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STATUTORY INSTRUMENTS

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**1998 No. 2763**

**The Education (School Government) (Transition to New Framework) Regulations 1998**

**PART I**

**INTRODUCTION**

**Citation, commencement and application**

**1.**—(1) These Regulations may be cited as the Education (School Government) (Transition to New Framework) Regulations 1998 and shall come into force on 3rd December 1998.

(2) Subject to paragraph (3), these Regulations apply in relation to—

- (a) county, voluntary, maintained special, grant-maintained or grant-maintained special schools, which will become maintained schools within the meaning of section 20(7) of the 1998 Act; and
- (b) maintained schools within the meaning of the said subsection which were formerly county, voluntary, maintained special, grant-maintained or grant-maintained special schools.

(3) These regulations do not apply in relation to a school (“an excepted school”) if—

- (a) it is a grouped school; or
- (b) in relation to any time before the appointed day, it is—
  - (i) a county, voluntary or maintained special school proposals for the establishment of which are implemented on or after 1st January 1999; or
  - (ii) a grant-maintained or grant-maintained special school which does not open before the appointed day (and for this purpose a school “opens” on the date when it first admits pupils); or
- (c) in relation to any time on or after the appointed day it is a school which was a school within sub-paragraph (b) immediately before the appointed day.

**Interpretation**

**2.**—(1) In these Regulations—

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

“the 1996 Act” means the Education Act 1996(1);

“additional co-opted governor” means a co-opted governor required by virtue of paragraph 15 of Schedule 9 to the 1998 Act;

“county school”, “voluntary school”, “maintained special school”, “grant-maintained school” and “grant-maintained special school” have the same meanings as in the 1996 Act;

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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“current governing body” means the governing body of a county, voluntary, maintained special, grant-maintained or grant-maintained special school (other than the governing body of an excepted school);

“current school” means a county, voluntary, maintained special, grant-maintained or grant-maintained special school (other than an excepted school);

“instrument of government”, unless the context otherwise requires, means the instrument of government required by paragraph 6 of Schedule 12 to the 1998 Act, whether or not made by the end of the period prescribed in regulation 5;

“teacher” means a teacher employed under a contract of employment or a contract for services or otherwise engaged to provide his services as a teacher.

(2) A reference in these Regulations (however framed) to a school which is or is to be maintained by a local education authority is a reference to a school which is or is to be so maintained in accordance with section 20(4) or (5) of the 1998 Act.

(3) Except where the context otherwise requires, expressions used in these Regulations set out in the first column of the table below have the meaning given by, or (as the case may be) are to be interpreted in accordance with, the provisions referred to in the second column of that table:

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“appointed day”	section 20(7) of the 1998 Act <sup>(2)</sup>
“excepted school”	regulation 1(3) of these Regulations;
“education action zone”	section 10(1) of the 1998 Act;
“Education Action Forum”	section 11(2) of the 1998 Act;
“grouped school”	paragraph 1(7) of Schedule 10 to the 1998 Act;
“minor authority” and “area for which there are one or more minor authorities”	section 141 of the 1998 Act;
“transitional governing body”	regulation 18(2) or 19(5) of these Regulations, as the context requires.

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(4) Unless the context otherwise requires, any reference in these Regulations to—

- (a) a numbered Part, regulation or Schedule is a reference to the Part, regulation or Schedule in these Regulations so numbered;
- (b) a numbered paragraph is a reference to the paragraph so numbered in the regulation or Schedule in which the reference appears; and
- (c) a numbered sub-paragraph is a reference to the sub-paragraph so numbered in the paragraph in which the reference appears.

### **Conflicting regulations and instruments of government**

3. These Regulations shall prevail over any conflicting provision in—

- (a) the Education (School Government) Regulations 1989<sup>(3)</sup>; or
- (b) any instrument of government within the meaning of the 1996 Act.

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<sup>(2)</sup> The day appointed by S.I.1998/2083 is 1st September 1999.

<sup>(3)</sup> S.I. 1989/1503, as amended by S.I. 1991/2845, 1993/3107 and 1996/2050.

**Breach of prescribed time limits**

4. A failure by any person to discharge any duty within a time limit prescribed by these Regulations shall not relieve him of that duty.