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STATUTORY INSTRUMENTS

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**1999 No. 120 (C.3)**

**EDUCATION, ENGLAND AND WALES**

**The School Standards and Framework Act  
1998 (Commencement No. 5 and Saving  
and Transitional Provisions) Order 1999**

*Made - - - - 20th January 1999*

In exercise of the powers conferred on the Secretary of State by sections 145(3) and 138(7) of the School Standards and Framework Act 1998(1), the Secretary of State for Education and Employment hereby makes the following Order:

**Citation and interpretation**

1.—(1) This Order may be cited as the School Standards and Framework Act 1998 (Commencement No. 5 and Saving and Transitional Provisions) Order 1999.

(2) In this Order—

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

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

**Commencement of provisions**

2.—(1) The provisions of the 1998 Act specified in Schedule 1 to this Order shall come into force on 1st February 1999.

(2) The provisions of the 1998 Act specified in Schedule 2 to this Order shall come into force on 10th March 1999.

**Transitional provisions relating to section 129 of the 1998 Act**

3.—(1) In this article—

“the 1977 Regulations” means the Scholarships and Other Benefits Regulations 1977(3) (as they had effect immediately before 1st February 1999);

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(1) 1998 c. 31.

(2) 1996 c. 56.

(3) S.I. 1977/1443; amended by S.I. 1979/260, 1979/542, 1989/1278 and 1998/86.

“the new section 18” means section 18 of the 1996 Act as substituted by section 128 of the 1998 Act<sup>(4)</sup>;

“the new section 518” means section 518 of the 1996 Act as substituted by section 129 of the 1998 Act;

“the old section 518” means section 518 of the 1996 Act as originally enacted.

(2) Notwithstanding the coming into force of section 129 of the 1998 Act (payment of school expenses: grant of scholarships, etc.) which provides for the substitution of section 518 of the 1996 Act, the old section 518 shall continue to have effect to the extent necessary for the purposes of sub-paragraphs (3) and (4) below.

(3) Regulation 4(d) of the 1977 Regulations<sup>(5)</sup> shall continue to have effect until the date referred to in sub-paragraph (4) below; and the other provisions of those Regulations shall continue to have effect until revoked (with or without savings or transitional provisions) by regulations made under the new section 518.

(4) Regulation 4(d) of the 1977 Regulations shall cease to have effect on the coming into force of section 128 of the 1998 Act, subject to such savings or transitional provisions as may be provided for in—

- (a) the order appointing the day for the coming into force of section 128, or
- (b) regulations made under the new section 18.

#### **Transitional provisions relating to section 137 of the 1998 Act**

4. The amendment of section 198 of, and Schedule 10 to, the Education Reform Act 1988 made by section 137 of, and Schedule 29 to, the 1998 Act (amendments relating to functions of Education Transfer Council) shall not have effect in relation to—

- (a) any transfer under section 126 or section 130 of the Education Reform Act 1988 in respect of which the Education Transfer Council have given a direction before 1st February 1999 under paragraph 62(1) of Schedule 8 to the Further and Higher Education Act 1992<sup>(6)</sup>; or
- (b) any transfer under section 201 of the 1996 Act.

#### **Savings provisions relating to schools grouped under one governing body**

5.—(1) The repeal of section 90 of the 1996 Act is without prejudice to the continued effect of any modification made under subsection (5) of that section.

(2) The repeal of subsection (1) of section 92 of the 1996 Act is without prejudice to the continued application of subsection (3) of that section.

(3) The repeals of sections 90 and 95 of the 1996 Act are without prejudice to the termination of any grouping under section 89 of the 1996 Act, in accordance with section 95 of that Act, by reason of the discontinuance before 31st August 1999 of one or more schools in the group.

*Tessa Blackstone*  
Minister of State,

20th January 1999

Department for Education and Employment

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(4) As at the date that this Order is made no date has been appointed for the coming into force of section 128.

(5) Regulation 4(d) was substituted by S.I. 1998/86.

(6) 1992 c. 13.

## SCHEDULE 1

Article 2

### PROVISIONS COMING INTO FORCE ON 1ST FEBRUARY 1999

Section 54 to the extent that it relates to the provisions of Schedule 16 specified below.  
Section 55 to the extent that it relates to the provisions of Schedule 17 specified below.  
Section 129.  
Section 137.  
In Schedule 16, paragraph 30.  
In Schedule 17, paragraphs 1(1) and 27(3).  
Schedule 29.  
In Schedule 30, paragraphs 48, 125, 126 and 182.

## SCHEDULE 2

Article 2

### PROVISIONS COMING INTO FORCE ON 10TH MARCH 1999

In Schedule 30, paragraph 69 to the extent that it relates to the omission of sections 54(6)(c), 89(1) and (2), 90, 91, 92(1), (2) and (4), 94 and 95 of the 1996 Act.  
In Schedule 31, the repeal of those provisions of the 1996 Act omitted by paragraph 69 of Schedule 30 to the 1998 Act specified above.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings certain provisions of the School Standards and Framework Act 1998 into force on 1st February 1999 and 10th March 1999 respectively.

The provisions brought into force on 1st February 1999 are section 129, which substitutes a new section 518 in the Education Act 1996, relating to the payment of school expenses and the grant of scholarships to persons over compulsory school age; section 137 and Schedule 29, which amend section 198 of, and Schedule 10 to, the Education Reform Act 1988, relating to the functions of the Education Transfer Council; paragraph 30 of Schedule 16, paragraphs 1(1) and 27(3) of Schedule 17 and sections 54 and 55 to the extent that they relate to these provisions, which enable the Secretary of State to make regulations concerning the employment of school meals staff; paragraph 48 of Schedule 30, which amends section 3 of the Charities Act 1993 (c. 10); paragraph 125 of Schedule 30, which amends section 484 of the Education Act 1996; paragraph 126 of Schedule 30 which amends section 489 of the Education Act 1996; and paragraph 182 of Schedule 30, which amends section 578 of the Education Act 1996.

The provisions brought into force on 10th March 1999 repeal certain provisions in the Education Act 1996 relating to the grouping of two or more schools under one governing body.

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The Order also contains transitional and savings provisions relating to sections 129 and 137 of the Education Act 1998 and sections 90, 92 and 95 of the Education Act 1996.

#### NOTE AS TO EARLIER COMMENCEMENT ORDERS

The following provisions of the Act have been or will be brought into force by commencement orders made before the date of this Order:

<i>Provision</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
Sections 10 to 12 and Schedule 1.	8th August 1998.	1998/2048.
Sections 13 and 104(1) to (3) and (5) to (7).	1st September 1998.	1998/2048.
Sections 5 to 9, 14, 15, 16(1) to (5) and (13), 17 to 19, 24(2) to (4), 24(5), 25, 26(2) to (8), 38(3), 39(1) (partially), 44(5) and (6), 45 to 48, 50(3) and (4), 52, 62, 63, 69(2) to (5), 71(7), 72, 77 (partially), 81, 88, 89(2) to (8) (partially), 90(1) to (3), (5), (9) and (10) (partially), 91(2) to (4), (6) and (9) (partially), 92 (partially), 93(3), (8) and (9), 98(5) and (8) to (10) (partially), 99(1), (2) and (5), 100 (partially), 101 (partially), 102(1) and (4) (partially), 103(3), 104(4)(a), 105, 106, 108, 112(1) and (2), 113, 117, 119, 122, 123, 127, 134(1) and (3), 135 (which introduces Schedule 28) (partially), 136, 140(1) (which introduces Schedule 30) (partially) and section 140(3) (which introduces Schedule 31) (partially); paragraphs 1, 2 and 5 of Schedule 4; Schedule 5; paragraph 6 of Schedule 11; Schedule 14; paragraphs 1, 2(4) (partially) and 3(4) (partially) of Schedule 19; paragraphs 5(1), (5) and (6) (partially), 6(7) and (10) (partially), 9(1), (6) and (7) (partially), and 10(7) (partially) of Schedule 23; and Schedule 26.	1st October 1998.	1998/2212.

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<i>Provision</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
Paragraphs 139 (partially) and 153 of Schedule 30.	20th November 1998.	1998/2791.
Sections 66(8) and 107.	1st December 1998.	1998/2212.
Section 89 in so far as not already in force.	6th January 1999.	1998/3198.
Sections 110, 111, 140(1) (which introduces Schedule 30) (partially) and 140(3) (which introduces Schedule 31) (partially).	1st February 1999.	1998/2212.
Sections 28(9), 29(8), 33(4), 77 so far as not already in force, 109(3) and (4), 116; and paragraphs 5(4) (partially) and 10(4) (partially) of Schedule 6.	1st February 1999.	1998/3198.
Sections 49, 50 in so far as not already in force, 51, 53, 118, 124, 125(5), 140(1) and (3) (partially); Schedule 15 and Schedule 27 (partially).	1st April 1999.	1998/2212.
Paragraph 139 of Schedule 30 (for all remaining purposes).	1st April 1999.	1998/2791.