
STATUTORY INSTRUMENTS

1998 No. 3172

EDUCATION, ENGLAND AND WALES

**The School Standards and Framework Act 1998
(Proposals under section 211 of the Education Act 1996) (Transitional Provisions) Regulations 1998**

<i>Made</i>	- - - -	<i>16th December 1998</i>
<i>Laid before Parliament</i>		<i>18th December 1998</i>
<i>Coming into force</i>	- -	<i>1st April 1999</i>

In exercise of the powers conferred on the Secretary of State by sections 144(1) and (2) of the School Standards and Framework Act 1998(1) the Secretary of State for Education and Employment hereby makes the following Regulations—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the School Standards and Framework Act 1998 (Proposals under section 211 of the Education Act 1996) (Transitional Provisions) Regulations 1998 and shall come into force on 1st April 1998.

(2) In these Regulations—

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

“the 1998 Act” means the School Standards and Framework Act 1998.

Proposals under section 211 of the 1996 Act

2.—(1) Where before 1st April 1999 the funding authority have published proposals under section 211 of the 1996 Act which have not been determined before that date, section 213 of, paragraph 10 of Schedule 20 to, and section 214(1) and (3) of, the 1996 Act shall continue to apply in relation to such proposals but—

(a) all such proposals shall require the approval of the Secretary of State (despite section 214(1)); and

(b) the Secretary of State may only approve the proposals if the local authority in which the proposed school is to be situated consent and otherwise he shall reject the proposals.

(1) 1998 c. 31.
(2) 1996 c. 56.

Status: This is the original version (as it was originally made).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

(2) Where proposals published under section 211 of the 1996 Act were determined before 1st April 1999 but have not been implemented before that date or proposals such as are mentioned in paragraph (1) are approved, section 214(5), 215(1), (2) and (4), 216(1) and 217 of the 1996 Act shall continue to apply in relation to such proposals, but—

(a) in any case where particulars in respect of the proposed premises have not been adopted by the funding authority under section 214(5) of the 1996 Act before 1st April 1999, that subsection shall have effect as if for “must be adopted by the funding authority” there were substituted “require the approval of the Secretary of State”; and

(b) section 215(2) of the 1996 Act shall have effect as if for “the funding authority” there were substituted “the local education authority in which the school is or will be situated”.

(3) Any reference in paragraphs (2) and (3) to a provision of the Education Act 1996 continuing to apply is a reference to that provision continuing to apply after and despite the coming into force of the repeal of the provision in question effected by Schedule 31 to the 1998 Act.

16th December 1998

Estelle Morris
Minister of State,
Department for Education and Employment

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make transitional provisions relating to proposals published by the Funding Authority for Schools under section 211 of the Education Act 1996 to establish a new grant-maintained school. These regulations are made in connection with the repeal of provisions of sections 211–217 of the Education Act 1996 made by Schedule 30 to the School Standards and Framework Act 1998, which are proposed to come into force on 1st April 1999.