
STATUTORY INSTRUMENTS

1999 No. 362

The Education (Transition to New Framework) (New Schools, Groups and Miscellaneous) Regulations 1999

PART VII

Miscellaneous Amendments to the First Transitional Regulations

61.—(1) The First Transitional Regulations(1) shall be amended as follows—

(2) In regulation 2(1), after the definition of “current school”, there shall be inserted the following definition—

““employee of the local education authority” means a person employed by the local education authority in connection with their functions as a local education authority;”.

(3) In regulation 2(1), after the definition of “instrument of government”, there shall be inserted the following definition—

““representative governor” means a representative governor required by virtue of paragraph 10 of Schedule 9 to the 1998 Act;”.

(4) In regulation 6, there shall be inserted—

(a) after paragraph (2) the following paragraph—

“(2A) In relation to a school which will be a community special school not established in a hospital, paragraph 10 of Schedule 9 to the 1998 Act shall apply as if there were substituted for sub-paragraph (6)(a) the following—

“(a) if a voluntary organisation is designated by the local education authority, in relation to the school which will be a community special school, as the appropriate voluntary organisation concerned with matters in respect of which the community special school will be specially organised, a representative governor shall be appointed by that organisation;” or;” and

(b) after paragraph (5) the following paragraph—

“(5A) References in paragraph 3 of Schedule 12 to the 1998 Act to the “category of school to which the school belongs” shall be treated as references to the category of school to which the school will belong when it is a maintained school.”.

(5) In regulation 7(3)(a), there shall be substituted for “dates” the word “date”.

(6) In regulation 10 there shall be added the following paragraphs—

“(2) It shall be a sufficient compliance with paragraph (1) if the instrument of government is in a form substantially to the like effect to the relevant form set out in Schedule 2.

- (3) The current governing body or the transitional governing body, as the case may be, shall not delegate any decision relating to the contents or preparation of the instrument of government, or the appointment of governors required by the instrument of government.”.
- (7) In regulation 12(2), there shall be substituted for “the appointed day”, the words “midnight on 31st August 1999”.
- (8) For regulation 14(5)(a), there shall be substituted—
- “(a) The governors who are to cease to hold office under paragraph (4) shall be determined on the basis of seniority, the governor whose current period of continuous service (whether as a governor of one or more than one category) is the shortest being the first to cease to hold office.”.
- (9) In regulation 19, there shall be substituted in paragraph (1) for “(4)”, “(4A)” and there shall be inserted after paragraph (4) the following paragraph—
- “(4A) Members of the transitional governing body shall continue in office pending reconstitution of the governing body under the instrument of government, even if the term of office for which they were originally appointed has expired.”.
- (10) In regulation 20, there shall be inserted after paragraph (5) the following paragraph—
- “(5A) In regulation 13, there shall be inserted after paragraph (9) the following paragraph—
- “(9A) No member of a transitional governing body shall continue in office under this regulation if the term for which he was originally appointed has expired.”.
- (11) In regulation 20(6), after “power”, there shall be inserted “in the first place where that word occurs,”.
- (12) In paragraph 1(b) of Schedule 1, there shall be inserted before “financial”, the word “substantial” and after “benefits in kind”, the words “other than the provision of services”.
- (13) In paragraph 1(b) of Schedule 5, the words “where appointments are made” shall be omitted in both places where those words occur.
- (14) In paragraph 3(4) and (6) of Schedule 6, for the word “paragraph”, in each place where that word occurs, there shall be substituted the word “sub-paragraph”.