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STATUTORY INSTRUMENTS

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**1999 No. 704**

**The Education (Transition to New Framework)  
(School Organisation Proposals) Regulations 1999**

**PART III**

**TRANSITIONAL PROVISIONS CONSEQUENT ON THE COMING  
INTO FORCE OF CHAPTER II OF PART II OF THE 1998 ACT  
(ESTABLISHMENT, ALTERATION OR DISCONTINUANCE OF SCHOOLS)**

**Order that school is to be voluntary controlled or voluntary aided**

9.—(1) Where, in relation to proposals to which regulation 8 applies, an application was made to the Secretary of State under section 48 of the 1996 Act before 1st September 1999, but no order was made under that section before that date, the Secretary of State may by order direct—

- (a) that the school shall be a voluntary controlled school, or
- (b) that the school shall be a voluntary aided school.

(2) Where an application was made for an order under section 48(1)(b) of the 1996 Act and the Secretary of State is satisfied that the governing body of the school will be able and willing, with the assistance of grants under paragraph 5 of Schedule 3 to the 1998 Act, to defray the expenses that would fall to be borne by them by virtue of paragraph 3(1) or (2) of Schedule 3 to that Act as the governing body of a voluntary aided school, he shall make an order directing that the school shall be a voluntary aided school.

(3) Where an application was made for an order under section 48(1)(b) of the 1996 Act and—

- (a) the Secretary of State is not satisfied that the governing body will be able to defray those expenses without the assistance of both—
  - (i) grant under paragraph 5 of Schedule 3 to the 1998 Act; and
  - (ii) a loan under paragraph 7 of that Schedule; and
- (b) it appears to him that the area to be served by the school will not be also served by a community, foundation or voluntary controlled school,

he shall, before deciding whether to make such an order, consult such persons or bodies as appear to him to be representative of any religion or religious denomination which in his opinion, having regard to the circumstances of the area, is likely to be concerned.