
STATUTORY INSTRUMENTS

2012 No. 1035

**The School Governance (Federations)
(England) Regulations 2012**

PART 7

DISSOLUTION OF FEDERATIONS

Dissolution of federations following decision by the governing body of a federation

34.—(1) Where—

- (a) the governing body of a federation decide that the federation should be dissolved; or
- (b) the governing body of a federation decides that one of only two federated schools should leave a federation,

the governing body of the federation must give notice of the decision and of the date of dissolution to the persons mentioned in paragraph (2) within one week of making the decision.

(2) The persons to be notified are—

- (a) the Secretary of State;
- (b) all relevant local authorities;
- (c) the head teacher of the federation and each head teacher of a federated school;
- (d) all staff paid to work at the federation or a federated school;
- (e) every person known by the governing body to be a parent of a registered pupil at a federated school;
- (f) where a federated school is a foundation or voluntary school with a religious foundation, the foundation governors, the trustees of any trust relating to the federated school and, in the case of a Church of England or Roman Catholic Church school, the appropriate diocesan authority, or the appropriate religious body in the case of all other such schools; and
- (g) such other persons as the governing body of the federation consider appropriate.

35. Upon receipt of the notice given under regulation 34 the relevant local authority or authorities must—

- (a) establish a temporary governing body in respect of each school in accordance with Parts 3 and 4 of the New Schools Regulations; and
- (b) issue a new instrument of government for each school in accordance with Part 5 of the Constitution Regulations 2012.

36. For the purpose of regulation 35(b)—

- (a) the reference in regulation 27 of the Constitution Regulations 2012 to “governing bodies” is treated as a reference to “temporary governing bodies”; and
- (b) references in regulation 29 of the Constitution Regulations 2012 to—

- (i) “governing body” are treated as references to “temporary governing body”, and
- (ii) “foundation governors” are treated as references to “temporary foundation governors”.

Expenditure of amounts representing budget share

37. Subject to any provision made by or under a scheme made under section 48(1) of SSFA 1998, the temporary governing body of each de-federated school may spend any sum made available by the local authority under section 50(1) of that Act to the governing body of the federation in respect of each school, as they think fit for any purposes of that school.

Incorporation of governing body of a school leaving a federation

38. On the date of dissolution the temporary governing body of each school are incorporated as the governing body of each de-federated school under the name given in the school’s instrument of government.

Transfer of property, rights and liabilities

39.—(1) On the date of dissolution—

- (a) all land or property which, immediately before the date of dissolution, was held by the governing body of the federation for the purposes of each de-federated school, transfers to, and by virtue of these Regulations vests in, the new governing body of each de-federated school incorporated under regulation 38; and
- (b) all rights and liabilities subsisting immediately before the date of dissolution which were acquired or incurred by the governing body of the federation for the purposes of each de-federated school transfer to the new governing body of each de-federated school incorporated under regulation 38.

(2) Section 198 of and Schedule 10 to ERA 1988 (which make provision in relation to transfers of property, rights and liabilities) apply in relation to transfers effected by this regulation as they apply in relation to transfers to which that section and Schedule apply.