

*Status: Point in time view as at 06/04/2003.*

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## SCHEDULES

### SCHEDULE 37 **U.K.**

Section 582(1).

#### CONSEQUENTIAL AMENDMENTS

#### PART I **U.K.**

##### AMENDMENTS COMING INTO FORCE ON 1ST NOVEMBER 1996

###### *Children and Young Persons Act 1933 (c. 12)*

1 Section 96 of the <sup>M1</sup>Children and Young Persons Act 1933 (provisions as to local authorities) shall continue to have effect with the following amendments (originally made by Schedule 8 to the Education Act 1944)—

- (a) in subsection (3), for the words from “for elementary education” onwards there is substituted “ shall be defrayed as expenses under the enactments relating to education ”; and
- (b) in subsection (4), for the second “under” there is substituted “in accordance with”.

#### Marginal Citations

M1 1944 c. 31.

###### *Public Records Act 1958 (c. 51)*

2 In Schedule 1 to the Public Records Act 1958 (definition of public records) Part II of the Table at the end of paragraph 3 (organisations whose records are public records) shall continue to include the following entries (originally inserted by Schedule 19 to the <sup>M2</sup>Education Act 1993, taken with Schedule 15 to that Act)—

- “Curriculum and Assessment Authority for Wales”,
- “Funding Agency for Schools”,
- “School Curriculum and Assessment Authority”, and
- “Schools Funding Council for Wales”.

#### Marginal Citations

M2 1993 c. 35.

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*Church Schools (Assistance by Church Commissioners) Measure 1958 (1958 No. 2)*

- 3 In section 2(1) of the Church Schools (Assistance by Church Commissioners) Measure 1958 (interpretation) for “the Education Acts, 1944 to 1993” there is substituted “ the Education Act 1996 ” .

*Education Act 1962 (c. 12)*

- 4 (1) Section 1 of the Education Act 1962 (local education authority awards for designated courses) shall continue to have effect with the following amendment (originally made by section 4 of the <sup>M3</sup>Education (Grants and Awards) Act 1984).
- (2) In subsection (3)(d), for the words from “for the higher diploma” onwards there is substituted “ or for the higher national diploma of the body corporate known at the passing of the Education (Grants and Awards) Act 1984 as the Business & Technician Education Council. ”

**Marginal Citations**  
**M3** 1984 c. 11.

- 5 In section 3(c)(i) of that Act (awards by Secretary of State) for “section 100 of the Education Act 1944” there is substituted “ section 485 of the Education Act 1996 ”.
- 6 For section 14(4) of that Act there is substituted—  
 “(4) This Act shall be construed as one with the Education Act 1996.”
- 7 In paragraph 2 of Schedule 1 to that Act (ordinary residence) for “section 31(3) of the Education Act 1980” there is substituted “ the Education Act 1996 in accordance with regulations made under section 579(4) of that Act. ”

*London Government Act 1963 (c. 33)*

- 8 In section 30(1) of the London Government Act 1963 (local education authorities) for “the Education Acts 1944 to 1962 or in any other Act” there is substituted “ any Act ”.

<sup>F19</sup> .....

**Textual Amendments**  
**F1** Sch. 37 para. 9 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

*Children and Young Persons Act 1963 (c. 37)*

- 10 In section 37(3) of the Children and Young Persons Act 1963 (exceptions to restriction on persons under 16 taking part in public performances etc.) for “the Education Act 1944” there is substituted “ the Education Act 1996 ”.
- 11 In section 38 of that Act (restriction on licences for performances by children under 13)—  
 (a) in subsection (1) for “thirteen” there is substituted “ fourteen ”;

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- (b) subsection (2) is omitted; and
- (c) in the sidenote, for “13” there is substituted “ 14 ”.

*Veterinary Surgeons Act 1966 (c. 36)*

- 12 In Schedule 3 to the Veterinary Surgeons Act 1966 (exemptions from restrictions on practice of veterinary surgery), in the definition of “recognised institution” following paragraph 5, for “the Education Act 1944” there is substituted “ the Education Act 1996 ”.

*Education Act 1967 (c. 3)*

F<sup>2</sup>13 .....

**Textual Amendments**

- F2 Sch. 37 para. 13 repealed (1.4.2003 for E., 2.1.2008 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4; S.I. 2007/3611, art. 4(1), Sch. Pt. 1)

*Public Expenditure and Receipts Act 1968 (c. 14)*

- 14 In Schedule 3 to the Public Expenditure and Receipts Act 1968 (variation of fees, etc.) for “The Education Act 1944 (c.31) section 94” there is substituted “ The Education Act 1996 (c.56) section 564 ”.

*Children and Young Persons Act 1969 (c. 54)*

F<sup>3</sup>15 .....

**Textual Amendments**

- F3 Sch. 37 paras. 15, 16 repealed (25.8.2000) by [2000 c. 6](#), ss. 165(4), 168, [Sch. 12 Pt. I](#) (with Sch. 11 paras. 1, 2)

F<sup>4</sup>16 .....

**Textual Amendments**

- F4 Sch. 37 paras. 15, 16 repealed (25.8.2000) by [2000 c. 6](#), ss. 165(4), 168, [Sch. 12 Pt. I](#) (with Sch. 11 paras. 1, 2)

*Local Authorities (Goods and Services) Act 1970 (c. 39)*

F<sup>5</sup>17 .....

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**Textual Amendments**

**F5** Sch. 37 para. 17 repealed (1.3.1998 in so far as Sch. 37 relates to School Curriculum and Assessment Authority and otherwise 1.10.1997) by 1997 c. 44, ss. 57(4), 58(3), **Sch.8**; S.I. 1997/1468, art. 2(3), **Sch. 1 Pt. III**; S.I. 1998/386, art. 2(1), **Sch. 1 Pt.I**

*Local Authority Social Services Act 1970 (c. 42)*

18 In Schedule 1 to the Local Authority Social Services Act 1970 (enactments conferring functions assigned to social services committee) the entry relating to the Education Act 1993 is omitted and at the end there is added—

“Education Act 1996.

Section 322.....

Help for local education authority in exercising functions under Part IV of the Act.”

*Chronically Sick and Disabled Persons Act 1970 (c. 44)*

19 In section 8(2) of the Chronically Sick and Disabled Persons Act 1970 (access to and facilities at university and school buildings) for the words from “and expressions used” onwards there is substituted “ and expressions used in paragraph (b) above and in the Education Act 1996 have the same meanings as in that Act. ”

*Pensions (Increase) Act 1971 (c. 56)*

20 In Part II of Schedule 2 to the Pensions (Increase) Act 1971 (official pensions payable out of local funds), in paragraph 57, for “the Education Act 1944” there is substituted “ the Education Act 1996. ”

*Superannuation Act 1972 (c. 11)*

21 (1) Schedule 1 to the Superannuation Act 1972 shall continue—  
(a) to include <sup>F6</sup>. . . and the entries relating to the Funding Agency for Schools and the Schools Funding Council for Wales (originally inserted by Schedule 19 to that Act); <sup>F7</sup>. . .  
<sup>F7</sup>(b) .....  
<sup>F8</sup>(2) .....

**Textual Amendments**

**F6** Words in Sch. 37 para. 21(1)(a) repealed (1.3.1998 in so far as relating to School Curriculum and Assessment Authority and otherwise 1.10.1997) by 1997 c. 44, ss. 57(4), 58(3), **Sch.8**; S.I. 1997/1468, art. 2(3), **Sch. 1 Pt. III**; S.I. 1998/386, art. 2(1), **Sch. 1 Pt.I**

**F7** Sch. 37 para. 21(1)(b) and the word immediately preceding it repealed (1.3.1998 in so far as relating to the School Curriculum and Assessment Authority and otherwise 1.10.1997) by 1997 c. 44, ss. 57(4), 58(3), **Sch.8**; S.I. 1997/1468, art. 2(3), **Sch. 1 Pt. III**; S.I. 1998/386, art. 2(1), **Sch. 1 Pt.I**

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- F8** Sch. 37 para. 21(2) repealed (1.3.1998 in so far as relating to the School Curriculum and Assessment Authority and otherwise 1.10.1997) by 1997 c. 44, ss. 57(4), 58(3), **Sch. 8**; S.I. 1997/1468, art. 2(3), **Sch. 1 Pt. III**; S.I. 1998/386, art. 2(1), **Sch. 1 Pt. I**

*Local Government Act 1972 (c. 70)*

- 22 (1) Section 104(2)(a) of the Local Government Act 1972 (teachers not disqualified for being members of committees) shall continue to have effect with the following amendment (originally made by Schedule 19 to the <sup>M4</sup>Education Act 1993).
- (2) For “for the purposes of the enactments relating to education” there is substituted “ wholly or partly for the purpose of discharging any functions with respect to education conferred on them in their capacity as local education authorities ”.

**Marginal Citations**

**M4** 1993 c. 35.

- 23 In section 112(4)(b) of that Act (appointment of staff) for “section 88 of the Education Act 1944” there is substituted “ section 532 of the Education Act 1996 ”.
- 24 In section 139(4) of that Act (acceptance of gifts of property) for “the Education Acts 1944 to 1971” there is substituted “ the Education Act 1996 ”.
- 25 In section 177(1) of that Act (supplementary provisions as to allowances) for “paragraph 4 of Schedule 2 to the Education Act 1980” there is substituted “ paragraph 4 of Schedule 33 to the Education Act 1996 ”.

*Fair Trading Act 1973 (c. 41)*

- 26 In Schedule 4 to the Fair Trading Act 1973 (services excluded from sections 14 and 109), in paragraph 14, for “the Education Act 1944,” there is substituted “ the Education Act 1996, ”.

*Local Government Act 1974 (c. 7)*

<sup>F9</sup>27 .....

**Textual Amendments**

**F9** Sch. 37 para. 27 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

- 28 In section 31A(2) of that Act (consideration of adverse reports) for “paragraph 1 of Schedule 2 to the Education Act 1980” there is substituted “ paragraph 1 of Schedule 33 to the Education Act 1996 ”.
- 29 In paragraph 5(1) of Schedule 5 to that Act (matters not subject to investigation) for the words from “section 23” to “1986” there is substituted “ section 370 of the Education Act 1996 or section 17 of the Education (No.2) Act 1986 ”.

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*House of Commons Disqualification Act 1975 (c. 24)*

- 30 (1) Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (disqualifying offices)—
  - (a) shall be amended as provided in sub-paragraphs (2) and (3); and
  - (b) shall continue to include the entries set out in sub-paragraph (4) (originally inserted by Schedule 19 to the <sup>M5</sup>Education Act 1993).
- (2) For the entry relating to the Curriculum and Assessment Authority for Wales there is substituted—
 

“Any member of the Curriculum and Assessment Authority for Wales constituted under section 360 of the Education Act 1996 in receipt of remuneration”.
- (3) For the entry relating to the School Curriculum and Assessment Authority there is substituted—
 

“Any member of the School Curriculum and Assessment Authority constituted under section 358 of the Education Act 1996 in receipt of remuneration”.
- (4) The entries referred to in sub-paragraph (1)(b) are—
 

“Any member of an education association in receipt of remuneration”,

“Any member of the Funding Agency for Schools in receipt of remuneration”, and

“Any member of the Schools Funding Council for Wales in receipt of remuneration”.

**Marginal Citations**  
**M5** 1993 c. 35.

*Sex Discrimination Act 1975 (c. 65)*

- 31 In section 23(1) of the Sex Discrimination Act 1975 (other discrimination by local education authorities) for “the Education Acts 1944 to 1996” there is substituted “ the Education Acts ”.
- 32 In section 23A of that Act (discrimination by Further Education and Higher Education Funding Councils) for “the Education Acts 1944 to 1994” there is substituted “ the Education Acts ”.
- F10 33 .....

**Textual Amendments**  
**F10** Sch. 37 para. 33 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

- 34 In section 24(2)(c) of that Act (designated establishments) for “the Education Act 1944” there is substituted “ the Education Act 1996 ”.
- 35 (1) Section 25 of that Act (general duty in public sector of education)—

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- (a) shall be amended in accordance with sub-paragraphs (2)(a) to (c), (3)(b), and (4)(a); and
- (b) shall continue to have effect with the amendments set out in sub-paragraphs (2)(d), (3)(a) and (4)(b) (originally made by Schedule 19 to the Education Act 1993 and subsequently amended by the <sup>M6</sup>Education Act 1994).

(2) In subsection (2)—

- (a) for “the Education Act 1944” there is substituted “ the Education Act 1996 ”;
- (b) in paragraph (a), for “section 68” there is substituted “ section 496 ”;
- (c) in paragraph (b), for “section 99” there is substituted “ section 497 ”; and
- (d) for “and 23” there is substituted “ 23, 23A, 23C and 23D ”.

(3) In subsection (4)—

- (a) for “and 23” there is substituted “ 23, 23A, 23C and 23D ”; and
- (b) for “either” there is substituted “ any ”.

(4) In subsection (6)—

- (a) in paragraph (c)(iii), for “section 100 of the Education Act 1944” there is substituted “ section 485 of the Education Act 1996 ”; and
- (b) after paragraph (d) there is added—
  - “(e) the Funding Agency for Schools and the Schools Funding Council for Wales.”

**Marginal Citations**

**M6** 1994 c. 30.

- 36 In section 82 of that Act (general interpretation), in subsection (1)—
- (a) after the definition of “education” there is inserted—
    - ““the Education Acts” has the meaning given by section 578 of the Education Act 1996;”;
  - (b) in the definition of “further education”, for “section 41(3) of the Education Act 1944 as read with section 14 of the Further and Higher Education Act 1992” there is substituted “ section 2 of the Education Act 1996 ”;
  - (c) in the definition of “independent school”, for “section 114(1) of the Education Act 1944” there is substituted “ section 463 of the Education Act 1996 ”;
  - (d) in the definition of “proprietor”, for “section 114(1) of the Education Act 1944” there is substituted “ section 579 of the Education Act 1996 ”; and
  - (e) in the definition of “school”, for “section 114(1) of the Education Act 1944” there is substituted “ section 4 of the Education Act 1996 ”.

37 In Schedule 2 to that Act (transitional exemption orders for educational admissions)

- <sup>F11</sup>(a) .....
- (b) in paragraph 3—
- (i) for “section 100 of the Education Act 1944” there is substituted “ section 485 of the Education Act 1996 ”; and
  - (ii) for “subsection (1)(b) of the said section 100” there is substituted “ the said section 485 ”.

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**Textual Amendments**

**F11** Sch. 37 para. 37(a) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

*Restrictive Trade Practices Act 1976 (c. 34)*

38 In Schedule 1 to the Restrictive Trade Practices Act 1976 (services excluded from section 13), in paragraph 14, for “the Education Act 1944,” there is substituted “the Education Act 1996, ”.

*Race Relations Act 1976 (c. 74)*

39 In section 18(1) of the Race Relations Act 1976 (other discrimination by local education authorities) for “the Education Acts 1944 to 1996” there is substituted “ the Education Acts ”.

40 In section 18A of that Act (discrimination by Further Education and Higher Education Funding Councils) for “the Education Acts 1944 to 1994” there is substituted “ the Education Acts ”.

<sup>F12</sup>41 .....

**Textual Amendments**

**F12** Sch. 37 para. 41 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

<sup>F13</sup>42 .....

**Textual Amendments**

**F13** Sch. 37 para. 42 repealed (2.4.2001) by 2000 c. 34, s. 9(2), **Sch. 3** (with s. 10(5)); S.I. 2001/566, **art. 2(1)**

43 In section 78 of that Act (general interpretation), in subsection (1)—  
(a) after the definition of “education” there is inserted—  
    ““the Education Acts” has the meaning given by section 578 of the Education Act 1996;”;  
(b) in the definition of “independent school”, for “section 114(1) of the Education Act 1944” there is substituted “ section 463 of the Education Act 1996 ”;  
(c) in the definition of “proprietor”, for “section 114(1) of the Education Act 1944” there is substituted “ section 579 of the Education Act 1996 ”; and  
(d) in the definition of “school”, for “section 114(1) of the Education Act 1944” there is substituted “ section 4 of the Education Act 1996 ”.

*National Health Service Act 1977 (c. 49)*

44 In section 28A(2)(c) of the National Health Service Act 1977 (power to make payments to local education authority)—



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- (a) for “the Education Acts 1944 to 1996” there is substituted “ the Education Act 1996 ”; and
  - (b) for “those Acts” there is substituted “ the Education Acts (within the meaning of that Act) ”.
- 45 In section 128(1) of that Act (interpretation), in the definition of “local education authority”, for “the Education Act 1944” there is substituted “ the Education Act 1996 ”.
- 46 In Schedule 1 to that Act (medical and dental inspection and treatment of pupils etc.)—
- (a) in paragraph 1(a)(ii), for “section 163 or 298 of the Education Act 1993” there is substituted “ section 19 or 319 of the Education Act 1996 ”; and
  - (b) in paragraph 4, for “by section 114(1) of the Education Act 1944” there is substituted “ for the purposes of the Education Act 1996 ”.

*Education Act 1980 (c.20)*

- 47 (1) Section 38 of the Education Act 1980 (citation etc.) shall be amended as follows.
- (2) Subsections (2) and (4) to (6) are omitted.
  - (3) For subsection (3) there is substituted—  
“ (3) This Act shall, in its application to England and Wales, be construed as one with the Education Act 1996.”
  - (4) In subsection (7), for the words from the beginning to “Northern Ireland;” there is substituted “ In this Act section 20 and this section extend to Northern Ireland, ”.

*Education (Scotland) Act 1980 (c. 44)*

- 48 (1) Section 48A of the Education (Scotland) Act 1980 (corporal punishment) shall continue to have effect with the following amendments (originally made by section 294 of the <sup>M7</sup>Education Act 1993).
- (2) In subsection (1), after “pupil” there is inserted “ to whom this subsection applies ”, and after that subsection there is inserted—
    - “(1A) Where, in any proceedings, it is shown that corporal punishment has been given to a pupil by or on the authority of a member of the staff, giving the punishment cannot be justified if the punishment was inhuman or degrading.
    - (1B) In determining whether punishment is inhuman or degrading regard shall be had to all the circumstances of the case, including the reason for giving it, how soon after the event it is given, its nature, the manner and circumstances in which it is given, the persons involved and its mental and physical effects.”
  - (3) In subsection (5) for the words preceding paragraph (a) there is substituted “In this section “pupil” means a person for whom education is provided at a school or for whom school education is provided by an education authority otherwise than at a school.  
(5A) Subsection (1) above applies to a pupil”.
  - (4) In subsection (8)(a) for “(5)(a)(iii)” there is substituted “ (5A)(a)(iii) ”.

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#### Marginal Citations

M7 1993 c. 35.

#### *Local Government, Planning and Land Act 1980 (c.65)*

- 49 In paragraph 10 of Schedule 10 to the Local Government, Planning and Land Act 1980 (adjustment of block grant in connection with education etc.: interpretation) for “Section 38(5) of the Education Act 1980” there is substituted “ Section 579(4) of the Education Act 1996 ”.

#### *Acquisition of Land Act 1981 (c. 67)*

- 50 In section 1(2) of the Acquisition of Land Act 1981 (application of Act) for “section 90(1) of the Education Act 1944” there is substituted “ section 530(1) of the Education Act 1996 ”.
- 51 (1) Section 17(4) of that Act (statutory undertakers) shall have effect with the following amendment instead of that made by section 11 of the <sup>M8</sup>Education Act 1993.
- (2) After paragraph (aa) of the definition of “statutory undertakers” there is inserted—
- “(ab) the Funding Agency for Schools,  
(ac) the Schools Funding Council for Wales,”.

#### Marginal Citations

M8 1993 c. 35.

#### *Greater London Council (General Powers) Act 1981 (c. xvii)*

- 52 In section 16 of the Greater London Council (General Powers) Act 1981 (exemptions from Part IV)—
- (a) in paragraph (b) for “the Education Act 1944” there is substituted “ the Education Act 1996 ”; and
- (b) in paragraph (k) for “section 100(1)(b) of the said Act of 1944” there is substituted “ section 485 of the Education Act 1996 ”.

#### *Agricultural Training Board Act 1982 (c. 9)*

- 53 In section 4(5) of the Agricultural Training Board Act 1982 (meaning of “post-school education”), for paragraph (a) there is substituted—
- “(a) in England and Wales, “higher education” as defined by section 120(1) of the Education Reform Act 1988 or “further education” as defined by section 2(3) to (5) of the Education Act 1996; and”.

#### *Industrial Training Act 1982 (c. 10)*

- 54 In section 5 of the Industrial Training Act 1982 (functions of boards) for the subsection (7) inserted by the <sup>M9</sup>Education Reform Act 1988 there is substituted—

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- “(8) In this section “post-school education” means—
- (a) in England and Wales, “higher education” as defined by section 120(1) of the Education Reform Act 1988 or “further education” as defined by section 2(3) to (5) of the Education Act 1996; and
  - (b) in Scotland, “further education” within the meaning of the Education (Scotland) Act 1980.”

#### Marginal Citations

M9 1988 c. 40.

#### *Local Government (Miscellaneous Provisions) Act 1982 (c. 30)*

55

[<sup>F14</sup>In section 40 of the Local Government (Miscellaneous Provisions) Act 1982 (nuisance and disturbance on educational premises) for subsections (2) to (10) there is substituted—

- “(2) This section applies to premises, including playing fields and other premises for outdoor recreation, of an institution (other than a school) which—
- (a) is maintained by a local education authority; and
  - (b) provides further education or higher education (or both).
- (3) If—
- (a) a police constable; or
  - (b) a person whom a local education authority have authorised to exercise the power conferred by this subsection,
- has reasonable cause to suspect that any person is committing or has committed an offence under this section, he may remove him from the premises in question.
- (4) No proceedings under this section shall be brought by any person other than—
- (a) a police constable; or
  - (b) a local education authority.
- (5) Expressions used in this section and in the Education Act 1996 have the same meaning as in that Act.”]

#### Textual Amendments

F14 Sch. 37 para. 55 repealed (1.10.2002 for E., 1.9.2003 for W.) by [Education Act 2002 \(c. 32\), s. 216\(4\), Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2003/1718, art. 5, Sch. Pt. II

#### *Representation of the People Act 1983 (c. 2)*

- 56 (1) Paragraph 22 of Schedule 1 to the Representation of the People Act 1983 (use of schools for the purpose of taking a poll) shall continue to have effect with the

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following amendment (originally made by Schedule 19 to the <sup>M10</sup>Education Act 1993).

(2) In sub-paragraph (1)(i), after “authority” there is inserted “ a grant-maintained school ”.

#### Marginal Citations

**M10** 1993 c. 35.

#### *Education (Fees and Awards) Act 1983 (c. 40)*

57 In section 1(4) of the Education (Fees and Awards) Act 1983 (fees at universities and further education establishments)—

- (a) for “section 100(1)(b) of the Education Act 1944” there is substituted “ section 485 of the Education Act 1996 ”; and
- (b) for “the Education Act 1944” there is substituted “ the 1996 Act ”.

#### *Registered Homes Act 1984 (c. 23)*

F15 58 .....

#### Textual Amendments

**F15** Sch. 37 para. 58 repealed (1.4.2002) by 2000 c. 14, s. 117(2), Sch. 6; S.I. 2001/4150, art. 3(c)(xii) (subject to art. 4); S.I. 2002/920, art. 3(3)(g)(x) (subject to art. 3(2), Schs. 1-3 and with art. 3(5)-(10))

#### *Building Act 1984 (c. 55)*

59 In section 4(1)(a) of the Building Act 1984 (exemption of educational buildings etc) for sub-paragraphs (i) to (iv) substitute—

- “(i) plans that have been approved by the Secretary of State,
- (ii) particulars submitted and approved under section 39 or 44 of the Education Act 1996 or under regulations made under section 544 of that Act or section 218(7) of the Education Reform Act 1988,
- (iii) particulars approved or adopted under section 214, 262 or 341 of the Education Act 1996, or
- (iv) particulars given in a direction under section 428 of that Act.”

#### *Greater London Council (General Powers) Act 1984 (c. xxvii)*

60 In section 10(2)(g) of the Greater London Council (General Powers) Act 1984 (buildings excepted from Part IV) for “section 100(1)(b) of the Education Act 1944” there is substituted “ section 485 of the Education Act 1996 ”.

*Status: Point in time view as at 06/04/2003.*

*Changes to legislation: Education Act 1996, SCHEDULE 37 is up to date with all changes known to be in force on or before 03 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*Further Education Act 1985 (c. 47)*

- 61 In section 8(3) (short title etc.) for “the Education Act 1944” there is substituted “the Education Act 1996.”

*Housing Act 1985 (c. 68)*

- 62 In Schedule 1 (tenancies which are not secure tenancies), in paragraph 10(4), for “the Education Act 1944” there is substituted “the Education Act 1996”.

*Local Government Act 1986 (c. 10)*

- <sup>F16</sup>63 .....

**Textual Amendments**

**F16** Sch. 37 para. 63 repealed (28.9.2000) by 2000 c. 22, ss. 107(2), 108(2)(c), Sch. 6

*Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)*

- 64 (1) Section 5 of the Disabled Persons (Services, Consultation and Representation) Act 1986 (disabled persons leaving special education) shall be amended as follows.
- (2) In subsection (1)(a) for “or 168 of the Education Act 1993” there is substituted “section 168 of the Education Act 1993 or section 324 of the Education Act 1996”.
- (3) In subsection (8)—
- (a) for “paragraph 7 of Schedule 10 to the Education Act 1993” there is substituted “ paragraph 7 of Schedule 27chedul to the Education Act 1996 ”, and
  - (b) for “maintained under section 168” there is substituted “ maintained under section 324 ”.
- (4) In subsection (9)—
- (a) for “Part III of the Education Act 1993” there is substituted “ Part IV of the Education Act 1996 ”; and
  - (b) for “the Education Act 1944” there is substituted “ the Education Act 1996 ”.

*Education (No. 2) Act 1986 (c. 61)*

- 65 (1) Section 50 of the Education (No. 2) Act 1986 (grants for teacher training etc.) shall continue to have effect with the following amendments (originally made by section 278 of and Schedule 19 to the <sup>M11</sup>Education Act 1993).
- (2) In subsection (1)—
- (a) for “local authorities and other persons” there is substituted “ persons other than local education authorities ”; <sup>F17</sup>...
  - <sup>F17</sup>(b) .....
- (3) In subsection (2)(b), for “capacity as an employee of the kind in question” there is substituted “ employment ”.

*Status: Point in time view as at 06/04/2003.*

*Changes to legislation: Education Act 1996, SCHEDULE 37 is up to date with all changes known to be in force on or before 03 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**Textual Amendments**

**F17** Sch. 37 para. 65(2)(b) and word repealed (1.4.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 22 Pt. 3](#) (with [ss. 210\(8\)](#), [214\(4\)](#)); [S.I. 2003/124](#), art. 4

**Marginal Citations**

**M11** [1993 c. 35](#).

- 66 (1) Section 67 of that Act (short title etc.) shall be amended as follows.
- (2) Subsections (2), (5) and (6) are omitted.
- (3) In subsection (3), for “the 1944 Act” there is substituted “ the Education Act 1996. ”
- (4) In subsection (7), for the words from the beginning to “Northern Ireland;” there is substituted “ In this Act section 48 and this section extend to Scotland, ”.

*Reverter of Sites Act 1987 (c. 15)*

- 67 (1) The Reverter of Sites Act 1987 shall be amended as follows.
- (2) In section 1(5) (right of reverter replaced by trust for sale) for “section 2 of the Education Act 1973” there is substituted “ section 554 of the Education Act 1996 ”.
- (2) In section 5 (orders under Education Act 1973)—
  - (a) in subsection (1), for “section 2 of the Education Act 1973” there is substituted “ section 554 of the Education Act 1996 ”; and
  - (b) for “section 2 of the said Act of 1973”, wherever occurring, there is substituted “ section 554 of the 1996 Act ”.

*Local Government Act 1988 (c. 9)*

- 68 In paragraph 8(3)(a) of Schedule 1 to the Local Government Act 1988 (competition) for “section 53 of the Education Act 1944 (whether or not also provided under section 41 of that Act)” there is substituted “ section 508 of the Education Act 1996 (whether or not also provided under section 15 of that Act) ”.

*Criminal Justice Act 1988 (c. 33)*

- 69 In section 139A(6) and (7) of the Criminal Justice Act 1988 (as amended by the Offensive Weapons Act 1996), for “section 14(5) of the Further and Higher Education Act 1992” there is substituted “ section 4 of the Education Act 1996 ”.

*Education Reform Act 1988 (c. 40)*

**F18-70** .....

**Textual Amendments**

**F18** Sch. 37 para. 70 repealed (1.4.2001) by [2000 c. 21](#), s. 153, [Sch. 11](#) (with [s. 150](#)); [S.I. 2001/654](#), art. 2(2), [Sch. Pt. II](#) (with [art. 3](#)); [S.I. 2001/1274](#), art. 2(2), [Sch. Pt. I](#) (with [art. 3](#))

*Status: Point in time view as at 06/04/2003.*

*Changes to legislation: Education Act 1996, SCHEDULE 37 is up to date with all changes known to be in force on or before 03 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- 71 In section 161(1)(b)(i) of that Act (interpretation of Part II) for “section 41 of the 1944 Act” there is substituted “ section 15 of the Education Act 1996 ”.
- 72 In section 163(1) of that Act (new education authorities for London) for “the Education Acts 1944 to 1996” there is substituted “ the Education Act 1996 ”.
- 73 In section 166(5) of that Act (responsibility for schools) for “the Education Acts 1944 to 1993” there is substituted “ the Education Act 1996 ”.
- 74 (1) Section 197 of that Act ([<sup>F19</sup>Education Transfer Council]) shall be amended as follows.
- (2) In subsection (6), for “the Education Acts 1944 to 1993” there is substituted “ the Education Acts ”.
- (3) Subsection (7) shall continue to have effect with the insertion of the words “and any governing body of a maintained or grant-maintained school” (originally inserted by section 47(5) of the <sup>M12</sup>Education Act 1993); and in that subsection for “the Education Acts 1944 to 1993” there is substituted “ the Education Acts ”.
- (4) In subsection (7B), for “the Education Acts 1944 to 1992” there is substituted “ the Education Acts ”.
- (5) At the end of the section there is added—
- “(10) In this section “the Education Acts” has the meaning given by section 578 of the Education Act 1996.”

**Textual Amendments**

**F19** Words in Sch. 37 para. 74 substituted (1.10.1998) by 1998 c. 31, s. 136 (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, Sch. 1 Pt. I

**Marginal Citations**

**M12** 1993 c. 35.

<sup>F20</sup>75 .....

**Textual Amendments**

**F20** Sch. 37 para. 75 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

- 76 (1) Section 218 of that Act (school and further and higher regulations)—
- (a) shall be amended as provided in sub-paragraphs (2) to (5); and
- (b) shall continue to have effect with the amendments set out in sub-paragraph (6) (originally made by section 290 of the Education Act 1993).
- (2) In subsection (1) the following are omitted—
- (a) in paragraphs (e) and (f), the words “schools and”; and
- (b) paragraph (g).
- (3) For subsection (2B) (renumbered by paragraph 8(4) of Schedule 2 to the <sup>M13</sup>Education Act 1994) there is substituted—

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“(2B) Regulations under subsection (2) above may impose requirements on persons carrying on city technology colleges or city colleges for the technology of the arts as to the training and teaching experience of persons employed as teachers at such colleges who seek to become (in relation to schools) qualified teachers.”

(4) In subsection (7), the following are omitted—

- (a) the words from “or, in such cases” to “the funding authority”; and
- (b) the words “school or” (where first occurring) and “any school or”.

(5) Subsections (8) and (13) are omitted.

(6) The amendments referred to in sub-paragraph (1)(b) are—

- (a) after subsection (6)(c) there is added “or
  - (d) by the proprietors of independent schools or at such schools as teachers or in any such work,”; and
- (b) in subsection (12) after “section” there is inserted “ other than in subsection (6)(d) above ”.

<p><b>Marginal Citations</b> M13 1994 c. 40.</p>
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77 For section 219 of that Act there is substituted—

**“219 Powers of the Secretary of State in relation to certain educational institutions.**

- (1) This section applies to any institution which is maintained by a local education authority and provides higher education or further education (or both).
- (2) Section 495(1) of the Education Act 1996 (determination of disputes by the Secretary of State) shall apply in relation to the governing body of an institution to which this section applies as it applies in relation to the governing body of a school.
- (3) Each of sections 496 and 497 of that Act (power of Secretary of State to prevent unreasonable exercise of functions and Secretary of State’s general default powers) shall have effect as if any reference to a body to which that section applies included a reference to the governing body of an institution to which this section applies.
- (4) Section 498 of that Act (powers of Secretary of State where there is no properly constituted governing body) shall have effect as if any reference to a school to which that section applies included a reference to an institution to which this section applies.”

F2178 .....



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### Textual Amendments

**F21** Sch. 37 para. 78 repealed (11.9.1998) by 1998 c. 18, ss. 54(3), 55(2), Sch.5

- 79 In section 228 of that Act (transfer of property to grant-aided institutions in Wales), in subsection (2)(a), for “section 100(1)(b) of the 1944 Act” there is substituted “section 485 of the Education Act 1996”.
- 80 In section 232 of that Act (orders and regulations)—
- (a) in subsection (2), for the words from “sections” to “Schedule 5” there is substituted “section 157”;
  - (b) subsection (3) is omitted; and
  - (c) in subsection (4), “3(4)(a), 4(2)(c), 24,” is omitted.
- 81 (1) Section 235 of that Act (general interpretation) shall be amended as follows.
- (2) In subsection (1) the definition of “the 1980 Act” is omitted.
  - (3) In subsection (2)(c), after “1944 Act” there is inserted “or section 485 of the Education Act 1996”.
  - (4) In subsections (7) and (8), for “the 1944 Act” in each place there is substituted “the Education Act 1996”.
- 82 (1) Schedule 10 to that Act (supplementary provisions with respect to transfers)—
- (a) shall continue to have effect with the amendments set out in sub-paragraph (2) (originally made by section 47 of the <sup>M14</sup>Education Act 1993);  
F22 . . . . .
  - F22(b) . . . . .
  - (2) The amendments mentioned in sub-paragraph (1)(a) are as follows—
  - F23(a) . . . . .
  - (b) in paragraph 4(1) of the Schedule, for “by virtue of section 126 or 130” there is substituted “to which this Schedule applies”; F24 . . . . .
  - F24(c) . . . . .
  - F25(3) . . . . .

### Textual Amendments

- F22** Sch. 37 para. 82(1)(b) and the word immediately preceding it repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), Sch.31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1
- F23** Sch. 37 para. 82(2)(a) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), Sch.31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1
- F24** Sch. 37 para. 82(2)(c) and the word immediately preceding it repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 31 para. 189(e), Sch.31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1
- F25** Sch. 37 para. 82(3) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), Sch.31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

### Marginal Citations

**M14** 1993 c. 35.

*Status: Point in time view as at 06/04/2003.*

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*Copyright, Designs and Patents Act 1988 (c. 48)*

83 In section 174(3) of the Copyright, Patents and Designs Act 1988 (meaning of “school”) for “the Education Act 1944” there is substituted “ the Education Act 1996 ”.

*Children Act 1989 (c. 41)*

84 In section 28(4) of the Children Act 1989 (local authority support for children and families: consultation with local education authorities) for “Part III of the Education Act 1993” there is substituted “ Part IV of the Education Act 1996 ”.

85 In section 36(5) of that Act (education supervision orders: presumption that child is not being properly educated)—

- (a) for “section 37 of the Education Act 1944” there is substituted “ section 437 of the Education Act 1996 ”; and
- (b) for “section 39” there is substituted “ section 444 ”.

F2686 .....

**Textual Amendments**

**F26** Sch. 37 para. 86 repealed (1.4.2002) by 2000 c. 14, s. 117(2), Sch. 6; S.I. 2001/4150, arts. 3(3)(c)(xii) (subject to art. 4); S.I. 2002/920, art. 3(3)(g)(x) (subject to art. 3(2), Schs. 1-3 and with art. 3(5)-(10))

87 In section 87(10) of that Act (welfare of children accommodated in independent schools) for “the Education Act 1944” there is substituted “ the Education Act 1996 ”.

F2788 .....

**Textual Amendments**

**F27** Sch. 37 para. 88 repealed (1.4.2002) by 2000 c. 14, ss. 117(2), Sch. 6; S.I. 2001/4150, arts. 3(3)(c)(xii) (subject to art. 4); S.I. 2002/920, art. 3(3)(g)(x) (subject to art. 3(2), Schs. 1-3 and with art. 3(5)-(10))

F2889 .....

**Textual Amendments**

**F28** Sch. 37 para. 89 repealed (1.4.2002) by 2000 c. 14, s. 117(2), Sch. 6; S.I. 2001/4150, arts. 3(3)(c)(xii) (subject to art. 4); S.I. 2002/920, art. 3(3)(g)(x) (subject to art. 3(2), Schs. 1-3 and with art. 3(5)-(10))

90 In section 91(5) of that Act (effect and duration of orders: school attendance orders) for “section 37 of the Education Act 1944” there is substituted “ section 437 of the Education Act 1996 ”.

91 In section 105(1) of that Act (interpretation) for “the Education Act 1944” in each place where it occurs, and for “the Education Act 1993”, there is substituted “ the Education Act 1996 ”.

92 In paragraph 3(b) of Schedule 2 to that Act (local authority support for children and families: assessment of children’s needs) for “Part III of the Education Act 1993” there is substituted “ Part IV of the Education Act 1996 ”.

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- 93 (1) Part III of Schedule 3 to that Act (education supervision orders) shall be amended as follows.
- (2) In paragraph 13—
- (a) in sub-paragraph (1) for “section 36 of the Education Act 1944 (duty to secure education of children) and section 199 of the Education Act 1993 (duty” there is substituted “ sections 7 and 444 of the Education Act 1996 (duties to secure education of children and ”; and
- (b) in sub-paragraph (2)—
- (i) in paragraph (a)(i) for “section 192 of that Act” there is substituted “ section 437 of the Education Act 1996 ”,
- (ii) in paragraph (b)(i) for “section 192” there is substituted “ section 437 ”,
- (iii) in paragraph (b)(ii) for “section 76 of the Education Act 1944” there is substituted “ section 9 of that Act ”, and
- (iv) in paragraph (b)(iii) for “sections 6 and 7 of the Education Act 1980” there is substituted “ sections 411 and 423 of that Act ”.
- (3) In paragraph 21 for “the Education Act 1944 (as amended by Schedule 13)” there is substituted “ the Education Act 1996. ”
- 94 (1) Paragraph 3 of Schedule 9 to that Act (child minding and day care: exemption of certain schools) shall be amended as follows.
- (2) In sub-paragraph (1)—
- (a) for “section 100 of the Education Act 1944” there is substituted “ section 485 of the Education Act 1996 ”, and
- (b) for “section 53 of the Act of 1944” there is substituted “ section 508 of that Act ”.
- (3) In sub-paragraph (3)—
- (a) for “the Education Act 1944” there is substituted “ the Education Act 1996 ”, and
- (b) for “the Education Act 1993” there is substituted “ that Act ”.

*Local Government and Housing Act 1989 (c. 42)*

- 95 In section 2(6)(a) of the Local Government and Housing Act 1989 (politically restricted posts) for “section 88 of the Education Act 1944” there is substituted “ section 532 of the Education Act 1996 ”.
- 96 (1) Section 13 of that Act (voting rights of members of committees)—
- (a) shall be amended as provided in sub-paragraphs (2), (3) and (5); and
- (b) shall continue to have effect with the amendment set out in sub-paragraph (4) (originally made by Schedule 19 to the <sup>M15</sup>Education Act 1993).

<sup>F29</sup>(2) .....

- (3) For subsection (5) there is substituted—

“(5) Nothing in this section shall prevent the appointment of a person who is not a member of a local education authority as a voting member of—

- (a) any committee or sub-committee appointed by the local authority wholly or partly for the purpose of discharging any functions with

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respect to education conferred on them in their capacity as a local education authority,

- (b) any joint committee appointed by two or more local authorities wholly or partly for the purpose of discharging any functions with respect to education conferred on them in their capacity as local education authorities, or
- (c) any sub-committee appointed by any such committee or joint committee wholly or partly for the purpose of discharging any of that committee’s functions with respect to education,

where that appointment is required by directions given by the Secretary of State under section 499 of the Education Act 1996 (power of Secretary of State to direct appointment of members of committees).”

- (4) In subsection (7) for “education committee or sub-committee of an education committee” there is substituted “ committee, joint committee or sub-committee appointed for the purpose mentioned in that subsection ”.
- (5) In subsection (9) the definition of “foundation governors” and the “and” immediately following it are omitted.

**Textual Amendments**  
**F29** Sch. 37 para. 96(2) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

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**Marginal Citations**  
**M15** 1993 c. 35.

**F30**<sup>97</sup> .....

**Textual Amendments**  
**F30** Sch. 37 para. 97 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

*Education (Student Loans) Act 1990 (c. 6)*

98 In section 1(3)(a) of the Education (Student Loans) Act 1990 (meaning of “institutions receiving support from public funds”) for “section 100(1)(b) of the Education Act 1944” there is substituted “ section 485 of the Education Act 1996 ”.

*Town and Country Planning Act 1990 (c. 8)*

99 In section 76 of the Town and Country Planning Act 1990 (duty to draw attention to certain provisions for benefit of disabled) for subsection (3) there is substituted—  
 “(3) Expressions used in subsection (1)(e) and in the Education Act 1996 have the same meanings as in that Act.”

*Environmental Protection Act 1990 (c. 43)*

100 In section 98(2) of the Environmental Protection Act 1990 (definitions)—

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- (a) in paragraph (c)(i) for “section 100(1)(b) of the Education Act 1944” there is substituted “ section 485 of the Education Act 1996 ”; and
- (b) in paragraph (e) for “section 105 of the Education Reform Act 1988)” there is substituted “ section 482 of the Education Act 1996) ”.

*School Teachers’ Pay and Conditions Act 1991 (c. 49)*

- 101 (1) The School Teachers’ Pay and Conditions Act 1991—
- (a) shall continue to have effect with the amendment set out in sub-paragraph (2) (originally made by Schedule 19 to the <sup>M16</sup>Education Act 1993); and
  - (b) shall be amended as provided in sub-paragraphs (3) and (4).
- (2) In section 2 (orders relating to statutory conditions of employment), in subsections (6) and (7) for “section 3” there is substituted “ sections 3 and 3A ”.
- (3) For the section 3A inserted by section 289 of the Education Act 1993 there is substituted—

**“3A Special provisions for teachers on transfer of employment.**

- (1) This section applies where a school teacher employed to teach at an independent school—
    - (a) which becomes a county or voluntary school in pursuance of proposals published under section 35(1)(b) or, as the case may be, 41(1) of the Education Act 1996, or
    - (b) in place of which a grant-maintained school is established in pursuance of proposals published under section 212 of that Act, becomes employed (in the case of a county or voluntary school) by the local education authority or the governing body or (in the case of a grant-maintained school) by the governing body in accordance with the Transfer of Undertakings (Protection of Employment) Regulations 1981.
  - (2) A pay and conditions order shall not apply to the statutory conditions of employment of such a teacher unless he gives notice in writing to the new employer that the order is to so apply.
  - (3) Where the governing body of an aided school receive notice given under subsection (2) above, they shall inform the local education authority.”
- (4) In section 5 (interpretation etc.)—
- (a) in subsection (1)—
    - (i) in the definition of “school which has a delegated budget” for “Chapter III of Part I of the Education Reform Act 1988” there is substituted “ Part II of the Education Act 1996 ”, and
    - (ii) for “the Education Act 1944” there is substituted “ that Act ”; and
  - (b) in subsection (5), for “sections 68 and 99(1) of the Education Act 1944” there is substituted “ sections 496 and 497 of the Education Act 1996 ”.

**Marginal Citations**

M16 1993 c. 35.

*Status: Point in time view as at 06/04/2003.*

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*Diocesan Boards of Education Measure 1991 (1991 No. 2)*

F31 102 .....

**Textual Amendments**

**F31** Sch. 37 para. 102 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F32 103 .....

**Textual Amendments**

**F32** Sch. 37 para. 103 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

104 (1) Section 6 of that Measure (Board to be consulted in certain cases) shall be amended as follows.

(2) In subsection (1)—

- (a) for “section 13(1) of the 1988 Act” there is substituted “ section 392(2) of the Education Act 1996 ”; and
- (b) for “section 11” there is substituted “ section 390 ”.

F33 (3) .....

**Textual Amendments**

**F33** Sch. 37 para. 104(3) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F34 105 .....

**Textual Amendments**

**F34** Sch. 37 para. 105 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F35 106 .....

**Textual Amendments**

**F35** Sch. 37 para. 106 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F36 107 .....

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**Textual Amendments**

**F36** Sch. 37 para. 107 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 107, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

*Further and Higher Education Act 1992 (c. 13)*

**F37** 108 .....

**Textual Amendments**

**F37** Sch. 37 para. 108 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

109 In section 28(3)(a) of that Act (institutions which are grant-aided or eligible to receive aid by way of grant) for “section 100(1)(b) of the Education Act 1944” there is substituted “ section 485 of the Education Act 1996 ”.

110 (1) Section 37 of that Act (attribution of surpluses and deficits) shall be amended as follows.

**F38**(2) .....

(3) In subsection (7)—

**F38**(a) .....

(b) in the definition of “financial year”, for “the Education Reform Act 1988” there is substituted “ the Education Act 1996 ”.

**Textual Amendments**

**F38** Sch. 37 para. 110(2)(3)(a) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

111 In section 54(2) of that Act (duty to give information) for the words from “section 51” to “section 52 of that Act” there is substituted “ regulations under section 492 or 493 of the Education Act 1996 ”.

**F39** 112 .....

**Textual Amendments**

**F39** Sch. 37 para. 112 repealed (1.4.2001) by 2000 c. 21, s. 153, **Sch. 11** (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3); S.I. 2001/1274, art. 2(2), **Sch. Pt. I** (with art. 3)

**F40** 113 .....

**Textual Amendments**

**F40** Sch. 37 para. 113 repealed (1.1.2001 (W.) 1.4.2001 (E.)) by 2000 c. 21, s. 153, **Sch. 11** (with s. 150); S.I. 2000/3230, art. 2, **Sch.**; S.I. 2001/654, art. 2(2), **Sch. Pt. II**

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- 114 In section 89(5) of that Act (orders, regulations and directions) for “Section 111 of the Education Act 1944” there is substituted “ Section 570 of the Education Act 1996 ”.
- 115 (1) Section 90 of that Act (interpretation) shall be amended as follows.
- (2) In subsection (1)—
- (a) in the definition of “the Education Acts”, for “means the Education Acts 1944 to 1996” there is substituted “ has the meaning given by section 578 of the Education Act 1996 ”; and
- (b) after that definition there is inserted—
- ““further education” has the meaning given by section 2(3) to (5) of that Act;”.
- (3) In subsection (5), for “the Education Act 1944” there is substituted “ the Education Act 1996 ”.
- 116 In section 92 of that Act (Index)—
- (a) in the entry for “further education”, for “section 14(1) to (4)” there is substituted “ section 90(1) ”; and
- (b) the entries for “pupil”, “secondary education” and “school” are omitted.
- 117 (1) Schedule 8 to that Act—
- (a) shall continue to have effect with the amendment set out in sub-paragraph (2) (originally made by section 47(6) of the <sup>M17</sup>Education Act 1993); and
- (b) shall be amended as provided in sub-paragraphs (3) and (4).
- (2) In paragraph 61, for “by virtue of section 126 or 130 and in such a case” there is substituted “ and ”.
- (3) In paragraph 62(3), for “or (as the case may be) the Education Act 1993” there is substituted “ or (as the case may be) the Education Act 1996 ”.
- (4) In—
- (a) paragraph 79(2) (which provides that, in relation to a further education corporation or a Further Education Funding Council, the reference in section 25(2) of the <sup>M18</sup>Sex Discrimination Act 1975 to section 99 of the <sup>M19</sup>Education Act 1944 is to be read as a reference to section 57(3) of the 1992 Act), <sup>F41</sup> . . .
- <sup>F41</sup>(b) . . . . .
- for “section 99 of the Education Act 1944” there is substituted “ section 497 of the Education Act 1996 ”.

#### Textual Amendments

**F41** Sch. 37 para. 117(4)(b) and preceding word repealed (2.4.2001) by 2000 c. 34, s. 9(2), Sch. 3 (with s. 10(5)); S.I. 2001/566, art. 2(1) (with art. 2(2))

#### Marginal Citations

**M17** 1993 c. 35.  
**M18** 1975 c. 65.  
**M19** 1994 c. 31.



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*Tribunals and Inquiries Act 1992 (c. 53)*

- 118 (1) The Tribunals and Inquiries Act 1992 shall be amended as follows.
- (2) Section 11(1) (appeals from certain tribunals) shall continue to have effect with the substitution for “15(a) or (d)” of “15(a), (d) or (e)” (originally made by section 181 of the Education Act 1993).
- (3) In paragraph 15 of Schedule 1 (tribunals under general supervision of Council on Tribunals)—
- (a) in sub-paragraph (a), for “section 72 of, and Schedule 6 to, the Education Act 1944 (c. 31)” there is substituted “ section 476 of, and Schedule 34 to, the Education Act 1996 (c. 56) ”;
  - (b) in sub-paragraph (b), for “Part I of Schedule 2 to the Education Act 1980 (c. 20)” there is substituted “ Part I of Schedule 33 to that Act ”;
  - (c) in sub-paragraph (c), for “paragraph 5(1) of Schedule 6 to the Education Act 1993” there is substituted “ paragraph 6(1) of Schedule 23 to that Act ”; and
  - <sup>F42</sup>(d) .....

**Textual Amendments**

**F42** Sch. 37 para. 118(3)(d) repealed (1.9.2002) by 2001 c. 10, s. 42(1)(6), Sch. 8 para. 4, Sch. 9 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. 1

*Charities Act 1993 (c. 10)*

- 119 For section 79(9) of the Charities Act 1993 (parochial charities) there is substituted—
- “(9) This section shall not affect the trusteeship, control or management of any voluntary or grant-maintained school within the meaning of the Education Act 1996.”
- 120 (1) Schedule 2 to that Act (exempt charities) shall continue to have effect with the following amendments (originally made by Schedules 15 and 19 to the <sup>M20</sup>Education Act 1993).
- (2) After paragraph (d) there is inserted—
- “(da) the School Curriculum and Assessment Authority;”.
- (3) For paragraph (f) there is substituted—
- “(f) the Curriculum and Assessment Authority for Wales;”.

**Marginal Citations**

**M20** 1993 c. 35.

- 121 At the end of paragraph 1(b) of Schedule 4 to that Act (charities over which the court has jurisdiction) there is added “ or section 554 of the Education Act 1996 ”.

*Welsh Language Act 1993 (c. 38)*

- <sup>F43</sup>122 .....

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**Textual Amendments**

**F43** Sch. 37 para. 122 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

*Local Government (Wales) Act 1994 (c. 19)*

- 123 (1) Section 30 of the Local Government (Wales) Act 1994 (area committees) shall be amended as follows.
  - (2) In subsection (7) for “section 297 of the Education Act 1993” there is substituted “section 499 of the Education Act 1996”.
  - (3) In subsections (9) and (14) for “section 297 of the Act of 1993” there is substituted “section 499 of the Act of 1996”.
- 124 (1) Section 31 of that Act (sub-committees of area committees) shall be amended as follows.
  - (2) In subsection (6) for “section 297 of the Education Act 1993” there is substituted “section 499 of the Education Act 1996”.
  - (3) In subsections (8) and (12) for “section 297 of the Act of 1993” there is substituted “section 499 of the Act of 1996”.

*Value Added Tax Act 1994 (c. 23)*

- 125 In Schedule 9 to the Value Added Tax Act 1994 (exemptions), in paragraph (a) of Note (1) to Group 6 (education)—
  - (a) for “the Education Acts 1944 to 1996” there is substituted “the Education Act 1996”;
  - (b) in sub-paragraph (iii), for “a maintained school within the meaning of the Education Act 1993 or” there is substituted “a county school, voluntary school or maintained special school (other than one established in a hospital) within the meaning of the Education Act 1996 or a maintained school within the meaning of”;
  - <sup>F44</sup>(c) .....
  - <sup>F44</sup>(d) .....

**Textual Amendments**

**F44** Sch. 37 para. 125(c)(d) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

*Education Act 1994 (c. 30)*

- 126 After section 11 of the Education Act 1994 there is inserted—

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*“ General duty of Secretary of State*

**11A General duty of Secretary of State with respect to teacher training.**

In carrying out his duties under sections 10 and 11 of the Education Act 1996 the Secretary of State shall, in particular, make such arrangements as he considers expedient for securing that sufficient facilities are available for the training of teachers to serve in schools maintained by local education authorities, grant-maintained schools, institutions within the further education sector and institutions which are maintained by such authorities and provide higher education or further education (or both).”

- 127 (1) Section 12 of that Act (power of schools to provide courses of initial teacher training) shall be amended as follows.
- (2) In subsection (5), for “section 12 or 13 of the Education Act 1980 or section 96 of the Education Act 1993” there is substituted “ section 35, 41 or 259 of the Education Act 1996 ”.
- (3) In subsection (6)—
- (a) for “sections 33 to 43 of the Education Reform Act 1988” there is substituted “ sections 101 to 123 of the Education Act 1996 ”, and
- (b) for “Chapter VI of Part II of the Education Act 1993” there is substituted “ Chapter VI of Part III of that Act ”.
- 128 In section 19 of that Act (interpretation)—
- (a) in subsection (3), for “section 156 of the Education Act 1993” there is substituted “ section 312 of the Education Act 1996 ”; and
- (b) in subsection (5), for “the Education Act 1944” there is substituted “ the Education Act 1996 ”.

*Disability Discrimination Act 1995 (c. 50)*

F45 129 .....

**Textual Amendments**

**F45** Sch. 37 para. 129 repealed (1.9.2002) by 2001 c. 10, ss. 38(14), 42(6), Sch. 9 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. 1

*Employment Rights Act 1996 (c. 18)*

- 130 In section 134(1) of the Employment Rights Act 1996 (dismissal of teachers in aided schools) for “paragraph (a) of the proviso to section 24(2) of the Education Act 1944” there is substituted “ section 134(3) of the Education Act 1996 ”.

*Nursery Education and Grant-Maintained Schools Act 1996 (c. 57)*

F46 131 .....

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### Textual Amendments

**F46** Sch. 37 para. 131 repealed (1.4.2003 for E., 2.1.2008 for W.) by [Education Act 2002 \(c. 32\), s. 216\(4\)](#), [Sch. 22 Pt. 3](#) (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2003/124, art. 4](#); [S.I. 2007/3611, art. 4\(1\)](#), [Sch. Pt. 1](#))

132 In section 11 of that Act (citation etc.) for subsection (2) there is substituted—  
“(2) This Act shall be construed as one with the Education Act 1996.”

## PART II **E+W**

### AMENDMENTS COMING INTO FORCE ON APPOINTED DAY

#### *Children and Young Persons Act 1933 (c. 12)*

133 In section 30(1)(a) of the Children and Young Persons Act 1933 (interpretation) for the words from “for the purposes” to the end of paragraph (a) there is substituted “ over compulsory school age (construed in accordance with section 8 of the Education Act 1996) ”.

#### *Agriculture (Safety, Health and Welfare Provisions) Act 1956 (c. 49)*

134 In section 24(1) of the Agriculture (Safety, Health and Welfare Provisions) Act 1956 (interpretation) in the definition of “young person”, for “for the purposes of the Education Act 1944” there is substituted “ (construed in accordance with section 8 of the Education Act 1996) ”.

#### *Factories Act 1961 (c. 34)*

135 In section 176(1) of the Factories Act 1961 (general interpretation) for the definition of “child” there is substituted—  
““child” means any person who is not over—  
(a) compulsory school age (construed in accordance with section 8 of the Education Act 1996), or  
(b) school age (construed in accordance with section 31 of the Education (Scotland) Act 1980);”.

#### *Matrimonial Causes Act 1973 (c. 18)*

136 In section 29(2)(a) of the Matrimonial Causes Act 1973 (age limit on making certain orders in favour of children) for the words from “(that is to say” to “that section)” there is substituted “ (construed in accordance with section 8 of the Education Act 1996) ”.

#### *Sex Discrimination Act 1975 (c. 65)*

137 In section 24(2)(d) of the Sex Discrimination Act 1975 (designated establishments) after “school age” there is inserted “ (construed in accordance with section 8 of the Education Act 1996) ”.

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*Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22)*

- 138 In section 5(2)(a) of the Domestic Proceedings and Magistrates' Courts Act 1978 (age limit on making certain orders in favour of children) for the words from “(that is to say” to “that section)” there is substituted “ (construed in accordance with section 8 of the Education Act 1996) ”.

*Employment Act 1989 (c. 38)*

- 139 In section 10 of the Employment Act 1989 (removal of restrictions relating to employment of young persons), in subsection (6), for “for the purposes of the Education Act 1944” there is substituted “ (construed in accordance with section 8 of the Education Act 1996) ”.

**Status:**

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**Changes to legislation:**

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