
STATUTORY INSTRUMENTS

1999 No. 362

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

PART III

NEW GRANT-MAINTAINED SCHOOLS

The GM transitional governing body

30.—(1) Where a new GM school becomes a maintained school on the appointed day, the governing body of the school—

- (a) shall continue in existence as a body corporate; and
- (b) shall so continue as if incorporated under section 36(1) of the 1998 Act,

but as from that day the governing body shall (pending reconstitution under the instrument of government) continue as constituted immediately before that day, subject to this regulation.

(2) In this regulation, “the relevant provisions” means—

- (a) the provisions of the 1996 Act relating to the composition of GM governing bodies, disqualification for office of members of such governing bodies and instruments of government for grant-maintained schools; and
- (b) any regulations and instruments of government in force under those provisions immediately before the appointed day.

(3) The relevant provisions shall have effect for the purpose of determining the composition of the GM transitional governing body and the circumstances in which a person is disqualified for office as a member of the GM transitional governing body, but subject to the modifications in paragraph (4).

(4) For this purpose the relevant provisions shall have effect as if—

- (a) any such instrument of government were required to provide and did provide for the local education authority to appoint the minimum number of governors required to be appointed by the local education authority by Schedule 9 to the 1998 Act for a school of the category to which the school is allocated under Schedule 2 to the 1998 Act (taking account of whether the school is a primary or secondary school and the number of pupils for which the school is established referred to in the proposals under section 211 or 212 of the 1996 Act);
- (b) subject to any appointments required by sub-paragraph (a), they provided that no new appointments shall be made of governors under those provisions.

(5) Members of the GM transitional governing body shall continue in office pending reconstitution of the governing body under the instrument of government, even if the term of office for which they were originally appointed has expired.

(6) For the purposes of these Regulations the governing body as constituted under this regulation shall be referred to as the GM transitional governing body.