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STATUTORY INSTRUMENTS

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**1998 No. 2248**

**EDUCATION, ENGLAND AND WALES**

**The School Standards and Framework Act 1998 (Intervention in Schools Causing Concern) (Modification) Regulations 1998**

<i>Made</i>	- - - -	<i>14th September 1998</i>
<i>Laid before Parliament</i>		<i>15th September 1998</i>
<i>Coming into force</i>	- -	<i>1st October 1998</i>

In exercise of the powers conferred upon the Secretary of State by section 144(1) and 2(f) of the School Standards and Framework Act 1998<sup>(1)</sup>, the Secretary of State for Education and Employment hereby makes the following Regulations:—

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the School Standards and Framework Act 1998 (Intervention in Schools Causing Concern) (Modification) Regulations 1998, and shall come into force on 1st October 1998.

(2) In these Regulations –

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

“the 1996 Act” means the Education Act 1996<sup>(2)</sup>.

(3) Any reference in these Regulations to a county, controlled, grant maintained, maintained special, maintained nursery school or voluntary school shall be construed in accordance with the 1996 Act.

**Modification of the 1998 Act**

2.—(1) In relation to any time before the appointed day (as defined in section 20(7) of the 1998 Act)<sup>(3)</sup> the 1998 Act shall have effect subject to the modifications set out in paragraphs (2) to (10) below.

(a) (2) (a) Sections 14 to 17 shall have effect as if any reference in those provisions to a maintained school were a reference to a county, controlled, maintained special or maintained nursery school;

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(1) 1998 c. 31.

(2) 1996 c. 56.

(3) The appointed day is 1st September 1999 by virtue of S.I. 1998 No. 2083.

- (b) section 18 shall have effect as if any reference to a maintained school were a reference to a county, voluntary, maintained special or maintained nursery school; and
  - (c) section 19 shall have effect as if any reference to a maintained school were a reference to a county, voluntary, maintained special, maintained nursery or grant maintained school.
- (3) Section 17(1)(b) shall have effect as if the reference to Part II (of the 1998 Act) were a reference to Chapter V of Part II of the 1996 Act.
- (4) Section 17(6) shall have effect as if the reference to the suspension (of a delegated budget) were a reference to such a suspension under section 117 of the 1996 Act, but section 118 of that Act (right of appeal) shall not apply to any such suspension.
- (5) Section 18 shall have effect as if –
- (a) the reference in subsection (5) to Part II of Schedule 9 (to the 1998 Act) were a reference to Schedule 8 to the 1996 Act; and
  - (b) the references in subsection (6)(a) to section 17(1) of, and paragraph 1 of Schedule 15 to, the 1998 Act were references to section 117 of the 1996 Act.
- (6) Section 19(1) shall have effect, until 1st April 1999, as if the words “or to the Funding Agency for Schools” were inserted after the words “the local education authority”.
- (7) Section 19(2)(a) shall have effect, in the case of a grant maintained school, until 1st April 1999, as if the words “the Funding Agency for Schools” were substituted for the words “the local education authority”.
- (8) Section 19(2)(b) and (c) shall have effect as if any reference to a voluntary aided school included a reference to a grant maintained school having foundation governors.
- (9) Section 19(4) shall have effect –
- (a) in the case of a county, voluntary, maintained special or maintained nursery school, as if the references to sections 29 to 33 (of the 1998 Act) were references to sections 167 and 173 of the 1996 Act; and
  - (b) until 1st April 1999, in the case of a grant maintained school, as if any reference to the local education authority were a reference to the Funding Agency for Schools; and nothing in section 268 of the 1996 Act shall apply to the discontinuance of a grant maintained school.
- (10) Section 19(5) shall have effect, until 1st April 1999, as if any reference to the local education authority ceasing to maintain a school included, in the case of a grant maintained school, a reference to the Funding Agency for Schools ceasing to maintain it.

14th September 1998

*Andrew Smith*  
Minister of State,  
Department for Education and Employment

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Sections 14–19 of the School Standards and Framework Act 1998 contain provisions relating to intervention by the local education authorities and the Secretary of State in maintained schools which are causing concern.

The 1998 Act defines maintained schools by reference to the new categories into which schools will be divided on or after “the appointed day” (defined in section 20(7) of the Act). The appointed day is 1st September 1999. These Regulations modify references in sections 14 to 19 to maintained schools so that, until that day, they will be construed as references to the categories of schools set out in the Education Act 1996, and modify various references to other provisions of the 1998 Act so that they refer to the appropriate provisions of the 1996 Act.

In the case of grant maintained schools, references to the Funding Agency for Schools, which currently has the responsibility for funding such schools, are also inserted. As the Funding Agency for Schools is to be wound up with effect from 1st April 1999, and its functions transferred to local education authorities, these modifications only apply until that date.