
STATUTORY INSTRUMENTS

1998 No. 2212 (C. 49)

EDUCATION, ENGLAND AND WALES

**The School Standards and Framework Act 1998
(Commencement No. 2 and Supplemental,
Saving and Transitional Provisions) Order 1998**

Made - - - - 9th September 1998

In exercise of the powers conferred on the Secretary of State by sections 145(3) and 138(7) of the School Standards and Framework Act 1998(1), the Secretary of State for Education and Employment hereby makes the following Order:

1.—(1) This Order may be cited as the School Standards and Framework Act 1998 (Commencement No. 2 and Supplemental, Saving and Transitional Provisions) Order 1998.

(2) In this Order—

“the 1996 Act” means the Education Act 1996(2);

“the 1998 Act” means the School Standards and Framework Act 1998;

“scheme” means a scheme as defined in section 101(1) of the 1996 Act.

2.—(1) The provisions of the 1998 Act specified in Part I of Schedule 1 to this Order shall come into force on 1st October 1998.

(2) The provisions of the 1998 Act specified in Part II of Schedule 1 to this Order shall come into force on 1st December 1998.

(3) The provisions of the 1998 Act specified in Part III of Schedule 1 to this Order shall come into force on 1st February 1999.

(4) The provisions of the 1998 Act specified in Part IV of Schedule 1 to this Order shall come into force on 1st April 1999.

3. Unless otherwise specified in this Order, the provisions referred to in article 2 above shall come into force for all purposes.

4.—(1) Part I of Schedule 2 to this Order shall have effect for the purpose of making supplemental and transitional provisions in relation to the provisions of the 1998 Act referred to therein (which come into force on 1st October 1998).

(1) 1998 c. 31.

(2) 1996 c. 56.

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(2) Part II of Schedule 2 to this Order shall have effect for the purpose of making supplemental and transitional provisions in relation to the provisions of the 1998 Act referred to therein (which come into force on 1st April 1999).

9th September 1998

Margaret Hodge
Parliamentary Under Secretary of State,
Department for Education and Employment

SCHEDULE 1

Article 2

PART I

PROVISIONS COMING INTO FORCE ON 1ST OCTOBER 1998

Sections 5 to 9.

Sections 14 and 15.

Section 16(1) to (5) and (13).

Sections 17 to 19.

Section 24(2) to (4).

Section 24(5).

Section 25.

Section 26(2) to (8).

Section 38(3).

Section 39(1) to the extent that that subsection relates to the power to make regulations.

Section 44(5) and (6).

Sections 45 to 48.

Section 50(3) and (4).

Section 52.

Section 62.

Section 63.

Section 69(2) to (5).

Section 71(7).

Section 72.

Section 77 except subsection (2)(b).

Section 81.

Section 88.

Section 89(2) to (8) to the extent that those subsections relate to the power to make regulations.

Section 90(1) to (3), (5), (9) and (10) to the extent that those subsections relate to the power to make regulations.

Section 91(2) to (4), (6) and (9) to the extent that those subsections relate to the power to make regulations.

Section 92 to the extent that it relates to the power to make regulations.

Section 93(3), (8) and (9).

Section 98(5) and (8) to (10) to the extent that those subsections relate to the power to make regulations.

Section 99(1), (2) and (5).

Section 100 to the extent that it relates to section 99(2)(a).

Section 101 except subsection (5).

Section 102(1) and (4) to the extent that those subsections relate to the power to make regulations.

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Section 103(3).

Section 104(4)(a).

Section 105.

Section 106.

Section 108.

Section 112(1) and (2).

Section 113.

Section 117.

Section 119.

Section 122.

Section 123.

Section 127.

Section 134(1) and (3).

Section 135 to the extent that that section relates to the provisions of Schedule 28 specified below.

Section 136.

Section 140(1) and (3) to the extent that those subsections relate to the provisions of Schedules 30 and 31 specified below.

In Schedule 4–

- paragraph 1;
- paragraph 2; and
- paragraph 5.

Schedule 5.

In Schedule 11, paragraph 6.

Schedule 14.

In Schedule 19–

- paragraph 1;
- paragraph 2(4) for the purpose only of making orders under that subparagraph; and
- paragraph 3(4) for the purpose only of making orders under that subparagraph.

In Schedule 23–

- paragraph 5(1), (5) and (6);
- paragraph 6(7) and (10);
- paragraph 9(1), (6) and (7); and
- paragraph 10(7),

to the extent that they relate to the power to make regulations.

Schedule 26.

In Schedule 28, Part I except paragraph 4(1).

In Schedule 30–

- paragraph 2;
- paragraph 16;

paragraph 20;
paragraph 24;
paragraph 26(c) and (d);
paragraph 57;
paragraph 69 to the extent that it relates to the omission of section 155(1) and (4) of the 1996 Act;
paragraph 70 to the extent that it relates to the omission of sections 184 to 199, 200(4), 202, 203, 209, 212, 213(2) and (3), 232 to 240 and 290 of the 1996 Act;
paragraph 75(4);
paragraph 77(b);
paragraph 83 to the extent that it relates to the omission of section 346 of the 1996 Act;
paragraph 87(a);
paragraph 88;
paragraph 91 to the extent that it relates to the omission of sections 370 to 373 of the 1996 Act;
paragraph 103(b);
paragraph 106(b);
paragraph 110;
paragraph 184(a);
paragraph 185 to the extent that it relates to the omission of—
 paragraphs 7 and 8 of Schedule 4 to the 1996 Act;
 Part I of Schedule 20 to the 1996 Act; and
 Schedule 21 to the 1996 Act;
paragraph 189(g);
paragraph 190;
paragraphs 200 and 201;
paragraph 207;
paragraph 216;
paragraph 219; and
paragraph 222(b).

In Schedule 31 the repeal of—

in Schedule 5 to the Local Government Act 1974⁽³⁾, paragraph 5(1);
in Schedule 8 to the Education Reform Act 1988⁽⁴⁾, paragraph 6(3) and in paragraph 8(4) the words “given with the consent of the Treasury”;
in section 2(4) of the School Teachers' Pay and Conditions Act 1991⁽⁵⁾, in paragraph (a) the words “, in the case of a grant-maintained school,” and the words from “and provide” to the end, and paragraph (h);

(3) 1974 c. 7.
(4) 1988 c. 40.
(5) 1991 c. 49.

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section 5 of, and Schedule 1 to, the Nursery Education and Grant-Maintained Schools Act 1996⁽⁶⁾;

those provisions of the 1996 Act omitted by paragraphs 69, 70 and 185 of Schedule 30 to the 1998 Act specified above;

section 346 of the 1996 Act;

section 357(2) of the 1996 Act;

sections 370 to 373 of the 1996 Act;

section 404(3) of the 1996 Act;

section 433(4) of the 1996 Act;

Schedule 40 to the 1996 Act; and

Part II of the School Inspections Act 1996⁽⁷⁾;

section 44 of the School Inspections Act 1996;

in section 45 of the School Inspections Act 1996, in subsection (1) the words “(except an order under section 38)” and in subsection (2) the words “(except an order under section 31, 33 or 39)”;

in section 42 of the Education Act 1997⁽⁸⁾ the words “and the Nursery Education and Grant-Maintained Schools Act 1996”;

section 52(4) and (5) of the Education Act 1997; and

in Schedule 6 to the Education Act 1997, paragraph 5.

PART II

PROVISIONS COMING INTO FORCE ON 1ST DECEMBER 1998

Section 66⁽⁸⁾.

Section 107.

PART III

PROVISIONS COMING INTO FORCE ON 1ST FEBRUARY 1999

Sections 110 and 111.

Section 140(1) and (3) to the extent that those subsections relate to the provisions of Schedules 30 and 31 specified below.

In Schedule 30–

paragraph 159;

paragraph 208(c) to the extent that it relates to the omission of section 13 of the Education Act 1997⁽⁹⁾; and

⁽⁶⁾ 1996 c. 50.

⁽⁷⁾ 1996 c. 57.

⁽⁸⁾ 1997 c. 44.

⁽⁹⁾ section 13 has not been brought into force.

paragraph 222(a) to the extent that it relates to the omission of paragraphs 1 and 2 of the Schedule inserted as Schedule 33B to the 1996 Act set out in Schedule 3 to the Education Act 1997⁽¹⁰⁾.

In Schedule 31, the repeal of—

section 13 of the Education Act 1997; and

paragraphs 1 and 2 of the Schedule inserted as Schedule 33B to the 1996 Act set out in Schedule 3 to the Education Act 1997.

PART IV

PROVISIONS COMING INTO FORCE ON 1ST APRIL 1999

Section 49.

Section 50 in so far as it is not already in force.

Section 51.

Section 53.

Section 118.

Section 124.

Section 125(5).

Section 140(1) and (3) to the extent that those subsections relate to the provisions of Schedules 30 and 31 specified below.

Schedule 15.

Schedule 27 to the extent that it relates to the power to make regulations.

In Schedule 30—

paragraph 33;

paragraph 40;

paragraph 52;

paragraph 54(c);

paragraph 69 to the extent that it relates to the omission of Chapter V of Part II of the 1996 Act;

paragraph 128;

paragraph 133(b);

paragraph 137; and

paragraph 185 to the extent that it relates to the omission of paragraph 15 of Schedule 22 to the 1996 Act.

In Schedule 31 the repeal of—

Chapter V of Part II of the 1996 Act;

section 516 of the 1996 Act; and

paragraph 15 of Schedule 22 to the 1996 Act.

⁽¹⁰⁾ Paragraphs 1 and 2 have not been brought into force.

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SCHEDULE 2

Article 4

TRANSITIONAL PROVISIONS

PART I

PROVISIONS COMING INTO FORCE ON 1ST OCTOBER 1998

Financing of maintained schools

1. Sections 45 to 48 and 50(3) and (4) and Schedule 14 shall have effect in the period ending immediately before 1st April 1999 only for the purposes of the financing of schools in any financial year beginning on and after that date.

2. Section 52 shall have effect only in relation to financial years commencing on and after 1st April 1999.

Partial selection

3.—(1) Subject to sub-paragraph (2)—

(a) section 99(1)(11); and

(b) section 101(4)(12),

shall not affect any provision for selection by ability which is made by admission arrangements for a maintained school which were determined by the admission authority for the school before 1st October 1998.

(2) Sub-paragraph (1)(a) only applies in so far as the relevant provision for selection by ability relates to the admission of pupils to the school in the 1999/2000 school year or any earlier school year.

(3) In this paragraph, “maintained school”—

(a) in relation to any time before the appointed day(13), means a county, voluntary or grant-maintained school within the meaning of the Education Act 1996;

(b) in relation to any later time, has the meaning given by section 99(5) of the 1998 Act.

Grant-maintained schools

4. The repeal of section 212 of the 1996 Act is without prejudice to the obligation to implement proposals published under that section which have been approved under section 214 of that Act.

School Inspection

5. The new paragraph 3A(1) inserted in Schedule 3 to the School Inspections Act 1996 by paragraph 4(2) of Schedule 28 to the 1998 Act shall have effect until 1st August 1999 as if the words “; and no person shall act as a member of an inspection team unless he is enrolled in the list” were omitted.

(11) section 99 is modified by S.I. 1998/2230.

(12) section 101 is modified by S.I. 1998/2230.

(13) The appointed day is 1st September 1999 by virtue of S.I. 1998/2083.

PART II

PROVISIONS COMING INTO FORCE ON 1ST APRIL 1999

Suspension of delegated budgets

6.—(1) Under paragraph 1 of Schedule 15 when the local education authority are considering whether the governing body of a school which has a delegated budget—

- (a) have been guilty of a substantial or persistent failure to comply with any delegation requirement or restriction, or
- (b) are not managing in a satisfactory manner the expenditure or appropriation of the sum referred to in section 50(1),

they may have regard to the governing body's conduct before 1st April 1999 as the governing body of a county, voluntary or maintained special school within the meaning of the 1996 Act.

(2) For the purposes of sub-paragraph (1) above in relation to the period before 1st April 1999—

- (a) the reference in paragraph 1(1)(a) of Schedule 15 to “any delegation requirement or restriction” shall include any requirements applicable under the local education authority's scheme as then in force; and
- (b) the reference in paragraph 1(1)(b) of that Schedule to the “expenditure or appropriation of the sum referred to in section 50(1)” shall include the expenditure or appropriation of the sum put at the disposal of the governing body pursuant to section 116(2) of the 1996 Act.

7.—(1) The repeal of section 117 of the 1996 Act shall not affect the validity or effect of a notice given under that section and where the local education authority have already given notice under subsection (1) of that section suspending the governing body's right to a delegated budget by giving them not less than one month's notice of the suspension, they may suspend that governing body's right to a delegated budget before the expiry of that period of notice if it appears to them to be necessary to do so in accordance with subsections (4) and (5) of that section.

(2) Where a governing body's right to a delegated budget has been suspended under section 117 of the 1996 Act it shall be treated on and after 1st April 1999 as if suspended under paragraph 1 of Schedule 15 to the 1998 Act.

(3) Where a local education authority have refused to revoke a suspension under section 117 of the 1996 Act on a review under section 118 of that Act it shall be treated on and after 1st April 1999 as a refusal to revoke a suspension on a review under paragraph 2(1)(a) of Schedule 15 to the 1998 Act.

(4) An appeal made under section 119 of the 1996 Act shall be treated on and after 1st April 1999 as an appeal made under paragraph 3 of Schedule 15 to the 1998 Act.

(5) Paragraph 3(2) and (3) of Schedule 15 to the 1998 Act shall not apply in relation to an appeal under that paragraph which is, by virtue of the preceding provisions of this paragraph, an appeal in relation to—

- (a) the imposition of any suspension under section 117 of the 1996 Act; or
- (b) any refusal of a local education authority to revoke any such suspension on a review under section 118 of that Act.

Financing of maintained schools

8. The repeal of Chapter V of Part II of the Education Act 1996 shall not affect the operation of section 109 (conditions as to delegation), section 122 (financial statements) and section 123 (certification of statements by Audit Commission) in relation to financial years beginning on or before 1st April 1998.

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings certain provisions of the School Standards and Framework Act 1998 into force on 1st October 1998, 1st December 1998, 1st February 1999 and 1st April 1999 respectively.

The provisions brought into force on 1st October 1998 include the duty on local education authorities to promote high standards in primary and secondary education, education development plans, intervention in local education authorities, intervention in schools causing concern (partially), parent governor representatives on education committees, nursery education and the inspection thereof, the financing of maintained schools, school admissions and school attendance targets.

The provisions brought into force on 1st December 1998 relate to a regulation making power in respect of excluded pupils and to restrictions on the publication of material relating to grammar school ballots.

The provisions brought into force on 1st February 1999 relate to home school agreements and prescribed requirements for school playing fields.

The provisions brought into force on 1st April 1999 are further provisions relating to the financing of maintained schools. A new section 509A is also inserted in the Education Act 1996 regarding travel arrangements for children receiving nursery education otherwise than at school. Further provision is also made in relation to partnership arrangements in Wales.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

NOTE AS TO EARLIER COMMENCEMENT ORDERS

The following provisions of the Act have been brought into force by commencement order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
sections 10 to 12 and Schedule 1	8th August 1998	1998/2048
section 13 and section 104(1) to (3) and (5) to (7)	1st September 1998	1998/2048