
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make transitional provisions, consequent on the introduction of the new framework for maintained schools provided for in Part II of the School Standards and Framework Act 1998, relating to provisions for the publication of, and decisions on, proposals for the establishment, alteration and discontinuance of maintained schools.

Part II, which comes into force on 1st April 1999, contains provisions consequent on the Funding Agency for Schools ceasing to exercise functions. In particular, provision is made for approval by the Secretary of State of proposals published by the Funding Agency to alter or discontinue schools (regulations 4, 6 and 7) and for the Secretary of State (rather than the Funding Agency) to approve particulars of school premises (regulation 5).

Part III, which comes into force on 1st September 1999, contains transitional provisions consequent on the coming into force (proposed for 1st September 1999) of Chapter II of Part II of the School Standards and Framework Act 1998 and repeal of the related provisions in the Education Act 1996. This Part provides for approval by the Secretary of State of proposals published before 1st September 1999 and makes provision for implementation of proposals approved before that date but not implemented. In particular, regulation 12 provides, in cases where proposals for the establishment of a new school were published before 1st September 1999, for the allocation of the school when open to a category under the new school framework.

Part IV, which also comes into force on 1st September 1999, modifies Chapter II of Part II of the School Standards and Framework Act 1998 in respect of a local education authority in England in a case where its school organisation plan is not approved until after 1st September 1999. The modifications apply until the plan is approved, and provide for proposals for the establishment, alteration or discontinuance of schools to be decided by the Secretary of State, rather than the School Organisation Committee.