
STATUTORY INSTRUMENTS

1999 No. 704

**The Education (Transition to New Framework)
(School Organisation Proposals) Regulations 1999**

PART II

**TRANSITIONAL PROVISIONS CONSEQUENTIAL ON THE COMING
INTO FORCE ON 1ST APRIL 1999 OF REPEALS RELATING
TO THE FUNCTIONS OF THE FUNDING AUTHORITY**

Proposals under section 212 of the 1996 Act

3. Where proposals published under section 212 of the 1996 Act were approved before 1st October 1998 (when the repeal of section 212 of the 1996 Act came into force) sections 215(1), (3) and (4), 216(1) and 217 of that Act shall continue to apply in relation to such proposals.

Proposals under section 260 of the 1996 Act

4.—(1) Where before 1st April 1999 the funding authority have published proposals under section 260 of the 1996 Act (proposals for change of character etc. to grant-maintained schools by funding authority) which have not been determined before 1st April 1999, sections 260(7) to (9) and section 261 of the 1996 Act shall continue to apply in relation to such proposals but—

- (a) all such proposals shall require the approval of the Secretary of State (despite section 261(2)); and
- (b) the Secretary of State shall consult the local education authority which maintains the school and the governing body of the school before taking any decision under section 261(3).

(2) Where before 1st April 1999 the funding authority have, under section 260 of the 1996 Act, submitted to the Secretary of State a copy of proposals for a school to cease to be an establishment which admits pupils of one sex only, section 552(3) of the 1996 Act (except for paragraph (b) and the words “or, as the case may be, the funding authority”) shall continue to apply in relation to such proposals.

Modification of section 262 of the 1996 Act

5.—(1) Section 262 of the 1996 Act shall have effect as if—

- (a) in subsection (1), for “the funding authority” or “the authority” in each place where those words occur there were substituted “the Secretary of State”;
- (b) for subsection (2) there were substituted—

“(2) Where the funding authority have published proposals under section 260 the governing body shall, if the Secretary of State so directs, submit to the Secretary of State at such time and in such form and manner as he may direct, the particulars mentioned in

subsection (3); and particulars so submitted require the approval of the Secretary of State under this section.”;

(c) for subsection (3)(b) there were substituted—

“(b) such other particulars in respect of the premises or proposed premises of the school as the Secretary of State may require.”.

(2) Any directions given by the finding authority under section 262(1) of the 1996 Act before 1st April 1999 shall be treated for the purposes of that subsection (as modified in accordance with paragraph (1) above) as a direction given by the Secretary of State.

(3) The modifications made to section 262(2) and (3)(b) of the 1996 Act by paragraph (1) above shall not apply in any case where the funding authority have adopted particulars under section 262(2) of that Act before 1st April 1999.

Proposals under section 268 of the 1996 Act

6. Where before 1st April 1999 the funding authority have published proposals under section 268(2) of the 1996 Act (proposals by funding authority for discontinuance of a grant-maintained school) which have not been determined before 1st April 1999, sections 268(6) and (7) and 269 of the 1996 Act shall continue to apply in relation to such proposals but—

- (a) all such proposals shall require the approval of the Secretary of State (despite section 269(2)); and
- (b) the Secretary of State may only approve the proposals if the local education authority which maintains the school consent and otherwise he shall reject them.

Proposals under section 339 of the 1996 Act

7.—(1) Where before 1st April 1999 the funding authority have under section 339(5) of the 1996 Act served notice of proposals such as is mentioned in section 339(2) of that Act (establishment etc. of grant-maintained special schools)—

- (a) in the case of proposals such as are mentioned in section 339(2)(a) or (c) the Secretary of State may only approve the proposals under section 340(4) of that Act if the local education authority which maintains or is to maintain the school consents and otherwise he shall reject them; and
- (b) in the case of proposals such as are mentioned in section 339(2)(b), the Secretary of State shall consult the local authority which maintains the school and the governing body of the school before taking any decision under section 340(4) of that Act.

(2) Where—

- (a) proposals such as are mentioned in section 339(2)(a) of the 1996 Act were approved before 1st April 1999 but have not been implemented before that date, or
- (b) such proposals were approved on or after 1st April 1999 in accordance with paragraph (1), section 339(6) and 340(5)(b) shall have effect, in relation to such proposals, as if for “the body which served the notice” there were substituted “the local education authority which is to maintain the school”.