

1999 No. 2267

EDUCATION, ENGLAND AND WALES

Education (Transition to New Framework) (Miscellaneous Provisions) Regulations 1999

Made - - - - 6th August 1999

Laid before Parliament 11th August 1999

Coming into force 1st September 1999

In exercise of the powers conferred on the Secretary of State by section 144 of the School Standards and Framework Act 1998^(a), the Secretary of State for Education and Employment, as respects England, and the Secretary of State for Wales, as respects Wales, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Education (Transition to New Framework) (Miscellaneous Provisions) Regulations 1999 and shall come into force on 1st September 1999.

Pre-1993 Act Transfer of Control Agreements

2.—(1) In this regulation “the 1993 Act provisions” means the provisions of paragraph 6 or 7 as appropriate of Schedule 13 to the Education Act 1993^(b) (pre-1993 Act transfer of control agreements) which continue to apply to certain agreements by virtue of paragraph 21 of Schedule 39 to the Education Act 1996^(c).

(2) Where, immediately before 1st September 1999, the 1993 Act provisions applied to any agreement those provisions shall continue to apply despite the allocation, on that date, of the school in question to a new category under section 20 of, and Schedule 2 to, the School Standards and Framework Act 1998.

Religious educational trusts

3. In any order made by the Secretary of State prior to 1st September 1999 in exercise of the powers conferred on him by sections 554 and 556 of the Education Act 1996 or section 2 of the Education Act 1973^(d), for “grant-maintained school” there shall be substituted “foundation school” in any and all places where those words occur.

Baseline Assessments

4. The Education (Baseline Assessment) (England) Regulations 1998^(e) shall be amended as follows—

- (a) in regulation 2 there shall be substituted for the definition of “appropriate authority” the following—

(a) 1998 c. 31.
(b) 1993 c. 35.
(c) 1996 c. 56.
(d) 1973 c. 16.
(e) S.I. 1998/1551.

“ ‘appropriate authority’ means, in relation to a school, the local education authority which maintains the school;”;

and

(b) Part I of the Schedule shall be omitted.

School Information Regulations

5.—(1) The Education (School Information) (England) Regulations 1998(**a**) shall be amended as follows.

(2) In regulation 3—

(a) in the definition of “local average figures” the words from “, all grant-maintained schools” to “in a hospital)” shall be omitted;

(b) for the definition of “maintained school” there shall be substituted—

“ “maintained school” means:

(a) any community, foundation or voluntary school, or

(b) any community or foundation special school which is not established in a hospital,

but excludes any nursery school;”;

(c) for the definition of “non-maintained special school” there shall be substituted—

“ “non-maintained special school” means a special school which is not maintained by an authority (and which is not established in a hospital);”;

and

(d) for the definition of “relevant authority” there shall be substituted—

“ “relevant authority” means the authority which maintains the school;”.

(3) In regulation 12(1) “or special agreement” shall be omitted.

(4) In Schedule 1—

(a) for paragraph 4(a) there shall be substituted “(a) a community, voluntary controlled or voluntary aided school;”;

(b) in paragraph 14(b) “community” shall be substituted for “county”;

(c) in paragraph 15 “grant-maintained, grant-maintained special,” shall be omitted; and

(d) in paragraph 17 “(including grant-maintained)” shall be omitted.

(5) In Schedule 2—

(a) for paragraph 2(a) there shall be substituted—

“(a) a community, controlled, aided, community special or foundation special school;”;

and

(b) in paragraph 3 “community” shall be substituted for “county” and “, special agreement or grant-maintained” shall be omitted.

School Performance Targets

6.—(1) The Education (School Performance Targets) (England) Regulations 1998(**b**) shall be amended as follows.

(2) In regulation 2 for the definition of “school’s annual report” there shall be substituted

“ “school’s annual report”, in relation to a school, means the report which the governing body are required to prepare for every school year under section 42 of the School Standards and Framework Act 1998;”.

National Curriculum: temporary exceptions

7. The Education (National Curriculum) (Temporary Exceptions for Individual Pupils) Regulations 1989(**c**) shall be amended as follows—

(a) S.I. 1998/2526; amended by S.I. 1999/251.

(b) S.I. 1998/1532.

(c) S.I. 1989/1181. These Regulations were revoked in relation to Wales by S.I. 1999/1815.

- (a) for the definition of “maintained school” there shall be substituted—
“ “maintained school” means a community, foundation or voluntary school or a community or foundation special school which is not established in a hospital;”;
- (b) in regulation 6(1)(b)(ii) “in the case of a county, voluntary, or maintained special school, and, where the direction is a special direction, in the case of a grant-maintained school,” shall be omitted;
- (c) in regulation 9(1)(b) “, except in the case of a grant-maintained school,” shall be omitted;
- (d) in regulation 9(2) “and the local education authority’s” shall be substituted for “(and, as the case may be, the local education authority’s)”;
- (e) in regulation 11(1)(b) “except in the case of a grant-maintained school,” shall be omitted;
- (f) in regulation 11(2) “and the local education authority’s” shall be substituted for “(and, as the case may be, the local education authority’s)”;
- (g) in regulation 13(2)(c) “in the case of a school other than a grant-maintained school,” shall be omitted.

Pupil Registration

- 8.**—(1) The Education (Pupil Registration) Regulations 1995**(a)** shall be amended as follows.
- (2) In regulation 2 for the definition of “maintained school” there shall be substituted—
“ “maintained school” means a school maintained by a local education authority;”.

Local Government Act 1972

- 9.** There shall be substituted for section 80(3) of the Local Government Act 1972**(b)** (disqualifications for election and holding office as member of local authority)—
“(3) Subsection (1)(a) shall have effect in relation to a teacher in a school maintained by the local authority who does not hold an employment falling within that provision as it has effect in relation to a teacher in such a school who holds such an employment.”.

References to delegated budgets and staffing for non-school activities

- 10.**—(1) The Education (References to Delegated Budgets and Revocation) Regulations 1999**(c)** (“the 1999 Regulations”) shall be revoked.
- (2) The following shall be treated as a determination for the purposes of section 56(2) of the School Standards and Framework Act 1998 (staffing for non-school activities) notice of which has been given to the governing body of a maintained school under subsection (4) of that section—
- (a) the provisions of a scheme, such as is mentioned in section 101(1) of the Education Act 1996, which have continued to apply by virtue of regulation 5(1) of the 1999 Regulations for the purpose stated therein; and
 - (b) a determination under regulation 5(2) of those Regulations notice of which has been given in writing to the governing body.

2nd August 1999

Jacqui Smith
Parliamentary Under Secretary of State,
Department for Education and Employment

6th August 1999

David Hanson
Parliamentary Under Secretary of State,
Office of the Secretary of State for Wales

(a) S.I. 1995/2089; to which there are amendments not relevant to these Regulations.
(b) 1972 c. 70.
(c) S.I. 1999/711.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make transitional provision and consequential amendments, for the purposes of the School Standards and Framework Act 1998, to primary and secondary legislation affecting pre-1993 Act transfer of control agreements, religious education trusts, baseline assessments, the provision of information relating to schools, school performance targets, temporary exceptions from the national curriculum, pupil registration, and disqualifications for election and holding office as a member of a local authority.

The Education (References to Delegated Budgets and Revocation) Regulations 1999, the provisions of which are either spent or no longer serve a useful purpose, are revoked with savings in respect of determinations made by local education authorities in relation to the staffing at schools for non-school activities.

£1.50

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WO 5310 8/99 ON (MFK)