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STATUTORY INSTRUMENTS

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**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 on or after the appointed day**

**44.**—(1) Schedules 9 and 12 to the 1998 Act shall apply with the following modifications to enable the instrument of government for a grouped school to be made on or after the appointed day.

(2) 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 grouped transitional governing body so determine”.

(3) 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 date”; and

(b) after sub-paragraph (2) there were inserted the following sub-paragraph—

“(2A) Where an instrument of government is made on or after the appointed day for a school grouped under section 89 or 280 of the Education Act 1996 immediately before the appointed day, such instrument of government shall take effect from the date of making for all purposes (including for the purpose of constituting the governing body under the instrument of government) except that it 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.”.

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

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

(b) “foundation governors” shall be treated as references to members of the grouped transitional governing body who were when appointed foundation governors within the meaning of the 1996 Act.