
STATUTORY INSTRUMENTS

1998 No. 2763

**The Education (School Government) (Transition
to New Framework) Regulations 1998**

PART II

MAKING OF THE INSTRUMENT OF GOVERNMENT

Modifications to the 1998 Act where the instrument of government is made before the appointed day

6.—(1) Section 141 of, and Schedules 9 and 12 to, the 1998 Act shall apply with the following modifications to enable an instrument of government for a school to be made before the appointed day in preparation for the appointed day.

(2) In section 141 of, and paragraph 15 of Schedule 9 to, the 1998 Act, references to the area served by a school (however framed) shall be treated as references to the area which it appears to the local education authority will be served by the school when it is a maintained school.

(3) In paragraph 15(1) of Schedule 9 to the 1998 Act, the reference to “If the governing body of any maintained school so determine” shall be treated as if it were a reference to “If the current governing body so determine”.

(4) Paragraph 1 of Schedule 12 to the 1998 Act shall have effect as if—

(a) in sub-paragraph (1)(h) there were substituted for “the date”, the words “in accordance with sub-paragraph (2A), the dates”;

(b) after sub-paragraph (2) there were inserted the following sub-paragraph—

“(2A) Where an instrument of government is made before the appointed day for a school which will be a maintained school from the appointed day, such instrument of government—

(a) shall determine the constitution of the governing body and other matters relating to the school as a maintained school of the category to which it will belong in accordance with Schedule 2 to this Act;

(b) shall include a description of the ethos of the school, if it is anticipated that the school will become a foundation or voluntary school with a religious character (provided that such description shall be of no effect if the school does not become a foundation or voluntary school with a religious character with effect from the appointed day);

(c) shall take effect from the date of making for the purpose of reconstituting the governing body under the instrument of government but shall not (subject to any regulations made under paragraph 1(4) of Schedule 10 to this Act), affect the constitution of the governing body conducting the school pending full reconstitution under the instrument of government; and

(d) shall take effect from the appointed day for all other purposes..”

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

(5) References in paragraph 3 of Schedule 12 to the 1998 Act to “the governing body” and “foundation governors” shall be treated as references to the current governing body and members of the current governing body who are foundation governors within the meaning of the 1996 Act (as the case may be).