

This Statutory Instrument has been made in consequence of defects in S.I. 1993/3103, S.I. 1994/1083, S.I. 1994/1084 and S.I. 1994/2848 and is being issued free of charge to all known recipients of those Statutory Instruments.

STATUTORY INSTRUMENTS

1995 No. 61

EDUCATION, ENGLAND AND WALES

The Education (Schools Conducted by Education Associations) (Amendment) Regulations 1995

<i>Made</i>	- - - -	<i>15th January 1995</i>
<i>Laid before Parliament</i>		<i>16th January 1995</i>
<i>Coming into force</i>	- -	<i>6th February 1995</i>

In exercise of the powers conferred by section 228(1)(a) and (3)(a) of the Education Act 1993 (1), the Secretary of State for Education hereby makes the following Regulations:

Citation and Commencement

1. These Regulations may be cited as the Education (Schools Conducted by Education Associations) (Amendment) Regulations 1995 and shall come into force on 6th February 1995.

Amendment of Regulations

2.—(1) The Education (Schools Conducted by Education Associations) Regulations 1993 (2) are amended as follows.

(2) In regulation 1(2), in the definition of “the relevant provisions of Part II of the Act”, after “Schedule 4” there are inserted the words “(other than paragraph 2)”.

(3) For regulation 4A there is substituted the following regulation—

“4A.—(1) Paragraph (2) below applies in relation to the exercise by an education association named in an order made under section 220 of the Act in respect of a school of the functions conferred on them under Schedule 4 to the Act during the period beginning when the order is made and ending immediately before the transfer date.

(1) 1993 c. 35. For the power to make regulations see section 305(1).
(2) S.I. 1993/3103, amended by S.I. 1994/1083.

(2) Parts I and III of the Education (Acquisition of Grant-maintained Status) (Transitional Functions) Regulations 1993 **(3)** shall have effect as those Regulations have effect in relation to the exercise by a new governing body incorporated under section 34(1) of the Act of their functions under that Schedule, with the substitution in regulation 7(1)(d) for the reference to the school becoming grant-maintained of a reference to the school beginning to be conducted by the education association.”

(4) In the second column of Schedule 3—

- (a) opposite the entry in the first column relating to section 35 of the Education Act 1993 there are inserted at the beginning the words “At the beginning there are inserted the words “Paragraphs 1 and 3 to 7 of”,”; and
- (b) opposite the entry in the first column relating to Schedule 4 to that Act—
 - (i) for “paragraphs 1 to 5” there is substituted “paragraphs 1, 3 to 5”;
 - (ii) the word “and” where it last appears is omitted; and
 - (iii) at the end there are added the words “and in paragraph 6(1) for the words “by or under paragraphs 2 to 5 above” there are substituted the words “by or under paragraphs 3 to 5 above or by paragraph 1(1)(a) or (b) of Schedule 12 to this Act”.”.

3.—(1) The Education (Special Schools Conducted by Education Associations) Regulations 1994 **(4)** are amended as follows.

(2) For regulation 4 there is substituted the following regulation—

“**4.—**(1) Paragraph (2) below applies in relation to the exercise by an education association named in an order made under section 220 of the Act in respect of a maintained special school of the functions conferred on them under Schedule 4 to the Act during the period beginning when the order is made and ending immediately before the transfer date.

(2) Parts I and III of the Education (Acquisition of Grant-maintained Status) (Transitional Functions) Regulations 1993 **(5)** shall have effect as those Regulations have effect in relation to the exercise by a new governing body incorporated under section 34(1) of the Act of their functions under that Schedule, with the substitution in regulation 7(1)(d) for the reference to the school becoming grant-maintained of a reference to the school beginning to be conducted by the education association.”

(3) In the second column of Schedule 1—

- (a) opposite the entry in the first column relating to section 35 of the Education Act 1993 there are inserted at the beginning the words “At the beginning there are inserted the words “Paragraphs 1 and 3 to 7 of”,”; and
- (b) opposite the entry in the first column relating to Schedule 4 to that Act—
 - (i) for “paragraphs 1 to 5” there is substituted “paragraphs 1, 3 to 5”;
 - (ii) the word “and” where it last appears is omitted; and
 - (iii) at the end there are added the words “and in paragraph 6(1) for the words “by or under paragraphs 2 to 5 above” there are substituted the words “by or under paragraphs 3 to 5 above or by paragraph 1 (1) (a) or (b) of Schedule 12 to this Act”.”.

(3) S.I. [1993/3072](#).

(4) S.I. [1994/1084](#), amended by S.I. [1994/2848](#).

(5) S.I. [1993/3072](#).

15th January 1995

Gillian Shephard
Secretary of State for Education

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations correct defects in the Education (Schools Conducted by Education Associations) Regulations 1993, as amended by the Education (Schools Conducted by Education Associations) (Amendment) Regulations 1994, and in the Education (Special Schools Conducted by Education Associations) Regulations 1994, as amended by the Education (Special Schools Conducted by Education Associations) (Amendment) Regulations 1994. They remove from the powers conferred on an education association named in an order made under section 220 of the Education Act 1993 by Schedule 4 to that Act (which concerns the exercise of powers by the education association before the transfer date) the powers in paragraph 2 of that Schedule to enter into contracts and to acquire and dispose of property. Equivalent powers are conferred on education associations by paragraph 1 of Schedule 12 to the 1993 Act.