
STATUTORY INSTRUMENTS

1999 No. 362

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

PART IV

GROUPED SCHOOLS

Modifications to the 1998 Act where the instrument of government is made before the appointed day

43.—(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 grouped school to be made before the appointed day.

(2) Paragraphs (2) and (3) of regulation 8 shall apply with the substitution of “grouped school” for “new LEA maintained school”, in each place where those words occur, and the omission of the words “or proposed school”.

(3) Paragraph (4) of regulation 8 shall apply with the substitution of “grouped governing body” for “temporary governing body”.

(4) 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 before the appointed day for a school grouped under section 89 or 280 of the Education Act 1996, 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 constituting the governing body under the instrument of government but shall not affect the constitution or name of the governing body conducting the school pending constitution of the new governing body under the instrument of government; and

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

(5) References in paragraph 3 of Schedule 12 to the 1998 Act to—

(a) “the governing body” shall be treated as references to the grouped governing body;

Status: This is the original version (as it was originally made).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

- (b) “foundation governors” shall be treated as references to members of the grouped governing body who are foundation governors; and
- (c) “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.