
STATUTORY INSTRUMENTS

2012 No. 1087

**The Education Act 2011 (Commencement No. 4 and
Transitional and Savings Provisions) Order 2012**

Transitional and savings provisions

5. Despite the coming into force of section 38 of EA 2011, the amendments made by subsections (2) and (3) of that section do not have effect in relation to the governing body of a maintained school in England constituted under an instrument of government⁽¹⁾ that takes effect before 1st September 2012, until the governing body or the local authority decide that the instrument of government should be varied.

⁽¹⁾ For the meaning of “instrument of government” see section 20 of the Education Act 2002 (c. 32).