
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make transitional provisions in connection with the bringing into force, on 2nd September 2002, of provisions in the Education Act 2002 relating to the power of a governing body to provide community services and intervention powers in schools causing concern. Modification is also made to provisions in the School Standards and Framework Act 1998 to arrangements for the government of new schools.

Regulation 3 ensures that until sections 21 and 39 of, and paragraph 1 of Schedule 1 to, the 2002 Act come into force, references in sections 27 and 28 of, and paragraph 3 of Schedule 1 to, the 2002 Act shall have effect as if they were references to relevant provisions in the School Standards and Framework Act 1998.

Regulation 4 ensures that inspectors' reports which were made prior to 2nd September 2002 have the same effect as if they had been made on 2nd September and a notice had been served under section 16A(2) of the School Inspections Act 1996 (as inserted by the 2002 Act) and can be relied on by either the Secretary of State or the local education authority in exercising their powers of intervention in schools causing concern.

Regulations 5 and 6 modify certain provisions where an interim executive board takes the place of a normally constituted governing body. Under regulation 5, references in Schedule 1A to the 1998 Act (as inserted by Schedule 6 to the 2002 Act) to school governance provisions to be made under section 19 to the 2002 Act, are modified until section 19 of the 2002 Act comes into force. Regulations 39 and 40 of the Education (School Government) (England) Regulations 1999 apply to interim executive boards with certain modifications.

Regulations 7 and 8 make modifications to section 44 of the 1998 Act and to regulation 31 of the Education (New Schools) (England) Regulations 1999 so that new schools which open on or after 2nd September 2002 need not constitute a governing body or have an instrument of government until 1st September 2003 so as to avoid the need to constitute under the 1998 Act and then re-constitute under the new arrangements once the relevant provisions of the 2002 Act have come into force.