

SCHEDULE 2

TRANSITIONAL PROVISIONS

PART I

TRANSITIONAL PROVISIONS CONSEQUENTIAL ON THE COMMENCEMENT OF PROVISIONS OF CHAPTERS I, II AND III OF PART II

7.—(1) Subject to sub-paragraph (2) below, this paragraph applies to any school in respect of which the procedure under Chapter IV of Part I of the 1988 Act for the acquisition of grant-maintained status is pending (within the meaning of section 76 of that Act) immediately before 1st January 1994.

(2) Where in the case of any such school, the procedure for acquisition of grant-maintained status, which is pending as mentioned in sub-paragraph (1) above, is terminated in accordance with section 76(4) of the 1988 Act (as it has effect by virtue of sub-paragraph (3) below), this paragraph shall cease to apply to that school from that date.

(3) In relation to any school to which this paragraph applies—

- (a) sections 38 and 40 to 46 of the Act shall not apply;
- (b) the repeal of sections 74 and 76 to 78 of the 1988 Act shall not have effect;
- (c) paragraph 6(1)(c) or (as the case may be) paragraph 7(1)(c) of Schedule 13 to the Act shall have effect as if the reference to section 40 of the Act were a reference to section 76 of the 1988 Act; and
- (d) the amendments made by—
 - (i) section 47(9) of the Act to Schedule 10 to the 1988 Act;
 - (ii) paragraph 134(a) of Schedule 19 to the Act to section 198(1) of the 1988 Act;
 - (iii) paragraph 137 of that Schedule to section 230(1) of the 1988 Act (in so far as it has effect for the purpose of omitting the words “section 74 (taken with Schedule 10)”;
 - and
 - (iv) paragraph 139(a)(ii) and (c) of that Schedule to section 235 of the 1988 Act, shall not have effect.

(4) Where paragraph 2 above does not apply in the case of any school in respect of which sub-paragraph (3) above has effect, any reference in sections 74 to 78 of the 1988 Act (as they have effect by virtue of that sub-paragraph) to the transfer date shall have effect in relation to that school as if it were a reference to the date of implementation of the proposals (within the meaning of section 37(2) of the Act).