



School Standards and Framework Act 1998

1998 CHAPTER 31

PART VII

MISCELLANEOUS AND GENERAL

Code of practice for local education authorities and maintained schools

127 Code of practice for securing effective relationships between LEAs and maintained schools.

- (1) The Secretary of State shall issue, and may from time to time revise, a code of practice containing such practical guidance as he thinks appropriate with a view to securing effective relationships between local education authorities and the schools maintained by them—
 - (a) in relation to promoting high standards of education in such schools; and
 - (b) in relation to the discharge of relevant functions of such authorities in relation to such schools.
- (2) In discharging their functions in relation to any maintained school, it shall be the duty of—
 - (a) the local education authority,
 - (b) the governing body, and
 - (c) the head teacher,to have regard to any relevant provisions of the code.
- (3) Section 85 shall apply in relation to the code as it applies in relation to a code of practice under section 84.
- (4) The Secretary of State shall publish the code as for the time being in force.

Status: Point in time view as at 01/04/2003. This version of this part contains provisions that are not valid for this point in time.

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- (5) The Secretary of State may under subsection (1) make different provision for England and Wales (whether or not by means of separate codes of practice); and references in this section to “the code” accordingly apply to any such separate code of practice.
- (6) For the purposes of this section the relevant functions of a local education authority are the functions exercisable by or on behalf of such an authority under—
- (a) sections 6 and 7 (so far as they relate to schools maintained by the authority),
 - (b) section 15(2),
 - (c) section 16(1),
 - [^{F1}(cc) section 16A(1),]
 - (d) section 17(1),
 - (e) [^{F2}section 42(3) and (4),]
 - (f) [^{F2}sections 54 and 55,]
 - (g) section 62(1),
 - (h) Schedules 9 and 11 (so far as they relate to the appointment and removal of LEA governors),
 - (i) Schedule 13,
 - (j) paragraphs 1 and 2 of Schedule 15,
 - (k) Schedules 16 and 17, and
 - (l) section 25 of the ^{M1}School Inspections Act 1996,
 - [^{F3}(m) regulations under section 19 of the Education Act 2002, so far as relating to the appointment of persons as local education authority governors,
 - (n) regulations under section 30(3) of that Act (governors’ reports),
 - (o) regulations under section 31 of that Act (control of school premises),
 - (p) sections 35 and 36 of that Act (staffing) and regulations under those sections, and
 - (q) Schedule 2 to that Act (effect on staffing of suspension of delegated budget),]
- and such other functions exercisable by or on behalf of a local education authority as the Secretary of State may determine for the purposes of this subsection.

Textual Amendments

- F1** S. 127(6)(cc) inserted (1.4.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 21 para. 110(3)(a)** (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4
- F2** S. 127(6)(e)(f) repealed (1.4.2003 for E. for specified purposes) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 21 para. 110(3)(b)**, **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4
- F3** S. 127(6)(m)-(q) inserted (1.4.2003 for E. for specified purposes) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 21 para. 110(3)(c)** (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4

Modifications etc. (not altering text)

- C1** S. 127 applied (18.6.1999) by [S.I. 1999/2022](#), **art. 2**.

Marginal Citations

- M1** 1996 c. 57.

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Financial assistance to non-maintained schools

VALID FROM 12/01/2010

128 Financial assistance to non-maintained schools.

(1) For section 18 of the ^{M2}Education Act 1996 there shall be substituted—

“18 Financial assistance to non-maintained schools.

- (1) Subject to subsection (2), a local education authority may—
- (a) assist any primary or secondary non-maintained school (whether inside or outside their area);
 - (b) make arrangements for pupils to be provided with primary or secondary education at such schools.
- (2) Except in accordance with regulations, a local education authority may not under subsection (1) make any grant or other payment (whether to the proprietor of a school or otherwise) in respect of—
- (a) fees or expenses (of whatever nature) which are payable in connection with the attendance of a pupil at a school, or
 - (b) such other matters as may be prescribed.
- (3) Regulations made for the purposes of subsection (2)(a) may provide that, in such circumstances as may be specified in or determined in accordance with the regulations, a local education authority—
- (a) shall exercise their power under subsection (1)(b) in relation to a pupil at a non-maintained school so as to pay the whole of—
 - (i) the fees payable in respect of the education provided for the pupil, and
 - (ii) if board and lodging are provided for him at the school, the fees payable in respect of the board and lodging, and
 - (iii) any expenses of a prescribed description which are payable in connection with his attendance at the school; or
 - (b) may exercise that power in relation to such a pupil so as to pay the whole or part of any fees or expenses falling within all or any of subparagraphs (i) to (iii) of paragraph (a) above.
- (4) In this section references to non-maintained schools are references to schools which are not maintained by any local education authority.”
- (2) In consequence of subsection (1), section 16(1)(c) of the ^{M3}Education Act 1996 (power of local education authority to assist primary or secondary school not maintained by the authority) shall cease to have effect.

Marginal Citations

- M2** 1996 c. 56.
M3 1996 c. 56.

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129 Payment of school expenses; grant of scholarships, etc.

For section 518 of the ^{M4}Education Act 1996 there shall be substituted—

“518 Payment of school expenses; grant of scholarships, etc.

- (1) A local education authority, for the purpose of enabling persons to take advantage of any educational facilities available to them, may in such circumstances as may be specified in or determined in accordance with regulations—
 - (a) pay such expenses of children attending community, foundation, voluntary or special schools as may be necessary to enable them to take part in any school activities,
 - (b) grant scholarships, exhibitions, bursaries and other allowances in respect of persons over compulsory school age.
- (2) Regulations may make provision—
 - (a) for requiring a local education authority to make, in relation to each financial year, a determination relating to the extent to which they propose to exercise their power under subsection (1)(b) in that year; and
 - (b) for authorising an authority to determine not to exercise that power in a financial year—
 - (i) generally,
 - (ii) in such cases as may be prescribed, or
 - (iii) in such cases as may be determined by the authority.”

Marginal Citations

M4 1996 c. 56.

130 Transfer of assisted places.

- (1) In section 3(2) of the ^{M5}Education (Schools) Act 1997 (regulations for purposes of transitional arrangements), after paragraph (f) there shall be added—
 - “(g) provide for the Secretary of State, in a case where he is satisfied that it is reasonable to do so in view of any particular circumstances relating to a pupil who holds (or has at any time held) an assisted place provided by a school under section 2(1), to authorise another school which is either—
 - (i) a former participating school, or
 - (ii) a new school authorised to provide assisted places by virtue of paragraph (f) above,
 to provide for the pupil under section 2(1) the assisted place which the first-mentioned school was authorised to provide.”
- (2) In section 75A(9A) of the ^{M6}Education (Scotland) Act 1980 (regulations in connection with assisted places)—
 - (a) the word “and” immediately preceding paragraph (b) shall be omitted; and
 - (b) after that paragraph there shall be inserted “; and

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- (c) provide for the Secretary of State, in a case where he is satisfied that it is reasonable to do so in view of any particular circumstances relating to a pupil who holds (or has, at any time since the beginning of the first term of the 1997-98 school year, held) an assisted place at a school under a scheme operated by virtue of subsection (1) above, to authorise another school which is, or is treated as, a participating school to provide for the pupil under such a scheme the assisted place which the first-mentioned school was authorised to provide.”

Extent Information

E1 S. 130(2) extends to Scotland only.

Marginal Citations

M5 1997 c. 59.

M6 1980 c. 44.

Abolition of corporal punishment

131 Abolition of corporal punishment in schools etc.

(1) For section 548 of the ^{M7}Education Act 1996 there shall be substituted—

“548 No right to give corporal punishment.

- (1) Corporal punishment given by, or on the authority of, a member of staff to a child—
- for whom education is provided at any school, or
 - for whom education is provided, otherwise than at school, under any arrangements made by a local education authority, or
 - for whom specified nursery education is provided otherwise than at school,
- cannot be justified in any proceedings on the ground that it was given in pursuance of a right exercisable by the member of staff by virtue of his position as such.
- (2) Subsection (1) applies to corporal punishment so given to a child at any time, whether at the school or other place at which education is provided for the child, or elsewhere.
- (3) The following provisions have effect for the purposes of this section.
- (4) Any reference to giving corporal punishment to a child is to doing anything for the purpose of punishing that child (whether or not there are other reasons for doing it) which, apart from any justification, would constitute battery.
- (5) However, corporal punishment shall not be taken to be given to a child by virtue of anything done for reasons that include averting—
- an immediate danger of personal injury to, or
 - an immediate danger to the property of,

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any person (including the child himself).

- (6) “Member of staff”, in relation to the child concerned, means—
- (a) any person who works as a teacher at the school or other place at which education is provided for the child, or
 - (b) any other person who (whether in connection with the provision of education for the child or otherwise)—
 - (i) works at that school or place, or
 - (ii) otherwise provides his services there (whether or not for payment),
 and has lawful control or charge of the child.
- (7) “Child” (except in subsection (8)) means a person under the age of 18.
- (8) “Specified nursery education” means full-time or part-time education suitable for children who have not attained compulsory school age which is provided—
- (a) by a local education authority; or
 - (b) by any other person—
 - (i) who is (or is to be) in receipt of financial assistance given by such an authority and whose provision of nursery education is taken into account by the authority in formulating proposals for the purposes of section 120(2)(a) of the School Standards and Framework Act 1998, or
 - (ii) who is (or is to be) in receipt of grants under section 1 of the ^{M8}Nursery Education and Grant-Maintained Schools Act 1996; or
 - (c) (otherwise than as mentioned in paragraph (a) or (b)) in any educational institution which would fall within section 4(1) above (definition of “school”) but for the fact that it provides part-time, rather than full-time, primary education.”
- (2) The following provisions of the ^{M9}Education Act 1996, namely—
- (a) section 549 (interpretation of section 548), and
 - (b) section 550 (no avoidance of section 548 by refusing admission to school etc.),
- shall cease to have effect.

Marginal Citations

- M7** 1996 c. 56.
M8 1996 c. 50.
M9 1996 c. 56.

The funding authorities

132 Dissolution of Funding Agency for Schools.

- (1) The Funding Agency for Schools shall be dissolved on such date as the Secretary of State may by order specify (“the dissolution date”).

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- (2) Prior to their dissolution the Agency shall—
 - (a) prepare, and submit to the Secretary of State for his approval, a plan for the disposal of property of the Agency to persons other than the Secretary of State; and
 - (b) once the plan is approved by the Secretary of State, make arrangements for the disposal of the property in question in accordance with the plan.
- (3) The Agency shall use their best endeavours to secure that any functions remaining to be discharged by them at any time after the commencement of this section are discharged by such date or dates falling before the dissolution date as the Secretary of State may determine.
- (4) Section 24 of the ^{M10}Education Act 1996 (directions by Secretary of State) applies to functions of the Agency under this section; and paragraph 15 of Schedule 2 to that Act (accounts) shall have effect for the purposes of subsection (3) above subject to such modifications as the Secretary of State may determine.
- (5) Any property, rights and liabilities to which the Agency are entitled or subject immediately before the dissolution date (whether or not capable of being transferred or assigned by the Agency) shall by virtue of this section become property, rights and liabilities of the Secretary of State on that date.
- (6) Any legal proceedings to which the Agency are a party immediately before the dissolution date may be continued on or after that date by or in relation to the Secretary of State.
- (7) Every agreement (whether written or not), and every instrument or other document, which relates to any property, right or liability of the Agency to which subsection (5) applies shall have effect, so far as may be required for continuing its effect on or after the dissolution date, as if—
 - (a) where the Agency is a party to it, the Secretary of State were substituted as that party,
 - (b) for any reference to the Agency there were substituted a reference to the Secretary of State,
 - (c) for any reference (however worded and whether express or implied) to the chairman, the chief officer or any member of the Agency there were substituted a reference to such officer or officers as the Secretary of State may appoint for the purpose, and
 - (d) for any reference to the office or place of business of the Agency there were substituted a reference to the principal office of the Secretary of State.

Modifications etc. (not altering text)

C2 S. 132 modified (*temp.*) (26.5.1999) by S.I. 1999/1287, reg. 3(2)(a).

Marginal Citations

M10 1996 c. 56.

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133 Removal of power to establish Schools Funding Council for Wales.

Section 21 of the ^{M11}Education Act 1996 (which confers on the Secretary of State a power, so far unexercised, to establish the Schools Funding Council for Wales) shall cease to have effect.

Marginal Citations

M11 1996 c. 56.

School and nursery inspections

134 Publication of inspection reports.

(1) After section 42 of the ^{M12}School Inspections Act 1996 there shall be inserted—

“ Publication of reports

42A Publication of inspection reports.

- (1) The Chief Inspector may in the case of—
 - (a) any report by a member of the Inspectorate of an inspection carried out by him under any provision of this Act (whether the report is required by any such provision or is otherwise made in pursuance of his functions under that provision), or
 - (b) any report of an inspection under section 10 (other than one made by a member of the Inspectorate),
 arrange for the report to be published in such manner as the Chief Inspector considers appropriate.
- (2) Without prejudice to the generality of—
 - (a) section 2(7)(c) or 5(7)(c), or
 - (b) subsection (1) above,
 the Chief Inspector may arrange for a report to which that provision applies to be published by electronic means.
- (3) For the purposes of the law of defamation any report published by the Chief Inspector under any of those provisions shall be privileged unless the publication is shown to be made with malice.
- (4) Nothing in subsection (3) shall be construed as limiting any privilege subsisting apart from that subsection.”

(2) In Schedule 1 to the ^{M13}Nursery Education and Grant-Maintained Schools Act 1996 (inspections of nursery education), at the end of paragraph 13 (reports of inspections) there shall be added—

“(3) Section 42A(2) to (4) of the ^{M14}School Inspections Act 1996 shall apply in relation to the publication of any such report as they apply in relation to the publication of a report under any of the provisions mentioned in section 42A(2).”

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- (3) In section 39 of the ^{M15}Education Act 1997 (reports of inspections of local education authorities), at the end of subsection (4) (publication of such reports) there shall be added “; and section 42A(2) to (4) of the School Inspections Act 1996 shall apply in relation to the publication of any such report as they apply in relation to the publication of a report under any of the provisions mentioned in section 42A(2).”

Commencement Information

- II** S. 134 partly in force; s. 134 not in force at Royal Assent see s. 145(3); s. 134(1)(3) in force at 1.10.1998 by S.I. 1998/2212, art. 2, Sch. 1 Pt. I

Marginal Citations

- M12** 1996 c. 57.
M13 1996 c. 50.
M14 1996 c. 57.
M15 1997 c. 44.

135 Miscellaneous amendments relating to school and nursery inspections.

[^{F4}Schedule 28 (which contains amendments relating to inspections under the ^{M16}School Inspections Act 1996 and the ^{M17}Nursery Education and Grant-Maintained Schools Act 1996) shall have effect.]

Textual Amendments

- F4** S. 135 repealed (1.9.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), Sch. 19 Pt. 1; S.I. 2005/2034, art. 4

Commencement Information

- I2** S. 135 partly in force; s. 135 not in force at Royal Assent see s. 145(3); s. 135 in force for certain purposes at 1.10.1998 by S.I. 1998/2212, art. 2, Sch. 1 Pt. I

Marginal Citations

- M16** 1996 c. 57.
M17 1996 c. 50.

Education Assets Board

136 Change of name of Education Assets Board.

- (1) The Education Assets Board shall be known instead as the Education Transfer Council.
- (2) For any reference to the Education Assets Board—
- (a) in any statutory provision (other than this section), or
 - (b) in any instrument or document,
- there shall be substituted, as respects any time after the commencement of this section, a reference to the Education Transfer Council.
- (3) The Secretary of State may by order specify a different name by which the Council are to be known; and an order under this section may make such provision as appears

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to the Secretary of State to be necessary or expedient in consequence of the change of name effected by the order (including provision for amending statutory provisions).

137 Education Transfer Council: alteration of functions and provision for dissolution.

- (1) Schedule 29 (which amends section 198 of, and Schedule 10 to, the ^{M18}Education Reform Act 1988, which relate to the functions of the Education Transfer Council) shall have effect.
- (2) The Secretary of State may by order make such further amendments of those provisions of that Act as he considers expedient.
- (3) Regulations may make provision—
 - (a) for the dissolution of the Education Transfer Council by order of the Secretary of State and for enabling him to determine how any property, rights and liabilities of the Council are to be dealt with in connection with their dissolution;
 - (b) for the subsequent establishment of a new body with such name as may be prescribed and constituted in the same manner as, or similarly to, the Council;
 - (c) for dealing with transfers of property, rights and liabilities under this Act [^{F5}, under the Education Reform Act 1988 or under the Further and Higher Education Act 1992] at a time when the Council has been dissolved and either—
 - (i) a body has been subsequently established under paragraph (b), or
 - (ii) no such body has been so established.
- (4) Regulations under subsection (3) may, in connection with any matters falling within paragraph (b) or (c) of that subsection—
 - (a) modify any of the provisions of section 197 or 198 of, or Schedule 8 or 10 to, the ^{M19}Education Reform Act 1988 [^{F6} or section 34 or 36 of, or Schedule 5 or 7 to, the Further and Higher Education Act 1992];
 - (b) apply any of those provisions with or without modifications;
 - (c) make provision corresponding or similar to any of those provisions.

Textual Amendments

- F5** Words in s. 137(3)(c) substituted (28.7.2000 in so far as consequential on ss. 130, 131, Sch. 8 and otherwise 1.9.2000) by 2000 c. 21, s. 149, **Sch. 9 para. 87(1)(2)**; S.I. 2000/2114, art. 2(3), **Sch. Pt. III**
- F6** Words in s. 137(4)(a) inserted (28.7.2000 in so far as consequential on ss. 130, 131, Sch. 8 and otherwise 1.9.2000) by 2000 c. 21, s. 149, **Sch. 9 para. 87(1)(3)**; S.I. 2000/2144, art. 2(3), **Sch. Pt. III**

Marginal Citations

- M18** 1988 c. 40.
M19 1988 c. 40.

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Supplementary

138 Orders and regulations.

- (1) Subject to subsection (2), any power of the Secretary of State to make an order or regulations under this Act shall be exercised by statutory instrument.
- (2) Subsection (1) does not apply to any order under—
 - (a) section 11(5), 20(5), 21(8), 73, 82, 111(3)(a) or 142(1); or
 - (b) paragraph 5 of Schedule 5, paragraph 2 or 3 of Schedule 7, [^{F7}paragraph 3(5) or 4 of Schedule 10], paragraph 1 of Schedule 14, paragraph 10 of Schedule 21, paragraph 4(2) or 7(3)(c) of Schedule 22 or paragraph 5(3) of Schedule 32.
- (3) Subject to subsections (4) and (5), a statutory instrument containing any order or regulations under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Subsection (3) does not apply to any order under—
 - (a) section 20(7), [^{F8}45C(2),] 69(3), 85(5), 104, 110(10) or 145; or
 - (b) [^{F9}paragraph 4 or 8 of Schedule 23 or] paragraph 1 of Schedule 32.
- (5) Subsection (3) also does not apply to—
 - (a) any order under—
 - (i) section 1(5),
 - (ii) [^{F10}paragraph 18 of Schedule 18, or]
 - (iii) [^{F10}paragraph 17 of Schedule 24 or paragraph 14 of Schedule 25; or]
 - ; or
 - (b) the first regulations to be made under—
 - (i) section 38(3) or 39(1),
 - (ii) section [^{F11}46], 47 or 48(1), or
 - (iii) section 105 or 108(2);

and no such order or regulations shall be made (whether alone or with other provisions) unless a draft of the statutory instrument containing the order or regulations has been laid before, and approved by a resolution of, each House of Parliament.
- (6) If a draft of the statutory instrument containing any such regulations under section 105 would, apart from this subsection, be treated for the purposes of the Standing Orders of either House of Parliament as a hybrid instrument, it shall proceed in that House as if it were not such an instrument.
- (7) Any order or regulations under this Act may make different provision for different cases, circumstances or areas and may contain such incidental, supplemental, saving or transitional provisions as the Secretary of State thinks fit.
- (8) Any order or regulations under this Act may make different provision in relation to England and Wales respectively.
- (9) Nothing in this Act shall be read as affecting the generality of subsection (7).

Subordinate Legislation Made

- P1** S. 138(7) power partly exercised (9.9.1998): different days appointed for specified provisions by [S.I. 1998/2212](#).

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S. 138(7) power partly exercised (15.12.1998): different days appointed for specified provisions by S.I. 1998/3198.

S. 138(7) power partly exercised (20.1.1999): different days appointed for specified provisions by S.I. 1999/120.

S. 138(7) power partly exercised (13.8.1999): different days appointed for specified provisions by S.I. 1999/2323.

Textual Amendments

F7 Words in s. 138(2)(b) repealed (1.10.2002 for E. otherwise prosp.) by Education Act 2002 (c. 32), ss. 215(2), 216, Sch. 22 Pt. 3 (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3 (with Sch.)

F8 Words in s. 138(4)(a) inserted (1.10.2002 for E. otherwise prosp.) by Education Act 2002 (c. 32), ss. 215(1), 216, Sch. 21 para. 111 (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3 (with Sch.)

F9 Words in s. 138(4)(b) repealed (1.10.2002 for E. otherwise prosp.) by Education Act 2002 (c. 32), ss. 215(2), 216, Sch. 22 Pt. 3 (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3 (with Sch.)

F10 S. 138(5)(a)(ii)(iii) repealed (1.4.2003 for E.) by Education Act 2002 (c. 32), s. 216(4), Sch. 22 Pt. 3 (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4

F11 Word in s. 138(5)(b)(ii) repealed (1.10.2002 for E. otherwise prosp.) by Education Act 2002 (c. 32), ss. 215(2), 216, Sch. 22 Pt. 3 (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3 (with Sch.)

139 Financial provisions.

- (1) There shall be paid out of money provided by Parliament—
- (a) any sums required for the making by the Secretary of State of grants or loans under this Act;
 - (b) any other expenses of the Secretary of State under this Act; and
 - (c) any increase attributable to this Act in the sums so payable by virtue of any other Act.
- (2) There shall be paid into the Consolidated Fund—
- (a) any sums received by the Secretary of State under or by virtue of this Act; and
 - (b) any fees received by Her Majesty's Chief Inspector of Schools in England, or [^{F12}Her Majesty's Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru], under Schedule 26.

Textual Amendments

F12 Words in s. 139(2)(b) substituted (W.) (1.1.2001) by 2000 c. 21, s. 73(3)(a); S.I. 2000/3230, art. 2, Sch.

140 Minor and consequential amendments and repeals.

- (1) The minor and consequential amendments set out in Schedule 30 shall have effect.
- (2) Unless the context otherwise requires, any reference in any enactment amended by this Act—
- (a) to a maintained school, or
 - (b) to a community, foundation or voluntary school or a community or foundation special school,
- is a reference to such a school within the meaning of this Act.

Status: Point in time view as at 01/04/2003. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation: School Standards and Framework Act 1998, Part VII is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) The enactments specified in Schedule 31 (which include certain spent enactments) are repealed to the extent specified.
- (4) Any articles of government of a school which are in force under the ^{M20}Education Act 1996 immediately before the appointed day shall cease to have effect on that day.

Extent Information

E2 S. 140 extends to Scotland or Northern Ireland in so far as it amends or repeals an enactment extending to Scotland or Northern Ireland.

Commencement Information

I3 S. 140 wholly in force at 1.9.1999; s. 140 not in force at Royal Assent see s. 145(3); s. 140(1)(3) in force for certain purposes at 1.10.1998, 1.2.1999 and 1.4.1999 by S.I. 1998/2212, art. 2, Sch. 1 Pts. I, III and IV; s. 140(1)(3) in force for certain purposes at 1.4.1999 by S.I. 1999/1016, art. 2(1), Sch. 1 (with arts. 3-6, Sch. 4); s. 140(1) in force for a certain purpose at 1.6.1999 by S.I. 1999/1016, art. 2(2), Sch. 2 (with arts. 3-6, Sch. 4); s. 140 in force at 1.9.1999 in so far as not already in force by S.I. 1999/2323, art. 2(1), Sch. 1 (with arts. 3-5, Schs. 5-7) .

Marginal Citations

M20 1996 c. 56.

Construction

141 Minor authorities.

- (1) For the purposes of this Act a maintained school serves an area for which there are one or more minor authorities if the area served by the school is—
 - (a) a parish or community;
 - (b) an area in England which is not within a parish and is not situated in—
 - (i) a county for which there is no council, or
 - (ii) a county in which there are no district councils; or
 - (c) an area comprising two or more areas each of which falls within paragraph (a) or (b).
- (2) Where the area served by the school is a parish—
 - (a) the parish council (if there is one), or
 - (b) the parish meeting (if there is no parish council),is the minor authority in relation to the school.
- (3) Where the area served by the school is a community, the community council is the minor authority in relation to the school.
- (4) Where the area served by the school is an area falling within subsection (1)(b), any district council for the whole or part of the area is a minor authority in relation to the school.
- (5) Where the area served by the school is an area falling within subsection (1)(c), each of the relevant authorities is a minor authority in relation to the school.

Status: Point in time view as at 01/04/2003. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation: School Standards and Framework Act 1998, Part VII is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (6) In subsection (5) “the relevant authorities” means the bodies which, if the two or more constituent areas referred to in subsection (1)(c) were taken separately, would be minor authorities in relation to the school.
- (7) References in this section to the area served by a school are references to the area appearing to the local education authority to be served by the school.

Modifications etc. (not altering text)

- C3** S. 141 applied with modification (3.12.1998 until the appointed day) by S.I. 1998/2763, **reg. 6(1)(2)**
S. 141 extended (10.3.1999) by S.I. 1999/362, **reg. 2(4)**.
S. 141 applied (with modifications) (10.3.1999) by S.I. 1999/362, **reg. 8(1)**.
S. 141 applied (with modifications) (10.3.1999) by S.I. 1999/362, **reg. 9(1)**.
S. 141 applied (with modifications) (10.3.1999) by S.I. 1999/362, **reg. 27(1)**.
S. 141 applied (with modifications) (10.3.1999) by S.I. 1999/362, **reg. 43(1)**.
S. 141 applied (with modifications) (1.9.1999) by S.I. 1999/2243, **reg. 32(1)(2)**.
S. 141 applied (with modifications) (1.9.1999) by S.I. 1999/2262, **reg. 32(1)(2)**.
S. 141 modified (1.9.1999) by S.I. 1999/2262, **reg. 32(2)**.

142 General interpretation.

- (1) In this Act, unless the context otherwise requires—

^{F13}

“Church in Wales school” means a school in the Province of Wales in relation to which the religion or religious denomination specified under section 69(4) is “Church in Wales” and “appropriate diocesan authority”, in relation to such a school, means the Diocesan Board of Finance for the diocese of the Church in Wales in which the school is situated or such other person as the Secretary of State may by order designate in respect of that diocese;

“Church of England school” means a school in the Province of Canterbury or York in relation to which the religion or religious denomination specified under section 69(4) is “Church of England” and “appropriate diocesan authority”, in relation to such a school, means the Diocesan Board of Education for the diocese of the Church of England in which the school is situated;

“community or foundation special school” means a community special school or a foundation special school;

“contract of employment”, “employee” and “employer” have the same meaning as in the ^{M21}Employment Rights Act 1996;

“employment” (except in section 92(4)) means employment under a contract of employment, and “employed” shall be construed accordingly;

[^{F14}“exclude”, in relation to the exclusion of a child from a school, means exclude on disciplinary grounds (and “exclusion” shall be construed accordingly);

“foundation governor”, in relation to a foundation school, a foundation special school or a voluntary school, means a person appointed as a foundation governor in accordance with regulations under section 19 of the Education Act 2002;]

“maintained school” (except in Part III) has the meaning given by section 20(7);

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“prescribed” means prescribed by regulations;

“reception class” means a class in which education is provided which is suitable to the requirements of pupils aged five and any pupils under or over that age whom it is expedient to educate with pupils of that age;

“regulations” means regulations made by the Secretary of State under this Act;

“relevant age group”, in relation to a school, means an age group in which pupils are normally admitted (or, as the case may be, will normally be admitted) to the school;

“Roman Catholic Church school” means a school in relation to which the religion or religious denomination specified under section 69(4) is “Roman Catholic” and “appropriate diocesan authority”, in relation to such a school, means the bishop of the Roman Catholic diocese in which the school is situated;

“school maintained by a local education authority”, in relation to any time on or after the appointed day, means a community, foundation or voluntary school, a community or foundation special school, a maintained nursery school or a pupil referral unit;

“statutory provision” means a provision contained in an Act or in subordinate legislation within the meaning of the ^{M22}Interpretation Act 1978.

- (2) Before making an order in respect of any diocese in Wales in exercise of the power conferred by the definition of “appropriate diocesan authority” the Secretary of State shall consult the bishop for the diocese.
- (3) Any reference in this Act to the religion or religious denomination specified in relation to a school under section 69(4) shall be construed, in a case where more than one religion or religious denomination is so specified, as including a reference to any of those religions or religious denominations.
- (4) As a result of subsection (3), subsection (1) has the effect that a school may, for example, be both a Church of England school and a Roman Catholic Church school and so have a different appropriate diocesan authority in each of those capacities; and, in the case of a school with two appropriate diocesan authorities, any reference in this Act to “the appropriate diocesan authority” is—
 - (a) in relation to anything required to be done by or in relation to that authority, a reference to both of the authorities concerned; or
 - (b) in relation to anything authorised to be done by or in relation to that authority, a reference to either or both of the authorities concerned (or, in the context of section 16(6) or (8), to both of them acting together).
- (5) For the purposes of this Act children are to be regarded as admitted to a school for nursery education if they are or are to be placed on admission in a nursery class.
- (6) For the purposes of this Act references to disposing of land include references to—
 - (a) granting or disposing of any interest in land;
 - (b) entering into a contract to dispose of land or to grant or dispose of any such interest; and
 - (c) granting an option to purchase any land or any such interest.
- (7) For the purposes of this Act—

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- (a) a person employed by a local education authority is to be regarded as employed to work at a school if his employment with the authority for the time being involves work at that school; and
 - (b) a person employed by a local education authority is to be regarded as employed to work solely at a school if his only employment with the authority (disregarding any employment under a separate contract with the authority) is for the time being at that school.
- (8) This Act shall be construed as one with the ^{M23}Education Act 1996; and (without prejudice to their generality) paragraphs 1 and 2 of Schedule 39 to that Act (construction of references etc.) apply to references in this Act to provisions of that Act.
- (9) Where, however, an expression is given for the purposes of any provision of this Act a meaning different from that given to it for the purposes of that Act, the meaning given for the purposes of that provision shall apply instead of the one given for the purposes of that Act.
- (10) Subsection (1) of section 576 of that Act (meaning of “parent”) shall, in its application for the purposes of—
- (a) section 43 or 62(2) of this Act, or
 - (b) paragraph 4 of Schedule 2 or paragraph 4 or 14 of Schedule 9 to this Act,
- be taken as referring only to persons within paragraph (a) or (b) of that subsection who are individuals.

Textual Amendments

- F13** S. 142(1): definition of “the appropriate further education funding council” repealed (28.7.2000 for specified purposes and otherwise 1.4.2001) by 2000 c. 21, ss. 149, 153, Sch. 9 para. 88, **Sch. 11**; S.I. 2001/654, art. 2, **Sch. Pt. II** (with art. 3)
- F14** Words in s. 142(1) inserted (1.4.2003 for E. for specified purposes) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 112** (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4

Marginal Citations

- M21** 1996 c. 18.
M22 1978 c. 30.
M23 1996 c. 56.

143 Index.

The expressions listed in the left-hand column below are defined by, or (as the case may be) are to be interpreted in accordance with, the provisions of this Act listed in the right-hand column in relation to those expressions.

<i>Expression</i>	<i>Relevant provision</i>
ability (in Chapter II of Part III)	section 99(5)
adjudicator	section 25(3)
admission arrangements (in Part III in relation to a maintained school)	sections 88(2) and 99(5)

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Changes to legislation: School Standards and Framework Act 1998, Part VII is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

admission authority (in Chapter I of Part III in relation to a maintained school)	section 88(1)
admitted to a school for nursery education	section 142(5)
alteration (in Part II in the context of a prescribed alteration to a maintained school)	section 28(11)
appeal panel (in Chapter I of Part III)	section 84(6)
appointed day (except in Part I of Schedule 32)	section 20(7)
appropriate diocesan authority (in relation to a Church in Wales, Church of England or Roman Catholic Church school)	section 142(1) and (4)
appropriate further education funding council	section 142(1)
area (in Part II)	section 28(11)
budget share (in Part II)	section 47(1)
Chief Inspector (in Chapter IV of Part I)	section 14(4)
child (in Chapter I of Part III but not in sections 96 and 97)	section 84(6)
Church in Wales school	section 142(1)
Church of England school	section 142(1)
class (in Chapter I of Part I)	section 4
community or foundation special school	section 142(1)
“contract of employment” and other expressions relating to employment	section 142(1) and (7)
discontinuing, and implementing proposals to discontinue, a school (in Part II in relation to a local education authority)	section 29(10)
disposing of land	section 142(6)
education action zone (in Chapter III of Part I)	section 10(1)
exclude, exclusion (in relation to the exclusion of a child from a school)	section 64(4)
foundation (in relation to a foundation or voluntary school) (and having a foundation)	section 21(3)
foundation body	section 21(4)
foundation governor	paragraph 2 of Schedule 9

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governing body	
(in Chapter III of Part I)	section 10(6)
(of a maintained school or of a school maintained by a local education authority) (in Chapter IV of Part II)	section 45(3)
grammar school (in Chapter II of Part III)	section 104(7)
group (in relation to a foundation body)	section 21(4)
individual schools budget (in Part II)	[^{F15} section 45A(3)]
infant class (in Chapter I of Part I)	section 4
land or other property held on trust, or by trustees, for the purposes of a school	section 21(3)(c)
[^{F16} LEA budget (in Part 2)]	[^{F16} section 45A(1)]
local education authority (in relation to a school maintained, or proposed to be maintained, by such an authority)	section 22(8)
[^{F17} local schools budget (in Part II)]	[^{F17} section 46(1)]
maintain (in relation to a maintained school or a maintained nursery school)	section 22(8)
maintained school	
(generally)	section 20(7)
(in Chapter IV of Part II in a context referring to a local education authority)	section 45(3)
(in Chapter I of Part III)	section 84(6)
(in Chapter II of Part III)	section 99(5)
maintained nursery school	section 22(9)
member of the Inspectorate (in Chapter IV of Part I)	section 14(4)
minor authority	section 141
new school (in Chapter IV of Part II)	section 45(4)
nursery education (in Part V)	section 117
ordinary teaching session (in Chapter I of Part I)	section 4
participating school (in Chapter III of Part I in relation to an education action zone)	section 10(6)
prescribed	section 142(1)
promoters (in Part II)	section 28(2)
[^{F18} school teacher](in Chapter I of Part I in relation to an infant class)	section 4

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reception class	section 142(1)
regulations	section 142(1)
relevant age group	section 142(1)
[^{F19} relevant standard number (in Chapter I of Part III)]	[^{F19} section 84(6)]
right to a delegated budget (in Part II)	section 49(7)
Roman Catholic Church school	section 142(1)
scheme (in Part II in relation to a maintained school)	section 48(5)
school having a delegated budget (in Part II)	section 49(7)
school maintained by a local education authority (generally)	section 142(1)
(in Chapter IV of Part II)	section 45(3)
school opening date	section 44(9)
school organisation committee	section 24(4)
school requiring special measures (in Chapter IV of Part I)	section 14(4)
school which has a religious character (in Part II in relation to a foundation or voluntary school)	section 69(3)
school which has selective admission arrangements (in Chapter II of Part III)	section 104(2)
[^{F20} schools budget (in Part 2)]	[^{F20} section 45A(2)]
specified religion or religious denomination	section 142(3)
statutory provision	section 142(1)

Textual Amendments

- F15** S. 143: Words in entry relating to "individual schools budget" substituted (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 215(1), 216, [Sch. 21 para.113\(c\)](#) (with ss. 210(8), 214(4)); S.I. 2002/2439, [art. 3](#) (with Sch.)
- F16** S. 143: Entry relating to "LEA budget (in Part 2)" inserted (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 215(1), 216, [Sch. 21 para.113\(d\)](#) (with ss. 210(8), 214(4)); S.I. 2002/2439, [art. 3](#) (with Sch.)
- F17** S. 143: Entry relating to "local schools budget" repealed (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 215(2), 216, [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2439, [art. 3](#) (with Sch.)
- F18** S. 143: Words in entry relating to "school teacher" substituted (19.12.2002 for W. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 215(1), 216, [Sch. 21 para. 113\(e\)](#) (with ss. 210(8), 214(4)); S.I. 2002/3185, [art. 4](#), Sch. Pt. 1

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- F19** S. 143: Entry relating to "relevant standard number" repealed (1.10.2002 for E. otherwise prosp.) by Education Act 2002 (c. 32), ss. 215(2), 216, **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3** (with Sch.)
- F20** S. 143: Entry relating to "schools budget (in Part 2)" inserted (1.10.2002 for E. otherwise prosp.) by Education Act 2002 (c. 32), ss. 215(1), 216, **Sch. 21 para.113(g)** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3** (with Sch.)

Final provisions

144 Transitional provisions etc.

- (1) Regulations may at any time make such incidental, consequential, transitional or supplementary provision as appears to the Secretary of State to be necessary or expedient for the general purposes, or any particular purposes, of this Act or in consequence of any of its provisions or for giving full effect to it.
- (2) Regulations under subsection (1) may, in particular, make provision—
 - (a) for enabling any authority or body by whom any functions will become exercisable on the appointed day by virtue of any provision made by or under this Act to take before that day any steps (such as the establishment of committees or the undertaking of consultation) which are necessary or expedient in preparation for the exercise of those functions;
 - (b) for requiring any body—
 - (i) by whom any functions will cease to be exercisable at any time, or
 - (ii) who are required to be reconstituted as from any time,
 by virtue of any provision made by or under this Act to take before that time any steps (such as the provision of information, the furnishing of other assistance or the taking of any decision) which are necessary or expedient in preparation for the exercise of functions conferred on any authority or other body, by virtue of any such provision, as from that time or (as the case may be) in preparation for their reconstitution;
 - (c) for the making before the appointed day of arrangements for securing the satisfactory operation from that day of any such provision and for defraying the cost of any such arrangements;
 - (d) for prohibiting or restricting the taking of steps before the appointed day which, by virtue of any such provision, will cease to be capable of being taken as from that day;
 - (e) for enabling the determination under the regulations of matters pending immediately before the appointed day;
 - (f) for any provision of this Act which comes into force before—
 - (i) another such provision has come into force, or
 - (ii) anything falling to be done under another such provision (such as the approval of a school organisation plan) has been done,
 to have effect, until that other provision has come into force or (as the case may be) that thing has been done, with such modifications as are specified in the regulations;
 - (g) for amending, repealing or revoking (with or without savings) any statutory provision passed or made before the appointed day, for applying any such provision (with or without modification) and for making savings or additional savings from the effect of any amendment or repeal made by this Act.

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- (3) Without prejudice to the generality of subsection (1) or any provision of subsection (2), regulations under subsection (1) may provide—
- (a) for any relevant provision to apply (with or without modification) to, or to any description of—
 - (i) schools maintained by a local education authority within the meaning of the ^{M24}Education Act 1996, or
 - (ii) grant-maintained or grant-maintained special schools within the meaning of that Act;
 - (b) for any provision so applied, or any provision of the regulations, to have effect in relation to schools despite anything in their articles or instruments of government;
 - (c) for any reference in this Act to the appointed day to have effect instead as a reference to such day as is specified in the regulations;
- and accordingly references to the appointed day in subsection (2) include, in relation to any purposes for which any provision made by virtue of paragraph (c) above has effect, references to any such other day as is mentioned in that paragraph.
- (4) In paragraph (a) of subsection (3) “relevant provision” means—
- (a) (in relation to sub-paragraph (i) or (ii) of that paragraph) any provision of the Education Acts which is expressed to apply to, or to any description of, schools maintained by a local education authority within the meaning of this Act, or
 - (b) (in relation only to sub-paragraph (ii) of that paragraph) any provision of the Education Acts which is expressed to apply to, or to any description of, schools maintained by a local education authority within the meaning of the ^{M25}Education Act 1996;
- and in that paragraph and this subsection “school” includes a proposed school.
- (5) The amendments that may be made under subsection (2)(g) shall be in addition (and without prejudice) to those made by any other provision of this Act.
- (6) Nothing in this Act shall be read as prejudicing the generality of subsection (1).
- (7) The transitional provisions and savings in Schedule 32 shall have effect.

Subordinate Legislation Made

- P2** S. 144: power exercised, 20.11.1998 appointed by S.I. 1998/2670, **reg. 1**
P3 S. 144: power exercised, 3.12.1998 appointed by S.I. 1998/2763, **reg. 1**
s. 144(1): power exercised, 6.1.1999 appointed by S.I. 1998/3165, **reg. 1**

Modifications etc. (not altering text)

- C4** S. 144: Transfer of functions (16.2.2000) by S.I. 2000/253, **art. 2(1), Sch. 1**

Marginal Citations

- M24** 1996 c. 56.
M25 1996 c. 56.

145 Short title, commencement and extent.

- (1) This Act may be cited as the School Standards and Framework Act 1998.

Status: Point in time view as at 01/04/2003. This version of this part contains provisions that are not valid for this point in time.

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- (2) This Act shall be included in the list of Education Acts set out in section 578 of the ^{M26}Education Act 1996.
- (3) Subject to subsections (4) and (5), this Act shall come into force on such day as the Secretary of State may by order appoint; and different days may be appointed for different provisions and for different purposes.
- (4) The following provisions come into force on the day on which this Act is passed—
 sections 1 to 4;
 sections 20 and 21;
 section 36(3);
 section 82;
 sections 84 and 85;
 section 130;
 sections 138, 139, 141 to 144 and this section;
 Schedule 2;
 Parts I and III of Schedule 11;
 paragraph 224 of Schedule 30 (and section 140(1) so far as relating thereto); and
 Schedule 32.
- (5) The following provisions come into force on the day on which this Act is passed, but for the purposes only of the preparation of instruments of government and the constitution of governing bodies and the exercise (in relation to those or any other matters) of any power to make regulations—
 sections 36(1) and (2) and 37(1) and (2); and
 Schedules 9, 10 and 12.
- (6) Subject to subsections (7) and (8), this Act extends to England and Wales only.
- (7) Section 130(2) extends to Scotland only; and this section extends also to Scotland.
- (8) The amendment or (subject to subsection (9)) repeal by this Act of an enactment extending to Scotland or Northern Ireland extends also to Scotland or, as the case may be, Northern Ireland, and section 140 extends accordingly.
- (9) The entry in Schedule 31 relating to the ^{M27}Education (Scotland) Act 1980 extends to Scotland only.

Subordinate Legislation Made

- P4** S. 145(3) power partly exercised (7.8.1998): different dates appointed for specified provisions by [S.I. 1998/2048](#)
- P5** S. 145(3) power partly exercised (9.9.1998): different dates appointed for specified provisions by [S.I. 1998/2212](#)
- S. 145(3) power partly exercised (15.12.1998): different dates appointed for specified provisions by [S.I. 1998/3198](#)
- S. 145(3) power partly exercised (20.1.1999): different dates appointed for specified provisions by [S.I. 1999/120](#)
- S. 145(3) power partly exercised (13.8.1999): different dates appointed for specified provisions by [S.I. 1999/2323](#)
- S. 145(3) power partly exercised: 1.4.2001 appointed for specified provision by [S.I. 2001/1195](#), **art. 2(1)**

Status: Point in time view as at 01/04/2003. This version of this part contains provisions that are not valid for this point in time.

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S. 145(3) power partly exercised: 20.7.2001 appointed for specified provision by S.I. 2001/2663, [art. 2](#)

Marginal Citations

M26 1996 c. 56.

M27 1980 c. 44.

Status:

Point in time view as at 01/04/2003. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation:

School Standards and Framework Act 1998, Part VII is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.