
STATUTORY INSTRUMENTS

1999 No. 704

**The Education (Transition to New Framework)
(School Organisation Proposals) Regulations 1999**

PART III

**TRANSITIONAL PROVISIONS CONSEQUENT ON THE COMING
INTO FORCE OF CHAPTER II OF PART II OF THE 1998 ACT
(ESTABLISHMENT, ALTERATION OR DISCONTINUANCE OF SCHOOLS)**

Implementation of proposals to establish a new school – further provisions

12. Where regulation 11 applies–

- (a) proposals published under section 35 of the 1996 Act shall be treated for the purposes of the 1998 Act as proposals published under section 28(1)(a) of that Act to establish a new community school, and accordingly the school, when open, (or, in a case of proposals published under section 35(1)(b) of the 1996 Act, when it is open as a school maintained by the local education authority) shall be a community school and treated as established as such under section 28 of that Act;
- (b) proposals published under section 41(1) of the 1996 Act shall be treated for the purposes of the 1998 Act–
 - (i) in a case where the Secretary of State has (before 1st September 1999) made an order under section 48(1)(a) of the 1996 Act or (on or after that date) an order under regulation 9(1)(a), as proposals published under section 28(2)(a) of the 1998 Act to establish a new voluntary controlled school and accordingly the school, when open, (or, in the case of proposals published under section 42(1)(b) of the 1996 Act, when it is open as a school maintained by the local education authority) shall be a voluntary controlled school and treated as established as such under section 28 of that Act; and
 - (ii) where the Secretary of State has (before 1st September 1999) made an order under section 48(1)(b) of the 1996 Act or, (on or after that date) an order under regulation 9(1)(b), as proposals published under section 28(2)(a) of the 1998 Act to establish a new voluntary aided school, and accordingly the school, when open, (or, in the case of proposals published under section 42(1)(b) of the 1996 Act, when it is open as a school maintained by the local education authority) shall be a voluntary aided school and treated as established as such under section 28 of that Act;
- (c) proposals such as are mentioned in section 339(1)(a) or (2)(a) of the 1996 Act shall be treated for the purpose of the 1998 Act as proposals published under section 31(1)(a) of that Act to establish a new community special school and accordingly the school, when open, shall be a community special school and treated as established as such under section 31 of that Act.