

*Status: Point in time view as at 25/05/2007.*

**Changes to legislation:** School Standards and Framework Act 1998, Part II is up to date with all changes known to be in force on or before 14 July 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)

## SCHEDULES

### SCHEDULE 32

#### TRANSITIONAL PROVISIONS AND SAVINGS

##### PART II

##### OTHER PROVISIONS

##### *Limit on class sizes*

- 6 (1) The transitional provision which may be made for the purposes of section 1 by regulations under section 144(1) includes provision with respect to any relevant time—
- (a) for disapplying to any extent in relation to existing maintained schools (whether or not subject to compliance with any prescribed requirements) section 411(6), 416(1) or 426(1) of the <sup>M1</sup>Education Act 1996 (provisions about admission numbers);
  - (b) for otherwise modifying any of the provisions (whether statutory provisions or articles of government) which are relevant to the determination or publication of the arrangements—
    - (i) for the admission of pupils to such schools, or
    - (ii) for appeals by parents against decisions taken in relation to the admission of pupils to such schools,or to the procedure relating to such appeals;
  - (c) for requiring or authorising bodies responsible for determining such arrangements to determine and publish fresh arrangements, subject to such consultation as may be prescribed, where arrangements previously determined (or previously determined and published) by them are to any extent inconsistent with the provisions mentioned in paragraph (b) as they have effect in accordance with the regulations.
- (2) Regulations made in pursuance of paragraph (b) of sub-paragraph (1) may, in particular, modify the provisions mentioned in that paragraph so that they apply in relation to existing maintained schools with the addition of provisions whose purposes correspond to those of any of paragraphs 6(5), 10(5) and 11 of Schedule 23 to this Act.
- (3) In this paragraph—
- “existing maintained school” means—
    - (a) any county or voluntary school, or
    - (b) any grant-maintained school,
- within the meaning of the <sup>M2</sup>Education Act 1996;

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“relevant time”, in relation to an existing maintained school, means any time after the coming into force of regulations under section 1 by virtue of which any limit on class sizes is to apply, or be varied, in relation to the school.

**Marginal Citations**

- M1 1996 c. 56.
- M2 1996 c. 56.

*School Teachers’ Pay and Conditions Act 1991*

F17 . . . . .

**Textual Amendments**

- F1 Sch. 32 para. 7 repealed (1.8.2003) by [Education Act 2002 \(c. 32\)](#), s. 216(2), Sch. 21 para. 119, [Sch. 22 Pt. 1](#) (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2003/1667](#), art. 2

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

- C1 Sch. 32 para. 7 applied with modification (from 1.9.1998 to 1.9.1999) by [S.I. 1998/2115](#), [regs.2,3](#) and 4

*Orders for purposes of section 20(5)*

- 8 The Secretary of State may only make an order under section 20(5) where he considers it appropriate to do so on an application made for the purpose by—
  - (a) the former maintaining authority (within the meaning of that provision), or
  - (b) the local education authority in whose area the school in question will be situated immediately before the appointed day,
 and received by him not later than 30th November 1998.

*Notice by trustees to terminate former voluntary school’s occupation of land*

- 9 (1) This paragraph applies where—
  - (a) at any time before the appointed day, whether before or after the date on which this Act is passed, any trustees (being entitled to do so) have given to the governing body of a former voluntary school a notice which is effective to terminate, on or after that day, the school’s occupation of any land held by the trustees for the purposes of the school; and
  - (b) the termination of the school’s occupation of that land would have the result that it was not reasonably practicable for the school to continue to be conducted at its existing site.
- (2) Paragraph 8(2) of Schedule 22 shall apply in relation to the land to which such a notice relates as it applies in relation to the land to which a notice falling within section 30(10) relates.
- (3) Section 30(12) and (13) shall apply, with any necessary modifications, for the purposes of sub-paragraph (1)(b) as they apply for the purposes of section 30(10)(b).
- (4) In this paragraph “former voluntary school” means—

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- (a) any voluntary school, or
  - (b) any grant-maintained school which was a voluntary school immediately before becoming grant-maintained or was established by promoters,
- within the meaning of the <sup>M3</sup>Education Act 1996, which on the appointed day becomes a foundation or voluntary school within the meaning of this Act.

**Marginal Citations**

**M3** 1996 c. 56.

*Transfer of sites provided under sections 60 and 61 of the Education Act 1996*

- 10 (1) This paragraph applies where—
- (a) before the appointed day a site was provided for a school by a local education authority under section 60 or 61 of the <sup>M4</sup>Education Act 1996 (obligation of LEAs to provide new sites and buildings for voluntary schools); but
  - (b) no conveyance was made in respect of that site under section 60(2) or (as the case may be) section 61(2) of that Act before that day.
- (2) Where the site was provided under section 60 of that Act, sub-paragraphs (3) to (11) (but not (7)(b)) of paragraph 2 of Schedule 3 to this Act shall apply in relation to the provision of that site as if it had been provided under sub-paragraph (1) of that paragraph.
- (3) Where the site was provided under section 61 of that Act, sub-paragraphs (3) to (9) of paragraph 4 of Schedule 3 to this Act shall apply in relation to the provision of that site as if it had been provided under sub-paragraph (1) of that paragraph.

**Marginal Citations**

**M4** 1996 c. 56.

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