
STATUTORY INSTRUMENTS

1999 No. 362

The Education (Transition to New Framework) (New Schools, Groups and Miscellaneous) Regulations 1999

PART III

NEW GRANT-MAINTAINED SCHOOLS

Modifications to the 1998 Act to enable the instrument of government to be made before the appointed day

27.—(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 new GM school to be made before 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 shall be treated as references to the area which it appears to the local education authority will be served by the new GM school when it opens.

(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 GM governing body so determine”.

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

(a) in sub-paragraph (1)(h) there were substituted for “the date”, the words “in accordance with 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 is a grant-maintained school which does not open before 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 under 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 but shall not affect the constitution of the governing body conducting the school pending reconstitution under the instrument of government; and

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

(c) for sub-paragraph (3), there were substituted the following sub-paragraph—

Status: This is the original version (as it was originally made).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

“(3) Where, for the purposes of any provision of Part II of Schedule 9, it is material to determine the number of registered pupils at a school referred to in paragraph (2A), the school shall be treated as having as registered pupils the number of pupils for which the school is established referred to in the proposals under section 211 or 212 of the Education Act 1996, as the case may be.”.

- (5) References in paragraph 3 of Schedule 12 to the 1998 Act to—
- (a) “the governing body” and “foundation governors” shall be treated as references to the GM governing body and members of the GM governing body who are foundation governors within the meaning of the 1996 Act (as the case may be); and
 - (b) “the category of school to which the school belongs” shall be treated as references to the category of school to which the school will belong when it is a maintained school.