

## SCHEDULE 3

Regulation 4

## MODIFICATIONS OF RELEVANT PROVISIONS OF PART II OF THE ACT

Provision of Part II of the Act	Modification
Section 35 (transitional powers)	For the reference to the period after approval and before the date of implementation (of proposals) there is substituted a reference to the period after the making of an order under section 220 of the Act and before the transfer date, and for the reference to proposals which are approved under section 33 of the Act there is substituted a reference to an order which is made under section 220 of the Act.
Section 38 (transfer of property etc.)	For the reference in subsection (1) to proposals for acquisition of grant–maintained status which are approved there is substituted a reference to an order under section 220 of the Act which is made, for the reference in subsection (4) to the first governors of the school there is substituted a reference to the education association by which the school is conducted, and for the references to the date of implementation of the proposals and the new governing body there are substituted references to the transfer date and the education association named in the order under section 220 of the Act respectively.
Section 39 (transfer of staff)	For the reference in subsection (1) to proposals for acquisition of grant–maintained status which have been approved there is substituted a reference to an order under section 220 of the Act which has been made, and for the references to the date of implementation of the proposals there are substituted references to the transfer date.
Section 41(1) (control of disposals of land)	For the reference to any period when the procedure for acquisition of grant–maintained status is pending in relation to a school there is substituted a reference to the period beginning when the local education authority by whom a school in respect of which an order under section 220 of the Act has been made is maintained receive notice under section 220(3) of the Act of the order and ending immediately before the transfer date, and for the reference to a local authority there is substituted a reference to the local education authority.
Section 41(2) (disapplication of section 41(1))	For the reference to the initiation of the procedure for acquisition of grant–maintained

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Section 41(3) (extension of period in section 41(1))	<p>status there is substituted a reference to the receipt by the local education authority of the notice referred to in subsection (1).</p> <p>The words “Where proposals for acquisition of grant–maintained status are approved” are omitted, and for the reference to not treating the procedure for acquisition of grant–maintained status as terminated there is substituted a reference to not treating the period referred to in subsection (1) as ended.</p>
Section 41(4) (required consent to disposals)	<p>The words “In the case of a disposal made or contract entered into after proposals for acquisition of grant–maintained status have been approved” are omitted, and for the references to the new governing body there are substituted references to the education association named in the order made under section 220 of the Act.</p>
Section 42(1) (wrongful disposals of land)	Subsection (a) is omitted.
Section 42(4) (effect of repudiation)	For the reference to the date of implementation of the proposals there is substituted a reference to the transfer date.
Section 43(1) (control of contracts)	<p>For the words “the procedure for acquisition of grant–maintained status is pending” there are substituted the words “the period referred to in section 41(1) of this Act has begun”, and for the words “if the proposals for acquisition of grant–maintained status were implemented” there are substituted the words “after the end of that period”.</p>
Section 43(3) (appropriate consent to contracts)	<p>The words “In the case of a contract entered into after the proposals have been approved by the Secretary of State” are omitted, and for the reference to the new governing body there is substituted a reference to the education association named in the order under section 220 of the Act.</p>
Section 44(1) (wrongful contracts)	Paragraph (a) is omitted.
Section 44(3) (effect of repudiation)	For the reference to the date of implementation of the proposals there is substituted a reference to the transfer date.
Section 45(1) (restriction on change of purpose for which property is used or held)	For the reference to any period when the procedure for acquisition of grant–maintained status is pending in relation to a school there is substituted a reference to the period referred to in section 41(1) of the Act.

Provision of Part II of the Act	Modification
Section 45(2) (required consent)	The words “In the case of anything done after proposals for acquisition of grant–maintained status have been approved” are omitted, and for the reference to the new governing body there is substituted a reference to the education association named in the order under section 220 of the Act.
Section 45(4) (effect of contravention of section 45(1))	Subsection (a) is omitted, for the reference to the date of implementation of the proposals there is substituted a reference to the transfer date, and for the reference to the initiation of the procedure for acquisition of grant–maintained status there is substituted a reference to the beginning of the period referred to in section 41(1) of the Act.
Section 46(1) (restriction on staff changes)	For the reference to any period when the procedure for acquisition of grant–maintained status is pending in relation to a school there is substituted a reference to the period referred to in section 41(1) of the Act.
Section 46(5) (required consent)	The words “In the case of anything done after proposals for acquisition of grant–maintained status have been approved” are omitted, and for the reference to the new governing body there is substituted a reference to the education association named in the order under section 220 of the Act.
Section 47 (supplementary provisions about transfers)	For the references in subsections (3)(a) and (4) to the date of implementation of proposals for acquisition of grant–maintained status there are substituted references to the transfer date, and for the words in subsection (3)(b) “at a time when the procedure for acquisition of grant–maintained status is pending section 41 of this Act” there are substituted the words “during the period referred to in section 41(1) of this Act that section”.
Section 96 (proposals for change of character etc.)	Subsection (8) is omitted.
Section 102(2) (proposals for change of character approved before school becomes grant– maintained)	For the reference to section 97 of the Act there is substituted a reference to section 96 thereof.
Section 136(1)(a) (variation of trust deeds etc.)	For the reference to the approval of proposals for acquisition of grant–maintained status for the school there is substituted a reference to the making of an order under section 220 of the Act in respect of the school.

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Section 136(1)(b) (variation of trust deeds etc.)	For the reference to any instrument or articles of government made for the school under Chapter V of Part II of the Act or any scheme under section 69 of the Act there is substituted a reference to the articles of government for the school having effect by virtue of section 223 of the Act.
Section 149(2) (meaning of approved admission number)	For the reference to the number specified in the proposals published under section 32, 48 or 49 of the Act as the number of pupils intended to be admitted to the school in that age group in the first school year beginning on or after the date of implementation of the proposals there is substituted a reference to the standard number applying under section 27 of the 1988 Act to the school in relation to that age group and the school year in which the transfer date falls.
Schedule 4 (transitional powers)	For the references in paragraphs 1 to 5 and 6(2) to the new governing body, and for the references in paragraphs 6(1) and 7 to the new governing body of a school and the new governing body of the school respectively there are substituted references to the education association named in the order under section 220 of the Act; for the references in paragraphs 1 and 6 to the period beginning with the incorporation date and ending immediately before the date of implementation of the proposals there are substituted references to the period beginning with the making of the order under section 220 of the Act and ending immediately before the transfer date; for the reference in paragraph 1(b) to the date of implementation of the proposals there is substituted a reference to the transfer date; and for the reference in paragraph 5(1) to transition to grant-maintained status there is substituted a reference to transition to conduct by an education association.