

*Draft Order laid before Parliament under section 138(5) of the School Standards and Framework Act 1998, for approval by resolution by each House of Parliament.*

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DRAFT STATUTORY INSTRUMENTS

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**2001 No.**

**EDUCATION, ENGLAND**

**The School Standards and Framework Act 1998  
(Amendment of Schedule 18) (England) Order 2001**

<i>Made</i>	- - - -	<i>2001</i>
<i>Coming into force</i>	- -	<i>2001</i>

In exercise of the powers conferred on the Secretary of State by section 138(7) and (8) of, and paragraph 18 of Schedule 18 to, the School Standards and Framework Act 1998<sup>(1)</sup>, the Secretary of State for Education and Employment hereby makes the following Order, a draft of which has been laid before, and approved by, each House of Parliament.

**Citation, commencement and application**

1.—(1) This Order may be cited as the School Standards and Framework Act 1998 (Amendment of Schedule 18) (England) Order 2001 and shall come into force on the seventh day after the day on which it is made.

(2) This Order applies only in relation to England.

**Amendment**

2.—(1) Schedule 18 to the School Standards and Framework Act 1998 (appeals against exclusion of pupils) shall be amended as follows.

(2) In paragraph 8, the following shall be omitted—

- (a) in sub-paragraph (2), the words “Subject to sub-paragraph (3),”; and
- (b) sub-paragraph (3).

(3) In paragraph 10 there shall be inserted at the end—

“(3) The appeal panel may from time to time adjourn the hearing.”.

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(1) 1998 c. 31; by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672), the powers conferred by these provisions are exercisable by the Secretary of State only in relation to England.

**Transitional provisions**

3.—(1) The amendments made by Article 2(2) do not apply in relation to any case where a request has been made for the purposes of paragraph 6(3) of the Schedule before the date on which this Order comes into force.

(2) The amendment made by Article 2(3) applies in relation to any hearing of an appeal panel, whether the date fixed for the hearing in accordance with paragraph 8 of the Schedule was so fixed before or after the date on which this Order comes into force.

(3) In this Article, “the Schedule” means Schedule 18 to the School Standards and Framework Act 1998.

2001

Parliamentary Under Secretary of State,  
Department for Education and Employment

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends Schedule 18 to the School Standards and Framework Act 1998 in so far as it applies to England.

As originally enacted the Schedule requires exclusion appeal panels to meet to consider an appeal no later than 15 school days after an appeal is lodged. It gives local education authorities the power to set a later date for the meeting in exceptional circumstances where this is requested by the pupil's parent or by the pupil himself (depending on whether or not he is under the age of 18).

Article 2(2) removes this power to set a later date, with the result that (subject to the saving in Article 3(1)) exclusion appeal panels will have to meet within the specified period of 15 days. However, Article 2(3) introduces a general power for such panels to adjourn the substantive hearing of an appeal.