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STATUTORY INSTRUMENTS

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**1999 No. 1016 (C.29)**

**EDUCATION, ENGLAND AND WALES**

**The School Standards and Framework Act  
1998 (Commencement No. 6 and Saving  
and Transitional Provisions) Order 1999**

*Made - - - - 29th March 1999*

In exercise of the powers conferred by sections 85(5), 127(3), 145(3) and 138(7) of the School Standards and Framework Act 1998(1), the Secretary of State for Education and Employment hereby makes the following Order:

**Citation and interpretation**

1.—(1) This Order may be cited as the School Standards and Framework Act 1998 (Commencement No. 6 and Saving and Transitional Provisions) Order 1999.

(2) In this Order—

“the 1996 Act” means the Education Act 1996(2); and

“the 1998 Act” means the School Standards and Framework Act 1998.

**Commencement of the 1998 Act**

2.—(1) The provisions of the 1998 Act specified in Schedule 1 to this Order shall come into force on 1st April 1999.

(2) The provisions of the 1998 Act specified in Schedule 2 to this Order shall come into force on 1st June 1999.

(3) The provisions of the 1998 Act specified in Schedule 3 to this Order shall come into force on 1st September 1999.

**Transitional and savings**

3. The amendment of section 49(3) of the Education (No. 2) Act 1986(3) (appraisal of performance of teachers) by paragraph 14 of Schedule 30 to the 1998 Act shall only apply in relation to regulations under the said section 49 which are made to come into effect on or after 1st September

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(1) 1998 c. 31.

(2) 1996 c. 56.

(3) 1986 c. 61.

1999 and shall not affect the operation prior to that date of regulations made under that section in its unamended form.

4. Section 216(5) to (8) of the 1996 Act shall continue to have effect on and after 1st April 1999 in relation to grant paid under section 216(2) or (4) before that day.

5. Section 310 of the 1996 Act shall continue to have effect in relation to financial years commencing on or before 1st April 1998.

6. The transitional and saving provisions in Schedule 4 to this Order (relating to the admission of children to maintained schools) shall have effect.

#### **Amendment of the Commencement No. 2 Order**

7. Paragraph 5 (school inspection) of Schedule 2 to the School Standards and Framework Act 1998 (Commencement No. 2 and Supplemental, Saving and Transitional Provisions) Order 1998(4) shall be amended by the substitution for “1st August 1999” of the words “1st January 2000 in relation to the Chief Inspector of Schools in England or 1st August 2000 in relation to the Chief Inspector of Schools in Wales”.

#### **Coming into force of codes of practice**

8. The Code of Practice on School Admissions(5) under section 84 of the 1998 Act shall come into force on 1st April 1999.

9. The Code of Practice on LEA-School Relations(6) under section 127 of the 1998 Act shall come into force on 19th April 1999.

29th March 1999

*Estelle Morris*  
Minister of State,  
Department for Education and Employment

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(4) S.I. 1998/2212 (C. 49).

(5) ISBN 0 85522 982 9.

(6) ISBN 1 84185 008 X.

## SCHEDULE 1

## Article 2(1)

### PROVISIONS COMING INTO FORCE ON 1ST APRIL 1999

Section 24 in so far as it is not already in force.

Section 26 in so far as it is not already in force.

Section 28(5) and (10).

Section 29(4) and (9).

Section 31(4) and (9).

Section 35.

Section 42(1) and (2) to the extent that those subsections relate to the power to make regulations.

Section 43(4).

Section 57.

Section 67(2) to the extent that it relates to paragraph 4 of Schedule 18.

Section 73.

Section 74.

Sections 86 and 87.

Sections 90 to 92 in so far as they are not already in force.

Section 93(1), (2) and (10).

Sections 94 to 97.

Sections 98 to 103 in so far as they are not already in force.

Section 114.

Section 115(1), (4) and (5).

Section 120.

Section 121.

Section 132.

Section 133.

Section 140(1) and (3) to the extent that those subsections relate to the provisions of Schedules 30 and 31 specified below.

Schedule 8.

In Schedule 18, paragraph 4.

Schedule 24.

Schedule 25.

In Schedule 30—

paragraph 3;

paragraph 4, except to the extent that sub-paragraph (2) substitutes “(b) an exclusion appeals panel constituted in accordance with Schedule 18 to that Act;” in section 25(5) of the Local Government Act 1974(7);

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(7) 1974 c. 7. Section 25(5) of that Act was amended by paragraph 27 of Schedule 37 to the 1996 Act.

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paragraph 47, except to the extent that sub-paragraph (a) substitutes a new paragraph 15(b) for paragraph 15(b) of Schedule 1 to the Tribunal and Inquiries Act 1992<sup>(8)</sup>;

paragraph 14;

paragraph 56;

paragraph 61;

paragraph 66 to the extent that it relates to the omission of sections 21, 22 (except subsection (1)(a)), and 27 of the 1996 Act;

paragraph 69 to the extent that it relates to the omission of the following provisions of the 1996 Act—

sections 35(8), 36(3), 37(4) and (7) to (9) and 42(4);

the words “(subject to subsections (3) to (6))” in section 43(2);

section 43(3) to (6);

section 139;

section 155 to the extent that it has not already been repealed;

the words “(subject to subsection (6))” in section 167(1);

sections 167(6) and 168(3);

the words “(subject to subsection (6))” in section 169(5);

section 169(4) and (6);

paragraph 70 to the extent that it relates to the omission of the following provisions of the 1996 Act—

sections 183(4), 211, 213 (in so far as it is not already repealed)<sup>(9)</sup>, 214, 215, 216(2) to (9), 217 and 244;

section 245 save in so far as it applies to the payment of special purpose grant in England by the Secretary of State on or after 1st April 1999;

sections 246, 247 and 248 save in so far as they apply to the payment of special purpose and capital grants by the Secretary of State on or after 1st April 1999;

section 249 save in so far as it applies to the application of sections 250 to 254 of the 1996 Act in their application to the payment of capital grant by the Secretary of State on or after 1st April 1999;

sections 250 and 251;

sections 253 and 254 save in so far as they apply to the payment of capital grant by the Secretary of State on or after 1st April 1999;

sections 255 to 258 and 260;

the words “under subsection (1) or (2) any” and “(and, in the case of proposals published under section 260, the funding authority)” in section 261(3);

section 261(2), (4) and (5);

sections 263(4)(b), 264, 265 and 268;

the words “under subsection (1) or (2) any” and “(and, in the case of proposals published under section 268, the funding authority)” in section 269(3);

sections 269(2), (5) and (6), 270(2)(b)(ii), 271, 272, 273 and 310;

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<sup>(8)</sup> 1992 c. 53.

<sup>(9)</sup> Subsections (2) and (3) of section 213 were repealed by S.I. 1998/2212.

paragraph 81 to the extent that it relates to the omission of sections 338 and 339(2) and the words “or the funding authority” in section 339(4)(a);

paragraph 83 to the extent that it relates to the omission of section 345;

paragraph 87(b);

paragraph 96;

paragraph 109 to the extent that it relates to the omission of the following provisions of the 1996 Act—

section 426(6)(**10**);

section 428;

section 431(**11**);

section 432;

paragraph 132 to the extent that it relates to the omission of—

section 500(2);

the words “or (2)” in each place where they occur in section 500(3) and (4);

section 501(1)(a) and 502(6);

paragraph 148;

paragraph 160(a);

paragraph 167 to the extent that it relates to the omission of section 552(1) to (3);

paragraph 177;

paragraph 185 to the extent that it relates to the omission of Schedules 3, 4 and 20 (in so far as not already repealed)(**12**);

paragraph 192(4)(b);

paragraph 197(b);

paragraph 198(b);

paragraph 202(3) and (4);

paragraph 218;

paragraph 225.

In Schedule 31 the repeal of—

the entry relating to the Schools Funding Council for Wales in Part II of the Table at the end of paragraph 3 of Schedule 1 to the Public Records Act 1958(**13**);

in section 4(1)(a) of the Building Act 1984(**14**), paragraph (iv);

section 49(3)(ba) of the Education (No. 2) Act 1986(**15**);

those provisions of the 1996 Act omitted by paragraphs 3, 66, 69, 70, 81, 83, 109, 132, 167, 177 and 185 of Schedule 30 to the 1998 Act specified above;

in section 356(5)(a)(ii) of the 1996 Act, the words “(except in the case of grant-maintained schools)”;

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(10) Section 426(6) was added for transitional purposes by the Education Act 1996 (Infant Class Sizes) (Modification) Regulations 1998 (S.I. 1998/1948).

(11) Sections 431 and 432 were modified for transitional purposes by the Education Act 1996 (Infant Class Sizes) (Modification) Regulations 1998 (S.I. 1998/1948).

(12) Paragraphs 7 and 8 of Schedule 4 and Part I of Schedule 20 were repealed by S.I. 1998/2212.

(13) 1958 c. 51.

(14) 1984 c. 55; section 4(1)(a) was amended by paragraph 59 of Schedule 37 to the 1996 Act.

(15) Subsection (3)(ba) was inserted by the Education Reform Act 1988 (c. 40), Schedule 12, paragraph 36.

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section 393 of the 1996 Act;  
in section 544 of the 1996 Act, in subsection (1) the words from “or,” to “authority”;  
in section 11(5)(b) of the School Inspections Act 1996(16), the words “whose governing body does not have a delegated budget”;  
in section 20(3) and 21(4) of the School Inspections Act 1996, the words “the funding authority, or”;  
in section 46(1) of the School Inspections Act 1996, the definition of “the transfer date”;  
section 50 of the Education Act 1997(17);  
those provisions of the Audit Commission Act 1998(18) referred to therein.

## SCHEDULE 2

Article 2(2)

### PROVISIONS COMING INTO FORCE ON 1ST JUNE 1999

Section 140(1) to the extent that that subsection relates to the provisions of Schedule 30 specified below.

Paragraph 28(1), (2)(a) and (c) of Schedule 30 for the purpose of making orders under the School Teachers' Pay and Conditions Act 1991(19) to come into force on or after 1st September 1999.

## SCHEDULE 3

Article 2(3)

### PROVISIONS COMING INTO FORCE ON 1ST SEPTEMBER 1999

Section 93 in so far as it is not already in force.

Schedule 23 in so far as it is not already in force.

In Schedule 30–

paragraph 108;

paragraph 109 to the extent that it relates to the omission of the following provisions of the 1996 Act–

section 411(20);

section 411A(21);

sections 412 to 421;

section 421A(22);

sections 422 and 423;

section 423A(23);

sections 424 and 425;

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(16) 1996 c. 57.

(17) 1997 c. 44.

(18) 1998 c. 18.

(19) 1991 c. 49.

(20) Section 411 was amended by the Education Act 1997 (c. 44), and modified for transitional purposes by S.I. 1998/1948.

(21) Section 411A was inserted by the Education Act 1997 (c. 44).

(22) Section 421A was inserted for transitional purposes by S.I. 1998/1948.

(23) Section 423A was inserted by the Education Act 1997 (c. 44).

sections 425A and 425B<sup>(24)</sup>;

section 426(1) to (5)<sup>(25)</sup>;

section 426A;

section 427;

sections 429 and 430;

section 436;

paragraph 189(a), (b), (c) and (d);

paragraph 208(c) in so far as it is not already in force;

paragraph 220;

paragraph 222(a), to the extent that it relates to the omission of Schedule 3 to the Education Act 1997<sup>(26)</sup> (in so far as its omission is not already in force);

paragraph 223, to the extent that it relates to the omission of paragraphs 31 to 34 and 49(3) of Schedule 7 to the Education Act 1997.

In Schedule 31, those provisions of the Education Acts 1996 and 1997 omitted by paragraphs 109, 189, 208, 220, 222 and 223 of Schedule 30 to the 1998 Act specified above.

## SCHEDULE 4

Article 6

### TRANSITIONAL AND SAVING PROVISIONS RELATING TO THE ADMISSION OF CHILDREN TO MAINTAINED SCHOOLS

#### Interpretation

1.—(1) In this Schedule—

“admission arrangements” in relation to a school, means the arrangements for the admission of children to the school, including the school’s admission policy;

“the modification regulations” means the Education Act 1996 (Infant Class Sizes) (Modification) Regulations 1998<sup>(27)</sup>;

“school year”, in the context of references to the admission of a child to a school in any particular year, means the school year in which he would first take up a place there in consequence of a decision to admit him;

“the transitional provisions regulations” means regulations 1 to 4 of the Education (Infant Class Sizes) (Transitional Provisions) Regulations 1998<sup>(28)</sup>.

(2) Any reference to a county, voluntary or grant-maintained school in—

(a) this Schedule, or

(b) a provision of (or a provision made under) the 1996 Act which is to continue to have effect for transitional purposes on or after 1st September 1999 by virtue of this Schedule,

<sup>(24)</sup> Sections 425A and 425B were inserted for transitional purposes by S.I. 1998/1948.

<sup>(25)</sup> Section 426 was amended, and section 426A inserted, for transitional purposes by S.I. 1998/1948.

<sup>(26)</sup> 1997 c. 44.

<sup>(27)</sup> S.I. 1998/1948.

<sup>(28)</sup> S.I. 1998/1947.

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shall have effect for the purposes of this Schedule, in relation to any time on or after that date, as a reference to a community, foundation or voluntary school which was, immediately before that date, a county, voluntary or (as the case may be) a grant-maintained school.

(3) A reference in this Schedule to the instrument or articles of government for a grant-maintained school shall be construed as a reference to that instrument or those articles as they had effect immediately before 1st September 1999.

### **School admissions: parental preferences**

2.—(1) Subject to sub-paragraph (5) below, sections 86 and 87 of the 1998 Act shall not apply in relation to—

- (a) the admission of a child to a school in any school year earlier than the 1999/2000 school year, or
- (b) an application for admission to which sub-paragraph (2) applies.

(2) This sub-paragraph applies to an application made before 1st September 1999 for the admission of a child to a school in the 1999/2000 or any earlier school year.

(3) Where an application to which sub-paragraph (2) applies relates to the admission of a child to a county or voluntary school, the following provisions shall continue to have effect in relation to an application, namely—

- (a) section 411 of the 1996 Act (as amended by the modification regulations);
- (b) sections 411A and 430(2) of that Act;
- (c) the transitional provisions regulations (in so far as they are applicable); and
- (d) the school's admission arrangements for the school year concerned.

(4) Where an application to which sub-paragraph (2) applies relates to the admission of a child to a grant-maintained school, the following provisions shall continue to have effect in relation to that application, namely—

- (a) the provisions of that school's articles of government concerning the determination of applications for admission;
- (b) section 425B of that Act (as inserted by the modification regulations);
- (c) section 430(2) of the 1996 Act;
- (d) paragraphs 3 and 4 of Schedule 33B to that Act;
- (e) the transitional provisions regulations (in so far as they are applicable); and
- (f) the school's admission arrangements for the school year concerned.

(5) Section 86(3)(a) and (4) of the 1998 Act shall apply as from 1st April 1999 for the purposes of section 96(4) or 97(5) of that Act in relation to the admission of a child to a school in the 1998/1999 or 1999/2000 school year.

(6) An application made on or after 1st September 1999 for the admission of a child to a school in the 1999/2000 school year shall be determined in accordance with the school's admission arrangements for that year.

(7) Section 86(3)(b) of the 1998 Act shall have effect in relation to an application referred to in sub-paragraph (6) above as if, for the words "special arrangements under section 91 (admission arrangements to preserve the religious character of a foundation or voluntary aided school)" there were substituted—

"arrangements in relation to the 1999/2000 school year for preserving the particular religious character of the school made before 1st September 1999—



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- (i) between the governing body and the local education authority under section 413 of that Act (where the school immediately before that date was an aided or special agreement school), or
  - (ii) by the governing body in accordance with the school's articles of government (where the school immediately before that date was a grant-maintained school);”.
- (8) Any reference in sub-paragraphs (2) and (6) to an application for the admission of a child to a school includes a reference to—
- (a) a preference expressed by a parent in accordance with arrangements made by a local education authority under section 411(1) of the 1996 Act; and
  - (b) an application as mentioned in section 438(4) or 440(2) of that Act.
- (9) Sub-paragraphs (3) and (4) shall have effect notwithstanding—
- (a) the repeal of sections 218 to 221, 411, 411A and 413 of, and Schedules 23 and 33B to, the 1996 Act; and
  - (b) the coming into force of sections 86 and 87 of the 1998 Act.

### **Special arrangements to preserve character of foundation or voluntary aided school**

3. Section 91 of the 1998 Act shall not apply in relation to the determination of a school's admission arrangements for any school year earlier than 2000/2001.

### **Publication of information about school admissions**

4. Section 92 of the 1998 Act shall not have effect so as to require a local education authority or the governing body of a school to publish information in respect of—

- (a) a school's admissions arrangements for any school year earlier than 2000/2001; or
- (b) the other matters mentioned in that section so far they relate to any such year.

### **Fixing admission numbers**

5.—(1) Section 93 of the 1998 Act shall not apply in relation to the fixing of a school's admission number for any school year earlier than 2000/2001.

(2) Section 416(1) and (2) of the 1996 Act shall continue to have effect in relation to the fixing of an admission number for a county or voluntary school for 1999/2000 and earlier school years.

(3) This sub-paragraph applies where before 1st September 1999—

- (a) a proposal is made to the admission authority for a county or voluntary school under section 416(3) of the 1996 Act; and
- (b) either—
  - (i) the time limit for the admission authority to give notice under section 416(6) rejecting that proposal has not expired, or
  - (ii) the admission authority have given such a notice within that time limit, but the authority making the proposal have not made an application to the Secretary of State as mentioned in section 416(7) (and the time limit for doing so has not expired).

(4) Where sub-paragraph (3) applies, any such proposal shall be treated as having been made under section 93(4) of the 1998 Act; and accordingly subsections (6) and (7) of that section shall have effect in relation to that proposal.

(5) This paragraph shall have effect notwithstanding the repeal of section 416 of the 1998 Act and the coming into force of section 93 of the 1998 Act.

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### **Variation of standard numbers**

- 6.—(1) This sub-paragraph applies where before 1st September 1999—
- (a) proposals have been published under paragraph 1 of Schedule 32 to the 1996 Act in relation to an application to the Secretary of State for an order under section 420(2) of that Act reducing a standard number applying to any county or voluntary school; but
  - (b) the Secretary of State has not determined that application by making or refusing to make an order under paragraph 5(1) of Schedule 32 to that Act.
- (2) Where sub-paragraph (1) applies, the provisions of—
- (a) section 420(2) and (3) of the 1996 Act,
  - (b) Schedule 32 to that Act (as amended by the modification regulations), and
  - (c) any regulations made under paragraph 1 of Schedule 32 (as they had effect immediately before 1st September 1999),

shall continue to apply in relation to those proposals and that application.

(3) Where, upon an application referred to in sub-paragraph (1), the Secretary of State decides to make an order as mentioned in paragraph 5(1) of Schedule 32 to the 1996 Act reducing the standard number, the relevant standard number which applies to the school in the school year beginning on or after 1st September 1999 by virtue of paragraph 1 of Schedule 23 to the 1998 Act shall have effect from the date specified in that order as if it had been reduced to the lower number so specified in accordance with paragraph 6 or (as the case may be) 10 of that Schedule.

- (4) This sub-paragraph applies where before 1st September 1999—
- (a) an application has been made by—
    - (i) the admission authority for a school, or
    - (ii) the governing body or local education authority in accordance with section 416(7) of the 1996 Act, for an order under section 420(2) of that Act increasing a relevant standard number; but
  - (b) the Secretary of State has not determined that application by making or refusing to make an order in respect that application under section 420(5).

(5) Where sub-paragraph (4) applies, section 420(2), (4) and (5) of the 1996 Act shall continue to have effect in relation to that application; and where, upon such an application, the Secretary of State decides to make an order under section 420(5) increasing the standard number, the relevant standard number which applies to the school in the school year beginning on or after 1st September 1999 by virtue of paragraph 1 of Schedule 23 to the 1998 Act shall have effect from the date specified in the order as if it had been increased to the higher number so specified in accordance with paragraph 6 or (as the case may be) 10 of that Schedule.

(6) This paragraph shall have effect notwithstanding the repeal of sections 416 and 420 of the 1996 Act, and the coming into force of section 93 of, and Schedule 23 to, the 1998 Act.

### **Approved admission numbers for grant-maintained schools**

7.—(1) Section 426(1) shall continue to have effect in relation to the fixing of an admission number for a grant-maintained school for the 1999/2000 and earlier school years.

- (2) This sub-paragraph applies where before 1st September 1999—
- (a) the governing body of a grant-maintained school have made an application for the approval under section 426(4) of the 1996 Act of a proposed variation of any approved admission number applying to that school; but
  - (b) no decision has been made approving or refusing to approve that application.

- (3) Where sub-paragraph (2) applies, the provisions of—
- (a) section 426(4) and (5) of the 1996 Act (as amended by the modification regulations), and
  - (b) the school's articles of government concerning the variation of approved admission numbers,

shall continue to apply in relation to an application mentioned in that sub-paragraph.

(4) Where, upon such an application, the Secretary of State decides to approve a variation of the approved admission number under section 426(4) of the 1996 Act, the relevant standard number which applies to the school in the school year beginning on or after 1st September 1999 by virtue of paragraph 1 of Schedule 23 to the 1998 Act shall have effect from the date specified in the Secretary of State's decision as if varied to the lower or higher number so specified in accordance with paragraph 6 or (as the case may be) 10 of that Schedule.

- (5) This sub-paragraph applies where before 1st April 1999—
- (a) the governing body of a grant-maintained school have made an application as mentioned in sub-paragraph (2)(a);
  - (b) no decision has been made approving or refusing to approve that application; and
  - (c) the school is in the area of a local education authority in relation to which an order under section 27(1)(a) or (b) of the 1996 Act applies.

(6) Where sub-paragraph (5) applies, sub-paragraph (4) shall have effect in relation to any period on or after 1st April 1999 but before 1st August 1999 as if each reference to the Secretary of State were to the Funding Agency for Schools.

(7) In the case of a grant-maintained school whose articles of government require the governing body to publish proposals before making an application under section 426(4) of the 1996 Act for the reduction of an approved admission number, sub-paragraph (2)(a) shall have effect as if for "made an application" there were substituted "published proposals in relation to a proposed application".

(8) This paragraph shall have effect notwithstanding the repeal of sections 27, 218 to 221 and 426 and 426A of, and Schedules 4 and 23 to, the 1996 Act, and the coming into force of section 93 of, and Schedule 23 to, the 1998 Act.

### **Admission appeals**

**8.—**(1) Section 94 of and Schedule 24 to, or (as the case may be) section 95(2) of and Schedule 25 to, the 1998 Act shall not apply in relation to an appeal against—

- (a) a decision concerning the admission of a child to a school in any school year earlier than the 1999/2000 school year, or
- (b) a decision to which sub-paragraph (2) or (4) applies.

(2) This sub-paragraph applies in relation to a decision as mentioned in section 423(1) or (2) or 423A(2) of the 1996 Act concerning the admission of a child to a county or voluntary school in any school year earlier than 2000/2001 where before 1st September 1999—

- (a) notice of appeal against that decision has been given; but
- (b) the appeal has not been determined by an appeal committee constituted in accordance with paragraph 1 or 2 of Schedule 33 to the 1996 Act.

(3) The following provisions, namely—

- (a) sections 423 of, and Schedule 33 to, the 1996 Act (as amended by the modification regulations),
- (b) section 423A of, and Schedule 33A to, that Act, and

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- (c) the appeal arrangements made by the local education authority or the governing body pursuant to those provisions (as those arrangements had effect immediately before 1st September 1999),

shall continue to have effect in relation to an appeal referred to in sub-paragraph (2).

(4) This sub-paragraph applies in relation to a decision refusing a child admission to a grant-maintained school in any school year earlier than 2000/2001 where before 1st September 1999—

- (a) notice of appeal against that decision has been given; but
- (b) the appeal has not been determined by an appeal committee constituted for the purposes of paragraph 6 of Schedule 23 to the 1996 Act.

(5) The following provisions, namely—

- (a) paragraph 6 of Schedule 23 to the 1996 Act,
- (b) paragraph 6A of that Schedule (as inserted by the modification regulations),
- (c) paragraph 4 of Schedule 33B to the 1996 Act,
- (d) the provisions of that school's instrument and articles of government concerning appeals against decisions refusing children admission to the school, and
- (e) the arrangements for such appeals made by the governing body (as they had effect immediately before 1st September 1999),

shall continue to have effect in relation to an appeal referred to in sub-paragraph (4).

(6) A reference in sub-paragraph (2) or (4) to the giving of a notice of appeal shall be construed for the purposes of this paragraph as a notice of appeal given in accordance with the provisions referred to in sub-paragraph (3) or (as the case may be) (5).

(7) Sub-paragraphs (3) and (5) shall have effect notwithstanding—

- (a) the repeal of sections 218 to 221, 423, 423A, 425A and 429 of, and Schedules 23, 33, 33A and 33B to, the 1996 Act; and
- (b) the coming into force of sections 94 and 95 of, and Schedules 24 and 25 to, the 1998 Act.

### **Appeal committees**

**9.—**(1) This paragraph applies to an admissions or exclusions appeal committee constituted—

- (a) for the purposes of paragraph 6 of Schedule 23 to the 1996 Act<sup>(29)</sup>, or
- (b) in accordance with paragraph 1 or 2 of Schedule 33 to that Act,

where that committee exercises (or is entitled to exercise) any function on or after 1st April 1999 (whether by virtue of paragraph 8 of this Schedule or otherwise).

(2) Where this paragraph applies to an appeal committee—

- (a) (in the case of a committee as mentioned in sub-paragraph (1)(b) above) section 177 of the Local Government Act 1972<sup>(30)</sup>,
- (b) section 25(5) of the Local Government Act 1974<sup>(31)</sup>, and
- (c) paragraph 15(b) and (c) of Schedule 1 to the Tribunal and Inquiries Act 1992<sup>(32)</sup>,

shall have effect on or after 1st April 1999 without the amendments made by the provisions of paragraph 3, 4 or 47 of Schedule 30 to the 1998 Act; and this paragraph shall have effect notwithstanding the coming into force of those provisions.

<sup>(29)</sup> Paragraph 6 of Schedule 23 was amended by paragraph 49(3) of Schedule 7 to the Education Act 1997 (c. 44).

<sup>(30)</sup> 1972 c. 70. Section 177(1) was amended by paragraph 25 of Schedule 37 to the 1996 Act.

<sup>(31)</sup> 1974 c. 7. Section 25(5) was amended by paragraph 27 of Schedule 37 to the 1996 Act.

<sup>(32)</sup> 1992 c. 53. Paragraph 15 of Schedule 1 was amended by paragraph 118(3) of Schedule 37 to the 1996 Act.

### **Direction to admit child to specified school**

10.—(1) This paragraph applies where before 1st April 1999—

- (a) the appropriate authority (as defined in section 431(7) or (8) of the 1996 Act) have served notice in accordance with section 432(2) of that Act of their intention to give a direction under section 431 requiring a specified school to admit a child; but
- (b) the authority have not given that direction.

(2) Where this paragraph applies, the appropriate authority may, subject to the provisions of—

- (a) section 431(3A) (as inserted by the modification regulations), and
- (b) section 432(2) to (5) (as amended by those regulations),

proceed to give the direction mentioned in sub-paragraph (1); and sections 431 and 432 (as so amended) shall continue to apply for the purposes of that direction.

(3) This paragraph has effect notwithstanding the repeal of sections 431 and 432 of the 1996 Act and the coming into force of sections 96 and 97 of the 1998 Act.

### **New schools, nursery and special schools, children with statements**

11. Notwithstanding the repeal of sections 413, 415, 422, 424, 425A, 429, 430 and 436 of the 1996 Act, those provisions shall continue to have effect to the extent that they relate to the other provisions of Chapter I of Part VI of the 1996 Act which are to continue to have effect for transitional purposes by virtue of this Schedule.

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## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order brings certain provisions of the School Standards and Framework Act 1998 into force on 1st April, 1st June and 1st September 1999 respectively.

The principal provisions brought into force on 1st April 1999 are as follows. First, sections 24 and 26 (in so far as not already in force), 28 (partially), 29 (partially), 31 (partially) and 35, regarding school organisation and the establishment, alteration, discontinuance and change of category of schools.

Second, sections 86, 87, 90 to 92, 93 (partially), 94 to 103, and Schedules 24 and 25, which relate to the admission of pupils to maintained schools, the determination of arrangements for the admission of pupils, the fixing of admission numbers, and appeals against admission decisions; and certain provisions of Schedules 30 and 31 which make consequential amendments to the provisions of the Local Government Acts 1972 and 1974 and the Tribunal and Inquiries Act 1992, and repeal sections 426(6), 428, 431 and 432 of the Education Act 1996.

Third, the repeal of a number of provisions of the Education Act 1996 conferring functions on the Funding Agency for Schools.

The provisions brought into force on 1st June relate to amendments to the School Teachers' Pay and Conditions Act 1991.

The provisions brought into force on 1st September 1999 are section 93 (so far as not already in force) and Schedule 23 which relate to the fixing of admission numbers, and the determination, variation

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and review of standard numbers; and certain provisions of Schedules 30 and 31 which repeal sections 411 to 427, 429 and 430, and 436 of, and Schedules 32 to 33B to, the Education Act 1996.

The Order also contains transitional and savings provisions relating to sections 86, 87 and 91 to 97 of, and Schedules 23 and 24 to, the School Standards and Framework Act 1998, and Chapter I of Part VI of the Education Act 1996.

This Order also brings the Code of Practice on School Admissions under section 84 of the School Standards and Framework Act 1998 into force on 1st April 1999 and the Code of Practice on LEA–School Relations under section 127 of that Act into force on 19th April 1999. Both codes of practice can be obtained from the Department for Education and Employment, Sanctuary Buildings, Great Smith Street, London SW1P 3BT and may also be found on the Department’s WEB Site.

### NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Act have been or will be brought into force by commencement orders made before the date of this Order:

<i>Provision</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
Sections 10 to 12 and Schedule 1.	8th August 1998.	<a href="#">1998/2048.</a>
Sections 13 and 104(1) to (3) and (5) to (7).	1st September 1998.	<a href="#">1998/2048.</a>
Sections 5 to 9, 14, 15, 16(1) to (5) and 13, 17 to 19, 24(2) to (4), 24(5), 25, 26(2) to (8), 38(3), 39(1) (partially), 44(5) and (6), 45 to 48, 50(3) and (4), 52, 62, 63, 69(2) to (5), 71(7), 72, 77 (partially), 81, 88, 89(2) to (8) (partially), 90(1) to (3), (5), (9) and (10) (partially), 91(2) to (4), (6) and (9) (partially), 92 (partially), 93(3), (8) and (9), 98(5) and (8) to (10) (partially), 99(1), (2) and (5), 100 (partially), 101 (partially), 102(1) and (4) (partially), 103(3), 104(4)(a), 105, 106, 108, 112(1) and (2), 113, 117, 119, 122, 123, 127, 134(1) and (3), 135 (which introduces Schedule 28) (partially), 136, 140(1) (which introduces Schedule 30) (partially) and section 140(3) (which introduces Schedule 31) (partially); paragraphs 1, 2 and 5 of Schedule 4; Schedule 5; paragraph 6 of Schedule 11;	1st October 1998.	<a href="#">1998/2212.</a>

<i>Provision</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
Schedule 14; paragraphs 1, 2(4) (partially) and 3(4) (partially) of Schedule 19; paragraphs 5(1), (5) and (6) (partially), 6(7) and (10) (partially), 9(1), (6) and (7) (partially), and 10(7) (partially) of Schedule 23; and Schedule 26.		
Paragraphs 139 (partially) and 153 of Schedule 30.	20th November 1998.	1998/2791.
Sections 66(8) and 107.	1st December 1998.	1998/2212.
Section 89 in so far as not already in force.	6th January 1999.	1998/3198.
Sections 110, 111, 140(1) (which introduces Schedule 30) (partially) and 140(3) (which introduces Schedule 31) (partially).	1st February 1999.	1998/2212.
Sections 28(9), 29(8), 33(4), 77 so far as not already in force, 109(3) and (4), 116; and paragraphs 5(4) (partially) and 10(4) (partially) of Schedule 6.	1st February 1999.	1998/3198.
Sections 54 (partially), 55 (partially), 129, 137, paragraph 30 of Schedule 16, paragraphs 1(1) and 27(3) of Schedule 17, Schedule 29, paragraphs 48, 125, 126 and 182 of Schedule 30.	1st February 1999.	1999/120.
Schedules 30 (partially) and 31 (partially).	10th March 1999.	1999/120.
Sections 49, 50 in so far as not already in force, 51, 53, 118, 124, 125(5), 140(1) and (3) (partially); Schedule 15 and Schedule 27 (partially).	1st April 1999.	1998/2212.
Paragraph 139 of Schedule 30 (for all remaining purposes).	1st April 1999.	1998/2791.