
STATUTORY INSTRUMENTS

1998 No. 3097

EDUCATION, ENGLAND AND WALES

The Education (Government of New Schools on Transition to New Framework) Regulations 1998

Made - - - - *8th December 1998*
Laid before Parliament *11th December 1998*
Coming into force - - *1st January 1999*

In exercise of the powers conferred on the Secretary of State by section 144 of the School Standards and Framework Act 1998(1), the Secretary of State for Education and Employment, as regards England, and the Secretary of State for Wales, as regards Wales, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Education (Government of New Schools on Transition to New Framework) Regulations 1998 and shall come into force on 1st January 1999.

Interpretation

2.—(1) In these Regulations—

“the 1996 Act” means the Education Act 1996(2);

“relevant school” means a county, voluntary or maintained special school (within the meaning of the 1996 Act) proposals for the establishment of which are implemented on or after 1st January 1999 and which has a temporary governing body.

(2) Expressions 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 provisions referred to in the second column of that table:

“appointed day”	section 20(7) of the School Standards and Framework Act 1998(3);
“governing body”	section 182 of the 1996 Act;

(1) 1998 c. 31; for the meaning of “regulations” see section 142(1).

(2) 1996 c. 56.

(3) The appointed day is 1st September 1999 by virtue of S.I. 1998/2083.

“instrument of government”	section 76(1) of the 1996 Act;
“relevant proposals”	section 181(2) of the 1996 Act;
“temporary governing body”	section 181(3) of the 1996 Act.

No requirement for instrument of government

3. Section 76 of the 1996 Act shall not apply in relation to any relevant school.

Arrangement for constitution of temporary governing body

4. In relation to any relevant school, section 96(1) and (3) and section 97(1) and (2) of the 1996 Act shall have effect as if any reference (however expressed) to an arrangement for the constitution of a temporary governing body for the school in question pending the constitution of its governing body under an instrument of government were a reference to such an arrangement pending the appointed day.

Temporary governing body treated as governing body

5.—(1) The temporary governing body of a relevant school shall continue in existence and be treated as if they were the governing body during the period commencing on the date on which the relevant proposals are implemented and ending immediately before the appointed day.

(2) References to “temporary governing body” in Schedule 12 to the 1996 Act do not include a temporary governing body referred to in paragraph (1) above.

Requirement for articles of government

6. In relation to any relevant school, paragraph 1(1) of Schedule 19 to the 1996 Act shall have effect as if there were substituted for the words “until the requirement for there to be an instrument of government for the school takes effect under section 99”, the words “until the date on which the relevant proposals are implemented”.

Conduct of relevant school

7. In relation to any relevant school, paragraph 3 of Schedule 19 to the 1996 Act shall have effect as if there were substituted for the words “a governing body is constituted for the school under an instrument of government”, the words “1st September 1999”.

Consequential provisions

8. The following provisions of the 1996 Act shall not apply to relevant schools—
- (a) sections 89 to 95;
 - (b) section 96(5);
 - (c) section 97(8);
 - (d) section 100;
 - (e) Schedule 10; and
 - (f) paragraphs 11(2) and 15(2) of Schedule 19.

3rd December 1998

Estelle Morris
Minister of State,
Department for Education and Employment

8th December 1998

Peter Hain
Parliamentary Under Secretary of State, Welsh
Office

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make transitional provision for the purposes of the School Standards and Framework Act 1998 (“the 1998 Act”).

The 1998 Act requires maintained schools to have governing bodies constituted under instruments of government conforming with Schedules 9 and 12 to that Act.

These Regulations provide that new county, voluntary and maintained special schools, proposals for the establishment of which are implemented on or after 1st January 1999 but before 1st September 1999, are not required to have instruments of government made under the Education Act 1996.

The Regulations allow the temporary governing body of any such school to conduct the school until 1st September 1999, when the new school framework takes effect.

The Regulations make consequential amendments, including to Schedule 19 to the Education Act 1996 to make it clear that articles of government are still required for new schools to which the Regulations apply from the date the proposals are implemented.