) Before making an order under this section the Secretary of State shall consult—
  - (a) the governing body of the school in question;
  - (b) any trustees holding property on trust for the purposes of the school;
  - (c) in the case of a Church of England, Church in Wales or Roman Catholic Church school, the appropriate diocesan authority; and
  - (d) such other persons as he considers appropriate.

*Status: Point in time view as at 05/05/2010.*

*Changes to legislation: School Standards and Framework Act 1998, Cross Heading: Supplementary provisions is up to date with all changes known to be in force on or before 03 September 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)*

- (3) Any modification made by an order under this section may be made so as to have permanent effect or to have effect for such period as is specified in the order.

#### Textual Amendments

- F1** Words in s. 82(1) inserted (1.10.2002 for E. and 19.12.2002 for W.) by [Education Act 2002 \(c. 32\)](#), ss. 215(1), 216, **Sch. 21 para. 108** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3** (with Sch.); S.I. 2002/3185, **art. 4**, Sch. Pt. 1
- F2** Words in s. 82(1) substituted (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), **Sch. 3 para. 28**; S.I. 2007/935, art. 7(o)

### 83 Modification of provisions making governors of foundation or voluntary school ex officio trustees. **E+W**

- (1) Where any provision of a trust deed or other instrument made before 1st July 1981 would, apart from this subsection, have the effect that the persons who are for the time being governors of a foundation or voluntary school were by virtue of their office trustees of any property held for the purposes of, or in connection with, the school, that provision shall instead have effect as if the only governors of the school were—
- (a) the foundation governors,
  - (b) those appointed by the [<sup>F3</sup>local authority], and
  - (c) any co-opted governor nominated by a minor authority.
- (2) Subsection (1) is without prejudice to any power to amend any such provision as is mentioned in that subsection.

#### Textual Amendments

- F3** 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), art. 1, **Sch. 2 para. 10(2)** (with Sch. 2 para. 10(4))

#### Modifications etc. (not altering text)

- C1** S. 83 modified (temp.) (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), **Sch. 6 para. 3(4)**; S.I. 2007/935, art. 5(bb)

**Status:**

Point in time view as at 05/05/2010.

**Changes to legislation:**

School Standards and Framework Act 1998, Cross Heading: Supplementary provisions is up to date with all changes known to be in force on or before 03 September 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.