
STATUTORY INSTRUMENTS

1999 No. 362

The Education (Transition to New Framework) (New Schools, Groups and Miscellaneous) Regulations 1999

PART II

NEW LEA MAINTAINED SCHOOLS

Making instrument of government

7.—(1) A local education authority shall secure that by 1st June 1999, or the school's opening date if later, an instrument of government has been made in accordance with Schedule 12 to the 1998 Act⁽¹⁾ for each new LEA maintained school which will be or is maintained by them.

- (a) (2) (a) The instrument of government shall take effect from the date of making for the purpose of constituting the governing body but shall not affect the constitution or name of the governing body conducting the new LEA maintained school pending constitution of the permanent governing body under the instrument of government.
- (b) For all other purposes, the instrument of government shall take effect—
 - (i) if made before the appointed day, from the appointed day or the school's opening date if later;
 - (ii) if made on or after the appointed day, from the date of making or the school's opening date if later.

(3) The temporary governing body, or, where the instrument of government is not made before the appointed day, the transitional governing body, shall exercise their functions under the 1998 Act and under these Regulations in a manner calculated to enable the local education authority to fulfil their duties under this regulation.

(1) As modified by regulation 8 or 9 of these Regulations depending on whether the instrument is made before or on or after the appointed day.