

SCHEDULE 2

Article 4

TRANSITIONAL PROVISIONS

PART I

PROVISIONS COMING INTO FORCE ON 1ST OCTOBER 1998

Financing of maintained schools

1. Sections 45 to 48 and 50(3) and (4) and Schedule 14 shall have effect in the period ending immediately before 1st April 1999 only for the purposes of the financing of schools in any financial year beginning on and after that date.

2. Section 52 shall have effect only in relation to financial years commencing on and after 1st April 1999.

Partial selection

3.—(1) Subject to sub-paragraph (2)—

- (a) section 99(1)(1); and
- (b) section 101(4)(2),

shall not affect any provision for selection by ability which is made by admission arrangements for a maintained school which were determined by the admission authority for the school before 1st October 1998.

(2) Sub-paragraph (1)(a) only applies in so far as the relevant provision for selection by ability relates to the admission of pupils to the school in the 1999/2000 school year or any earlier school year.

(3) In this paragraph, “maintained school”—

- (a) in relation to any time before the appointed day(3), means a county, voluntary or grant-maintained school within the meaning of the Education Act 1996;
- (b) in relation to any later time, has the meaning given by section 99(5) of the 1998 Act.

Grant-maintained schools

4. The repeal of section 212 of the 1996 Act is without prejudice to the obligation to implement proposals published under that section which have been approved under section 214 of that Act.

School Inspection

5. The new paragraph 3A(1) inserted in Schedule 3 to the School Inspections Act 1996 by paragraph 4(2) of Schedule 28 to the 1998 Act shall have effect until 1st August 1999 as if the words “; and no person shall act as a member of an inspection team unless he is enrolled in the list” were omitted.

(1) section 99 is modified by S.I. [1998/2230](#).

(2) section 101 is modified by S.I. [1998/2230](#).

(3) The appointed day is 1st September 1999 by virtue of S.I. [1998/2083](#).

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PART II

PROVISIONS COMING INTO FORCE ON 1ST APRIL 1999

Suspension of delegated budgets

6.—(1) Under paragraph 1 of Schedule 15 when the local education authority are considering whether the governing body of a school which has a delegated budget—

- (a) have been guilty of a substantial or persistent failure to comply with any delegation requirement or restriction, or
- (b) are not managing in a satisfactory manner the expenditure or appropriation of the sum referred to in section 50(1),

they may have regard to the governing body's conduct before 1st April 1999 as the governing body of a county, voluntary or maintained special school within the meaning of the 1996 Act.

(2) For the purposes of sub-paragraph (1) above in relation to the period before 1st April 1999—

- (a) the reference in paragraph 1(1)(a) of Schedule 15 to “any delegation requirement or restriction” shall include any requirements applicable under the local education authority's scheme as then in force; and
- (b) the reference in paragraph 1(1)(b) of that Schedule to the “expenditure or appropriation of the sum referred to in section 50(1)” shall include the expenditure or appropriation of the sum put at the disposal of the governing body pursuant to section 116(2) of the 1996 Act.

7.—(1) The repeal of section 117 of the 1996 Act shall not affect the validity or effect of a notice given under that section and where the local education authority have already given notice under subsection (1) of that section suspending the governing body's right to a delegated budget by giving them not less than one month's notice of the suspension, they may suspend that governing body's right to a delegated budget before the expiry of that period of notice if it appears to them to be necessary to do so in accordance with subsections (4) and (5) of that section.

(2) Where a governing body's right to a delegated budget has been suspended under section 117 of the 1996 Act it shall be treated on and after 1st April 1999 as if suspended under paragraph 1 of Schedule 15 to the 1998 Act.

(3) Where a local education authority have refused to revoke a suspension under section 117 of the 1996 Act on a review under section 118 of that Act it shall be treated on and after 1st April 1999 as a refusal to revoke a suspension on a review under paragraph 2(1)(a) of Schedule 15 to the 1998 Act.

(4) An appeal made under section 119 of the 1996 Act shall be treated on and after 1st April 1999 as an appeal made under paragraph 3 of Schedule 15 to the 1998 Act.

(5) Paragraph 3(2) and (3) of Schedule 15 to the 1998 Act shall not apply in relation to an appeal under that paragraph which is, by virtue of the preceding provisions of this paragraph, an appeal in relation to—

- (a) the imposition of any suspension under section 117 of the 1996 Act; or
- (b) any refusal of a local education authority to revoke any such suspension on a review under section 118 of that Act.

Financing of maintained schools

8. The repeal of Chapter V of Part II of the Education Act 1996 shall not affect the operation of section 109 (conditions as to delegation), section 122 (financial statements) and section 123 (certification of statements by Audit Commission) in relation to financial years beginning on or before 1st April 1998.

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