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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**

**The grouped transitional governing body**

**49.**—(1) In any case where the governing body of a maintained school which is a grouped school are not constituted under the instrument of government before the appointed day, the grouped governing body shall continue from that day as constituted immediately before that day, subject to and in accordance with this regulation and regulation 57(1).

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

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

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

(4) For this purpose the relevant provisions shall have effect as set out in this paragraph.

- (a) The relevant provisions shall have effect as if any such instrument of government were required to provide and did provide for the local education authority to appoint the number of governors specified in sub-paragraph (a)(i) or (ii) below (as the case may be) if that is more than the number of governors appointed by the local education authority required by such instrument of government.
  - (i) Where the governing body of only one school in the group is not constituted under the instrument of government before the appointed day, the number specified is 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 by Schedule 2 to the 1998 Act (taking account of whether the school is a primary, secondary or special school and the number of pupils registered at the school).
  - (ii) Where the governing body of more than one school in the group is not constituted under the instrument of government before the appointed day, the number specified is the number of governors that would be required to be appointed by the local

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(1) If new governing bodies for all the schools in the group are constituted under instruments of government before the appointed day, the grouped governing body continues until dissolved under regulation 50.

education authority by sub-paragraph (i) above if the school requiring the smallest number of LEA governors were the only school in the group for which the governing body was not constituted under the instrument of government before the appointed day.

- (b) The relevant provisions shall have effect as if, 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 grouped transitional governing body shall continue in office, even if the term of office for which they were originally appointed has expired.

(6) For the purposes of this Part the grouped governing body as constituted under this regulation from the appointed day shall be referred to as the grouped transitional governing body.

(7) The grouped transitional governing body—

- (a) shall continue in existence as a body corporate; and
- (b) shall so continue in existence as if, in relation to each grouped school, from the appointed day until the constitution of the governing body under the instrument of government or the discontinuance of the school if earlier, it were the governing body incorporated under section 36(1) of the 1998 Act, except that—
  - (i) subject to these Regulations, provisions made by or under the 1998 Act relating to instruments of government, composition of governing bodies and disqualification of governors, and paragraphs 2(1) and 4 of Schedule 10 to the 1998 Act, shall not apply to the grouped transitional governing body; and
  - (ii) for the purposes of their meetings and proceedings, the grouped transitional governing body may treat one or more grouped schools (for which no governing body has been constituted under an instrument of government) as a single school.