

---

STATUTORY INSTRUMENTS

---

**1999 No. 2262**

**The Education (New Schools) (England) Regulations 1999**

**PART VI**

**STAFFING OF NEW SCHOOLS**

**Interpretation of Part VI**

**45.** In this Part—

- (a) “proposed school” means a proposed school (that is to say, one which has not yet opened) for which there is a temporary governing body constituted under section 44 of the 1998 Act, a transitional governing body treated as so constituted by virtue of regulation 13(5) of the Second Transitional Regulations, or a temporary governing body treated as so constituted by virtue of regulation 13 of the School Organisation Regulations; and
- (b) a reference to a numbered section or Schedule is to a numbered section of or Schedule to the 1998 Act.

**Proposed schools with delegated budgets**

**46.—**(1) In this Part a reference, however framed, to a proposed school of a particular category or description having a delegated budget is a reference to such a proposed school in relation to which neither sub-paragraph (a) nor (b) of paragraph (2) apply.

(2) In this Part a reference, however framed, to a proposed school of a particular category or description without a delegated budget is a reference to such a proposed school in relation to which—

- (a) the local education authority or the Secretary of State have made a determination under section 49(3)(b) or (c) that the school shall have a delegated budget as from a date later than the school opening date; or
- (b) the temporary governing body’s right to a delegated budget is suspended.

**Proposed schools with a religious character**

**47.** In this Part, a reference, however framed, to a proposed school of a particular category or description having a religious character is to a proposed school designated under section 69(3)(1) as a school having a religious character when it opens, and a reference, however framed, to a proposed school of a particular category or description not having a religious character shall be construed accordingly.

**Modification of staffing provisions in the 1998 Act**

**48.** For the purposes of the application, in accordance with this Part, of provisions of the 1998 Act in relation to proposed schools—

---

(1) Regulation 9 of S.I.1998/2535 makes provision for the religious character of proposed schools to be designated under section 69(3).

- (a) a reference to the governing body of a school is a reference to the temporary governing body of a proposed school, and includes a transitional governing body which under regulation 13(5) of the Second Transitional Regulations is treated as a temporary governing body and a temporary governing body referred to in regulation 13 of the School Organisation Regulations;
- (b) a reference to a “foundation governor” is a reference to—
  - (i) a temporary foundation governor within the meaning of Part III of these Regulations, or
  - (ii) a member of a temporary governing body who was when appointed a temporary foundation governor within the meaning of the 1996 Act,as the case may be;
- (c) a reference, however framed, to a school of a particular category or description is a reference to a proposed school which will be a school of that category or description;
- (d) a reference to the local education authority is a reference to the local education authority by which the proposed school is, or is to be, maintained; and
- (e) a reference, however framed, to a school (either of a particular category or description, or without qualification) which has a religious character is a reference to a proposed school designated under section 69(3) as a school having a religious character when it opens, and a reference, however framed, to a school (either of a particular category or description, or without qualification) which does not have a religious character shall be construed accordingly.

**Staffing of proposed schools which will be community, voluntary controlled or community special schools having delegated budgets**

**49.**—(1) This regulation applies in relation to a proposed school which will be a community, voluntary controlled or community special school having a delegated budget (within the meaning of regulation 46(1)).

(2) Subject to paragraphs (3) and (4), sections 56 and 59, Schedule 16, and regulations under paragraph 30 of Schedule 16 shall apply in relation to—

- (a) the appointment of staff at such a school; and
- (b) the taking of such steps with respect to any other matters referred to in those provisions as may be appropriate in preparation for the conduct of the school on and after the school opening date.

(3) Sections 58(2) to (6) and (9) and 60 shall apply in relation to a proposed school which will be a voluntary controlled school having a religious character.

(4) In relation to reserved teachers at a proposed school which will be a voluntary controlled school, Schedule 16 shall have effect subject to section 58(2) to (6) and (9).

**Staffing of proposed schools which will be foundation, voluntary aided or foundation special schools having delegated budgets**

**50.**—(1) This regulation applies in relation to a proposed school which will be a foundation, voluntary aided or foundation special school having a delegated budget (within the meaning of regulation 46(1)).

(2) Subject to paragraph (3), section 56, Schedule 17, and regulations under paragraph 30 of Schedule 16 which apply in relation to foundation, voluntary aided and foundation special schools by virtue of paragraph 27(3) of Schedule 17 shall apply in relation to—

- (a) the appointment of staff at such a school; and
- (b) the taking of such steps with respect to any other matters referred to in those provisions as may be appropriate in preparation for the conduct of the school on and after the school opening date.

(3) Section 58(2) to (6) and (9) shall apply in relation to a proposed school which will be a foundation school having a religious character, and Schedule 17 shall have effect in relation to such a school subject to those provisions.

(4) Section 59 shall apply in relation to a proposed school which will be a foundation special school, or a foundation or voluntary aided school not having a religious character.

(5) Section 60 shall apply in relation to a proposed school which will be a foundation or voluntary aided school having a religious character, and in relation to a proposed school which will be a foundation school having a religious character section 59(2) to (4) shall apply subject to section 60.

**Staffing of proposed schools which will be community, voluntary controlled or community special schools without delegated budgets**

**51.**—(1) This regulation applies in relation to a proposed school which will be a community, voluntary controlled or community special school without a delegated budget (within the meaning of regulation 46(2)).

(2) Subject to paragraphs (3) and (4), sections 54(3) to (5) and 59 shall apply in relation to—

- (a) the appointment of staff at such a school; and
- (b) the taking of such steps with respect to any other matters referred to in those provisions as may be appropriate in preparation for the conduct of the school on and after the school opening date.

(3) Sections 58(2) to (6) and (9) and 60 shall apply in relation to a proposed school which will be a voluntary controlled school having a religious character.

(4) In relation to reserved teachers at a proposed school which will be a voluntary controlled school, section 54(4) shall have effect subject to section 58(2) to (6) and (9).

**Staffing of proposed schools which will be foundation, voluntary aided or foundation special schools without delegated budgets**

**52.**—(1) This regulation applies in relation to a proposed school which will be a foundation, voluntary aided or foundation special school without a delegated budget (within the meaning of regulation 46(2)).

(2) Subject to paragraphs (3) and (4), section 55(3) to (7) and Schedule 17 shall apply in relation to—

- (a) the appointment of staff at such a school; and
- (b) the taking of such steps with respect to any other matters referred to in those provisions as may be appropriate in preparation for the conduct of the school on and after the school opening date,

and Schedule 17 shall have effect subject to section 55(3) to (7).

(3) Section 58(2) to (6) and (9) shall apply in relation to a proposed school which will be a foundation school having a religious character, and section 55(4) and (5) or Schedule 17 shall have effect in relation to such a school subject to those provisions.

(4) Section 58(7) shall apply (subject to section 58(8)) in relation to a proposed school which will be a voluntary aided school having a religious character, and section 55(4) and (5) or Schedule 17 shall have effect in relation to such a school subject to that provision.

---

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

---

(5) Section 59 shall apply in relation to a proposed school which will be a foundation special school, or a foundation or voluntary aided school not having a religious character.

(6) Section 60 shall apply in relation to a proposed school which will be a foundation or voluntary aided school having a religious character, and in relation to a proposed school which will be a foundation school having a religious character, section 59(2) to (4) shall apply subject to section 60.