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STATUTORY INSTRUMENTS

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**1998 No. 2670**

**The School Standards and Framework Act  
1998 (Modification) Regulations 1998**

**Obligation to maintain grant-maintained and grant-maintained special schools**

2.—(1) Subject to paragraph (2) below, in the relevant period a local education authority shall maintain every grant-maintained and grant-maintained special school situated in their area.

(2) Where an order has been made under section 20(5) of the 1998 Act before 1st April 1999 in respect of a grant-maintained school to the effect that it shall be maintained from the appointed day<sup>(1)</sup> by the former maintaining authority rather than the authority in whose area it is situated on the appointed day, then during the relevant period that grant-maintained school shall be maintained by the former maintaining authority referred to in that order rather than the authority in whose area it is situated.

(3) A local education authority's duty to maintain a grant-maintained or grant-maintained special school includes the duty of defraying all the expenses of maintaining it save that the authority shall have the power but not the duty to meet any such expenses which fall within the meaning of expenditure for capital purposes in section 40 of the Local Government and Housing Act 1989<sup>(2)</sup>.

(4) For the purposes of these Regulations the expenses of maintaining a grant-maintained or grant-maintained special school include the payment of rates.

(5) References in any enactment to a maintained school or a school maintained by a local education authority (however framed) shall not apply to a grant-maintained or grant-maintained special school unless these Regulations or that enactment so provide and maintenance of a grant-maintained or grant-maintained special school by a local education authority pursuant to this regulation shall not cause that school to cease to be a school of that category and to become a county, voluntary or maintained special school within the meaning of the 1996 Act.

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(1) The appointed day is 1st September 1999 by virtue of S.I.1998/2083.

(2) 1989 c. 42.