



# School Standards and Framework Act 1998

## 1998 CHAPTER 31

### PART VII

#### MISCELLANEOUS AND GENERAL

##### *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;

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- (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.
- (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 [<sup>F1</sup>local authority] within the meaning of the <sup>M1</sup>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 [<sup>F1</sup>local 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 [<sup>F1</sup>local authority] within the meaning of the <sup>M2</sup>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).

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(7) The transitional provisions and savings in Schedule 32 shall have effect.

#### Subordinate Legislation Made

- P1** S. 144: power exercised, 20.11.1998 appointed by [S.I. 1998/2670](#), **reg. 1**  
**P2** 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**

#### Textual Amendments

- F1** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's [Services Authorities \(Integration of Functions\) Order 2010](#) (S.I. 2010/1158), **art. 1**, **Sch. 2 para. 10(2)** (with **Sch. 2 para. 10(4)**)

#### Modifications etc. (not altering text)

- C1** S. 144: Transfer of functions (16.2.2000) by [S.I. 2000/253](#), **art. 2(1)**, **Sch. 1**

#### Marginal Citations

- M1** 1996 c. 56.  
**M2** 1996 c. 56.

### 145 Short title, commencement and extent.

- (1) This Act may be cited as the School Standards and Framework Act 1998.
- (2) This Act shall be included in the list of Education Acts set out in section 578 of the <sup>M3</sup>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.

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- (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 <sup>M4</sup>Education (Scotland) Act 1980 extends to Scotland only.

#### **Subordinate Legislation Made**

- P3** S. 145(3) power partly exercised (7.8.1998): different dates appointed for specified provisions by [S.I. 1998/2048](#)
- P4** 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)**
- S. 145(3) power partly exercised: 20.7.2001 appointed for specified provision by [S.I. 2001/2663](#), **art. 2**

#### **Marginal Citations**

- M3** 1996 c. 56.
- M4** 1980 c. 44.

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(3)(aa) inserted by [2011 nawm 7 s. 16\(2\)](#) (Amendment not applied to [legislation.gov.uk](#) - s.16(02) of 2011 nawm007 omitted by 2013 nawm001 s. 100(4), Sch. 5 para. 13(2); S.I. 2014/178, art. 2(f) (with art. 3) prior to commencement)
- s. 18B inserted by [2011 nawm 7 s. 16\(3\)](#) (Amendment not applied to [legislation.gov.uk](#) - s.16(02) of 2011 nawm007 omitted by 2013 nawm001 s. 100(4), Sch. 5 para. 13(2); S.I. 2014/178, art. 2(f) (with art. 3) prior to commencement)
- Sch. 22 para. 5(1B) inserted by [2023 c. 55 s. 235\(4\)](#)