

SCHEDULE

Regulation 8

PROVISIONS OF THE 1996 AND 1998 ACTS APPLYING IN RELATION TO NEW SCHOOLS WITH MODIFICATIONS

1. The following provisions of the Education Acts, namely—
 - (a) sections 324(5)(b) and (5A) and 439 of the 1996 Act⁽¹⁾,
 - (b) paragraph 3(4) of Schedule 27 to the 1996 Act⁽²⁾,
 - (c) sections 1, 84, 86, 87, 92, 93(1) and (2), 94, 95 to 99, 101, 102 and 103(3) of the 1998 Act,
 - (d) paragraph 2 of Schedule 23 (in so far as it would not otherwise apply to a new school) and Schedules 24 and 25 to the 1998 Act, and
 - (e) any Regulations made under any of the provisions referred to in sub-paragraphs (a) to (d) above,

shall apply in relation to a new school, but subject to the modifications specified in paragraphs 2 to 8 below.

2. A reference in any of the provisions specified in paragraph 1 to a school of one of the following categories, namely—

- (a) a maintained school,
- (b) a school maintained by a local education authority,
- (c) a community, foundation or voluntary school, or
- (d) a voluntary controlled or a voluntary aided school,

shall be construed as a reference to a new school which will become a school of that category when it first admits pupils.

3. A reference in any of those provisions to a governing body of a school shall have effect as if it were a reference to a temporary governing body or (where the context admits) to any other person responsible for the admission of pupils under the initial admission arrangements.

4. A reference in any of those provisions to “admission arrangements” shall be construed as a reference to “initial admission arrangements” as defined in regulation 2.

5. Section 92(1) and (2) of the 1998 Act shall have effect as if for the words “each school year” there shall be substituted “the year in which pupils are first to be admitted to a new school”.

6. Section 99 of the 1998 Act shall not apply in relation to a new school to be established in substitution for one or more discontinued schools each of which either has been or could have been designated as a grammar school under section 104 of the 1998 Act but shall otherwise have effect as if subsections (2)(a) and (4)(a) were omitted.

7. Section 101(1) of the 1998 Act shall have effect as if in sub-paragraph (a) for the words “any year” there shall be substituted “the year in which pupils are first to be admitted to a new school”.

8. Section 103(3) of the 1998 Act shall have effect as if the words “(whether authorised by section 100 or section 101)” were omitted.

(1) Section 324(5)(b) was amended, and section 325(5A) inserted, by paragraph 77 of Schedule 30 to the 1998 Act. Section 439 was amended by paragraph 115 of that Schedule.

(2) Paragraph 3 of Schedule 27 was amended by paragraph 186 of Schedule 30 to the 1998 Act.