

## SCHEDULE 5

### SAVING AND TRANSITIONAL PROVISIONS RELATING TO TRANSFER OF CONTROL AGREEMENTS

1. In this Schedule an “existing transfer of control agreement” means a transfer of control agreement in force immediately before 1st September 1999 entered into by the governing body of a maintained school pursuant to—

- (a) a power contained in the articles of government for the school such as is mentioned in section 149(1)(c) of the 1996 Act where the agreement was entered into by the governing body of a county or maintained special school within the meaning of the 1996 Act;
- (b) the power contained in section 151 of the 1996 Act, where the agreement was entered into by the governing body of a voluntary school within the meaning of the 1996 Act; or
- (c) a power contained in the articles of government for the school where the agreement was entered into by the governing body of a grant-maintained or grant-maintained special school within the meaning of the 1996 Act.

2. Any existing transfer of control agreement entered into by the governing body of a county or maintained special school shall be treated as entered into pursuant to the power in paragraph 2 of Schedule 13 to the 1998 Act.

3. Any existing transfer of control agreement entered into by the governing body of a voluntary school shall be treated as entered into pursuant to paragraph 6 of Schedule 13 to the 1998 Act.

4. Any existing transfer of control agreement entered into by the governing body of a grant-maintained or grant-maintained special school shall, subject to paragraph 5, be treated as—

- (a) entered into pursuant to paragraph 2 of Schedule 13 to the 1998 Act if the school becomes a community or community special school on 1st September 1999;
- (b) entered into pursuant to paragraph 4 of that Schedule, if the school becomes a foundation or foundation special school on that date; or
- (c) entered into pursuant to paragraph 6 of that Schedule, if the school becomes a voluntary school on that date.

5. Where by virtue of paragraph 4(a) or (c) an existing transfer of control agreement is treated as entered into pursuant to paragraph 2 or 6 of Schedule 13 to the 1998 Act, paragraph 2(3)(a) and (b)(i) or, as the case may be, paragraph 6(3)(a) and (b)(i) of that Schedule shall not apply in relation to that agreement.