
STATUTORY INSTRUMENTS

2003 No. 1965

The Federation of Schools (Community Schools, Community Special Schools, Voluntary Controlled Schools and Maintained Nursery Schools) (England) Regulations 2003

PART 8

DISSOLUTION OF FEDERATIONS

Dissolution of federations

36.—(1) Where—

- (a) a governing body of a federation decide that the federation should be dissolved,
- (b) a governing body of a federation decide that one of only two federated schools should leave a federation, or
- (c) the Secretary of State determines that one of only two federated schools should leave a federation,

the governing body of a federation shall give notice of the fact and the proposed date of dissolution to the persons mentioned in paragraph (2) within 14 days.

(2) The persons to be notified are—

- (a) all relevant authorities;
- (b) the head teacher of the federation and each head teacher of a federated school;
- (c) every member of staff paid to work at the federation or a federated school;
- (d) every person known by the governing body to be a parent of a registered pupil at a federated school;
- (e) where a federated school is a voluntary controlled school with a religious foundation, the foundation governors, any trustees of a trust relating to the federated school and, in the case of a Church of England or Roman Catholic school, the appropriate diocesan authority, or the appropriate religious body in the case of all other such schools; and
- (f) such other persons as the governing body of the federation consider appropriate.

37. Upon receipt of the notice issued under regulation 36, the relevant authority or authorities shall—

- (a) establish a temporary governing body in respect of each school in accordance with Parts 3 and 4 of the New Schools Regulations; and
- (b) issue a new instrument of government for each school in accordance with Part 5 of the Constitution Regulations.

Availability of amounts representing budget share

38. Subject to any provision made by or under a scheme made under section 48(1) of the 1998 Act, the temporary governing body of each school may spend any sum made available by the authority under section 50(1) of that Act⁽¹⁾ to the governing body of the federation in respect of each school, as they think fit for any purposes of that school.

Incorporation of governing body of a school leaving a federation

39. On the date of dissolution the temporary governing body of each federated school shall be incorporated as the governing body of each de-federated school under the name given in the school's instrument of government.

Transfer of property

40.—(1) On the date of dissolution—

- (a) all land or property, which, immediately before the date of dissolution, was held by the governing body of the federation for the purposes of each de-federated school shall be transferred to, and by virtue of these Regulations vest in, the new governing body of each de-federated school incorporated under regulation 39, and
- (b) all rights and liabilities subsisting immediately before the date of dissolution which were acquired or incurred by the governing body of the federation for the purposes of each de-federated school shall be transferred to the new governing body of each de-federated school incorporated under regulation 39.

(2) Section 198 of the Education Reform Act 1988 (which with Schedule 10 to that Act makes further provision in relation to transfers of property, rights and liabilities) shall apply in relation to transfers effected by this regulation as they apply in relation to transfers to which that section and Schedule apply.

(1) As modified by regulation 29 of these Regulations.