
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 on or after the appointed day

7.—(1) Schedules 9 and 12 to the 1998 Act shall apply with the following modifications to enable the instrument of government for a school to be made on or after the appointed day.

(2) 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 transitional governing body so determine”.

(3) 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 on or after the appointed day for a maintained school which was a county, voluntary, maintained special, grant-maintained or grant-maintained special school (within the meaning of the Education Act 1996) immediately before the appointed day, such instrument of government—

(a) shall take effect from the date of making for the purpose of reconstituting the governing body under the instrument of government but shall not affect the constitution of the governing body conducting the school pending full reconstitution under the instrument of government; and

(b) shall take effect from the date of making for all other purposes..”

(4) 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 transitional governing body and members of the transitional governing body who were when appointed foundation governors within the meaning of the 1996 Act (as the case may be).