
STATUTORY INSTRUMENTS

1999 No. 704

**The Education (Transition to New Framework)
(School Organisation Proposals) Regulations 1999**

PART III

**TRANSITIONAL PROVISIONS CONSEQUENT ON THE COMING
INTO FORCE OF CHAPTER II OF PART II OF THE 1998 ACT
(ESTABLISHMENT, ALTERATION OR DISCONTINUANCE OF SCHOOLS)**

Implementation of approved proposals to establish a new school

11.—(1) Subject to paragraph (2) this regulation applies where—

- (a) proposals published under section 35(1)(a) or (b), or 41(1) of the 1996 Act, have been approved under section 37 or 43 of that Act (either before 1st September 1999 or on or after that date under those provisions as they have effect by virtue of regulation 8(2));
- (b) proposals such as are mentioned in section 339(1)(a) or (2)(a) have been approved under section 340(4) of the 1996 Act (either before 1st September 1996 or on or after that date under those provisions as they have effect by virtue of regulation 8(2)); or
- (c) a local education authority have determined under section 38 of the 1996 Act to implement proposals published under section 35(1)(a) or (b) of the 1996 Act (either before 1st September 1999 or on or after that date under that provision as it has effect by virtue of regulation 8(2)),

but the proposals have not been implemented before 1st September 1999.

(2) This regulation does not apply where the proposed school is one falling within regulation 6 of the 1999 Regulations.

(3) Where this regulation applies—

- (a) proposals which were approved under any of the provisions referred to in paragraph (1) (a) or (b) shall be treated for the purposes of the 1998 Act as if they were required to be, and were, approved under paragraph 3 or 8 of Schedule 6 to the 1998 Act; and
- (b) where the local education authority have determined under section 38 of the 1996 Act to implement proposals they shall be treated for the purposes of the 1998 Act as having determined under paragraph 4 or 9 of Schedule 6 to the 1998 Act to implement the proposals;

and accordingly such proposals fall to be implemented under paragraph 5 or 10 of Schedule 6 to the 1998 Act (in accordance with regulation 12 but subject to regulations 13 and 19).