
STATUTORY INSTRUMENTS

1999 No. 2323

**The School Standards and Framework Act
1998 (Commencement No. 7 and Saving
and Transitional Provisions) Order 1999**

Citation and interpretation

1.—(1) This Order may be cited as the School Standards and Framework Act 1998 (Commencement No. 7 and Saving and Transitional Provisions) Order 1999.

(2) In this Order—

“the 1996 Act” means the Education Act 1996(1); and

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

Commencement of the 1998 Act

2.—(1) The provisions of the 1998 Act specified in Schedule 1 to this Order shall come into force on 1st September 1999.

(2) The provisions of the 1998 Act specified in Schedule 2 to this Order shall come into force on 1st November 1999.

(3) The provisions of the 1998 Act specified in Schedule 3 to this Order shall come into force on 1st January 2000.

(4) The provisions of the 1998 Act specified in Schedule 4 to this Order shall come into force on 1st August 2000.

Transitional and saving provisions

3. The transitional and saving provisions in Schedule 5 to this Order (relating to transfer of control agreements) shall have effect.

4. The transitional and saving provisions in Schedule 6 to this Order (relating to exclusion of pupils) shall have effect.

5. The transitional and saving provisions in Schedule 7 to this Order (relating to school government) shall have effect.

Transitional provisions relating to section 138 of the 1996 Act

6.—(1) An agreement or determination in force under section 138 of the 1996 Act (advisory rights of chief education officer: aided schools) immediately before 1st September 1999 shall on and after that date have effect as if made under paragraph 2 of Schedule 17 to the 1998 Act notwithstanding that it was not framed by reference to the rights conferred on the chief education officer by that Schedule.

(2) Any disagreement between a governing body and a local education authority as to which rights are conferred on the chief education officer by virtue of paragraph (1) above shall be determined by the Secretary of State.

- (3) An agreement or determination to which paragraph (1) refers may be withdrawn—
- (a) in the case of an agreement, in accordance with paragraph 2(5) of Schedule 17; and
 - (b) in the case of a determination of the Secretary of State, in accordance with paragraph 2(6) of that Schedule.

Savings provisions relating to sections 201, 204, 205, 207, 208 and 567 of the 1996 Act

7. In articles 10, 11 and 12 below “local authority” means a county council, a county borough council, a district council, a London borough council or the Common Council of the City of London.

8. The repeal of section 201 of the 1996 Act is without prejudice to the continued application of section 201(10) to any property, rights or liabilities to which section 201(1) applied immediately before 1st September 1999.

9. The repeal of section 204 of the 1996 Act is without prejudice to the continued application of that section where the procedure for acquisition of grant-maintained status is deemed to be still pending in relation to a school by virtue of section 204(3).

10. The repeal of section 205 of the 1996 Act is without prejudice to the continued application of that section where a local authority have made a disposal, or entered into a contract, in contravention of section 204(1) of the 1996 Act—

- (a) before 1st September 1999; or
- (b) during any period when the procedure for acquisition of grant-maintained status is deemed to be still pending in relation to the school by virtue of section 204(3) of the 1996 Act.

11. The repeal of section 207 of the 1996 Act is without prejudice to the continued application of that section where a local authority have entered into a contract to which section 206 applied in contravention of that section before 1st September 1999.

12. The repeal of section 208 of the 1996 Act is without prejudice to the continued application of subsections (4) and (5) of that section where a local authority have, in relation to any property, taken any action in contravention of subsection (1) of that section before 1st September 1999.

13. The repeal of section 567 is without prejudice to the continued application of subsections (1) and (5) to transfers effected under section 201 (taken with section 198 of, and Schedule 10 to, the Education Reform Act 1988(2)).

Saving provisions relating to sections 60 and 61 of the 1996 Act

14. Notwithstanding the repeal of section 60 of the 1996 Act, subsections (4) to (7) of that section shall continue to have effect in relation to an interest in premises conveyed under that section prior to 1st September 1999.

15. Notwithstanding the repeal of section 61 of the 1996 Act, subsections (4) to (6) of that section shall continue to have effect in relation to a new site provided for a school under that section prior to 1st September 1999.

Saving provisions relating to sections 274 to 279 of the 1996 Act

16.—(1) Notwithstanding the repeal of Chapter VIII of Part III of the 1996 Act, sections 274 to 279 of the 1996 Act (winding up and disposal of property) and those sections as applied by regulation 33 of the Education (Grant-maintained Special Schools) Regulations 1994⁽³⁾ shall continue to have effect for the purposes of winding up and disposing of the property of a grant-maintained school or grant-maintained special school subject to discontinuance proposals, in cases where the governing body have not been dissolved before 1st September 1999.

(2) For the purposes of paragraph (1), “discontinuance proposals” means—

- (a) in the case of a grant-maintained school, proposals for the discontinuance of the school published under section 267 or 268 of the 1996 Act before 1st September 1999; and
- (b) in the case of a grant-maintained special school, proposals for the discontinuance of the school published under section 339 of that Act before 1st September 1999.

Saving provision relating to exemption from building regulations

17. Where particulars of premises or proposed premises are approved on or after 1st September 1999 under—

- (a) section 214 of the 1996 Act as that section continues to have effect by virtue of regulation 2 of the School Standards and Framework Act 1998 (Proposals under section 211 of the Education Act 1996) (Transitional Provisions) Regulations 1998⁽⁴⁾ or
- (b) section 39, 44, 262 or 341 of the 1996 Act as those sections continue to have effect by virtue of regulation 8 or 14 of the Education (Transition to New Framework) (School Organisation Proposals) Regulations 1999⁽⁵⁾,

section 4(1)(a) of the Building Act 1984⁽⁶⁾ (exemption of education buildings from building regulations) shall have effect as if the repeal of the provisions in that subsection made by Schedule 31 to the 1998 Act had not come into force.

Miscellaneous saving provisions

18. Notwithstanding the amendment to section 5(3) of the 1996 Act by paragraph 59(a) of Schedule 30 to the 1998 Act, a school in respect of which proposals authorised by section 49, 198(6) or 291 of the 1996 Act are implemented shall continue to be a middle school.

19. Notwithstanding the repeal of section 573(4) to (6) of the 1996 Act (meaning of expressions relating to alteration etc of premises or character of schools)—

- (a) Section 573(4) to (6) of the 1996 Act shall continue to apply in relation to any proposals published under section 35(1)(c), 41(2), 259(1) or 260(2) of that Act before 1st September 1999; and
- (b) section 573(6) of the 1996 Act, as applied by regulation 42 of and the Schedule to the Education (Grant-maintained Special Schools) Regulations 1994, shall continue to apply in relation to any proposals notice of which is served under section 339 of that Act before 1st September 1999.

(3) S.I. 1994/653, amended, in ways not relevant to this Instrument, by S.I. 1994/1231, 1994/2003, 1996/111, 1996/2303, 1997/996 and 1997/2175. Regulation 33 of S.I. 1994/653 applies the predecessor statutory provisions to sections 274 to 279 of the 1996 Act under the Education Act 1993 (c. 35) to grant-maintained special schools. Those Regulations continue to have effect by virtue of paragraph 1 of Schedule 39 to the 1996 Act.

(4) S.I. 1998/3172.

(5) S.I. 1999/704.

(6) 1984 c. 55.

20. The repeal of section 310 of the 1996 Act is without prejudice to the inspection of the accounts of the governing body of any former grant-maintained or grant-maintained special school in relation to any period before 1st September 1999.

21. The repeal of section 539 of the 1996 Act shall not relieve the governing body of a school which was a grant-maintained school from the duty to publish information, or to make reports and returns and to give information in accordance with that section in relation to the period during which the school was grant-maintained.

22. The repeal of paragraphs 61 to 64 of Schedule 8 to the Further and Higher Education Act 1992(7) (supplementary provisions with respect to transfers) is without prejudice to the continued application of—

- (a) paragraphs 62 to 64 of that Schedule; and
- (b) the Education Transfer Council (Transfers under the Education Reform Act 1988) Regulations 1992(8), to transfers to which the said paragraphs 62 to 64 applied immediately before 1st September 1999.

23.—(1) The repeal of section 179 of the 1996 Act (variation of trust deeds etc by order) is without prejudice to the operation of any modification to any trust deed or other instrument made by order of the Secretary of State under that section.

(2) The repeal of section 302 of the 1996 Act (variation of trust deeds etc by order) is without prejudice to the operation of any modification to any trust deed or other instrument made by order of the Secretary of State under that section.

David Blunkett
Secretary of State for Education and
Employment

13th August 1999

(7) 1992 c. 13.

(8) S.I. 1992/1348 as amended by S.I. 1993/3114 and section 136(2) of the 1998 Act.