



# Education Act 1993

## CHAPTER 35

### EDUCATION ACT 1993

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*Status: This is the original version (as it was originally enacted).*

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*Tenure of members*

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4 If the Secretary of State is satisfied that a member...

*Salaries, allowances and pensions*

5 (1) A funding authority— (a) shall pay to their members...

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*Staff*

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*Chief officer*

7 (1) One of the employees of a funding authority shall...

*Committees*

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6 (1) The local education authority may continue to secure the...

*Powers to establish, maintain and alter schools*

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8 (1) No proposals in respect of any school (referred to...

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10 (1) This paragraph applies where any pupil ordinarily resident in...  
11 (1) Where a pupil in the area for whom a...  
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*Other modifications of Part II*

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*Statement to be annexed to proposals*

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*Details of proposals*

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*Objections to proposals*

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*Disqualification for, tenure of and removal from office*

- 3 A person who is a member of the teaching or...  
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6 (1) Subject to paragraph 10 below, the instrument for a...  
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8 The instrument for a school must provide that any member...  
9 (1) The instrument for a school must provide that any...

*Initial appointments: terms of office*

- 10 (1) The instrument for a school must, until every initial...

*Meetings and proceedings*

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*Introductory*

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*Performance and delegation of functions*

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### *Staff*

- 3 (1) The articles must include provision as to—

#### *Admission and exclusion of pupils*

- 4 The articles must— (a) provide for the governing body to...  
5 (1) The articles must include provision as to arrangements for...  
6 The articles must require the governing body to publish, for...

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- 6 (1) In relation to a governing body to be incorporated...

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- 8 (1) In relation to a governing body to be incorporated...

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*Parent governors*

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*Foundation governors*

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*Representations*

- 4 (1) A parent on whom a copy of a proposed...

*Making the statement*

- 5 (1) Where representations are made to a local education authority...

*Service of statement*

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*Keeping, disclosure and transfer of statements*

- 7 (1) Regulations may make provision as to the keeping and...

*Change of named school*

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*Procedure for amending or ceasing to maintain a statement*

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*Teacher governors*

6 (1) The instrument of government for the governing body of...

*Head teacher*

7 The instrument of government for the governing body of a...

*First governors*

8 (1) The instrument of government for the governing body of...

*Power of Secretary of State to replace first governors*

9 (1) The instrument of government for the governing body of...

*Sponsor governors*

10 The instrument of government for the governing body of a...

*Additional governors*

11 (1) The instrument of government for the governing body of...

*Powers*

12 Section 68 of this Act shall have effect in relation...

*Transitory provisions*

13 Regulations may modify the provisions of paragraphs 5 to 12...

*General application of enactments*

14 In relation to any governing body incorporated in pursuance of...

SCHEDULE 12 — Education associations

*Supplementary powers*

1 (1) Subject to sub-paragraph (2) below and to the articles...

*Tenure of members*

2 (1) A person shall hold and vacate office as a...

3 If the Secretary of State is satisfied that a member...

*Salaries, allowances and pensions*

4 (1) The Secretary of State may— (a) pay to the...

*Committees*

5 (1) An education association may establish a committee for any...

*Status: This is the original version (as it was originally enacted).*

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*Delegation of functions*

- 6 An education association may authorise the chairman or any committee...

*Proceedings*

- 7 The validity of any proceedings of an education association or...  
8 Subject to the preceding provisions of this Schedule, an education...

*Application of seal and proof of instruments*

- 9 The application of the seal of an education association shall...  
10 Every document purporting to be an instrument made or issued...

SCHEDULE 13 — Incorporated governing bodies for county, voluntary and maintained special schools

*Property, rights and liabilities*

- 1 On the incorporation under section 238(1) of this Act of...  
2 On the incorporation under section 238(1) of this Act of...

*Contracts of employment*

- 3 Without prejudice to the generality of the provisions of section...

*School premises*

- 4 (1) Section 22 of the Education Act 1944 (powers of...  
5 For section 42 of the Education (No. 2) Act 1986...

*School premises: pre-commencement agreements*

- 6 (1) This paragraph applies in any case where—  
7 (1) This paragraph applies in any case where—

*Dissolution and discontinuance*

- 8 (1) A governing body incorporated under section 238 of this...  
9 (1) Where such a governing body are to be dissolved...  
10 (1) This paragraph applies where such a governing body dissolved...  
11 (1) This paragraph applies in relation to the governing body...  
12 For the purposes of this Schedule, references to the discontinuance...

*General*

- 13 (1) Where personal data are transferred under section 238(3) of...  
14 Where a transfer under section 238 of this Act or...  
15 Paragraphs 6 to 8 of Schedule 10 to the Education...

SCHEDULE 14 — School Curriculum and Assessment Authority

*Status*

- 1 The Authority shall not be regarded as a servant or...

#### *Powers*

- 2 (1) The Authority may do anything which is calculated to...  
3 (1) The Authority may also give to any person or...

#### *Chief officer*

- 4 (1) The Authority shall have a chief officer.

#### *Chairman and chief officer: division of functions*

- 5 (1) The Secretary of State may, on appointing a person...

#### *Tenure of office*

- 6 (1) A person shall hold and vacate office as a...  
7 The Secretary of State may, if satisfied that a member...  
8 If the chairman or deputy chairman of the Authority ceases...

#### *Payments to members*

- 9 (1) The Authority shall pay to their members such salaries...

#### *Staff*

- 10 Subject to the approval of the Secretary of State given...  
11 (1) Employment with the Authority shall be included among the...

#### *Finance*

- 12 (1) The Secretary of State may make grants to the...

#### *Committees*

- 13 (1) The Authority may establish a committee for any purpose....

#### *Delegation*

- 14 The Authority may authorise the chairman, the deputy chairman, the...

#### *Proceedings*

- 15 (1) A representative of the Secretary of State shall be...  
16 (1) Her Majesty's Chief Inspector of Schools in England, or...  
17 (1) The chairman of the Curriculum Council for Wales, or...  
18 The validity of proceedings of the Authority shall not be...  
19 Subject to the preceding provisions of this Schedule, the Authority...

#### *Accounts*

- 20 (1) The Authority shall— (a) keep proper accounts and proper...

#### *Documents*

- 21 The application of the seal of the Authority shall be...  
22 Any document purporting to be an instrument made or issued...

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*Status: This is the original version (as it was originally enacted).*

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

- 1 In Schedule 1 to the Public Records Act 1958, in...

*The Superannuation Act 1972 (c. 11)*

- 2 In Schedule 1 to the Superannuation Act 1972, in the...

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

- 3 In Part III of Schedule 1 to the House of...

*The Education Reform Act 1988 (c. 40)*

- 4 (1) The Education Reform Act 1988 is amended as follows....

*The Charities Act 1993 (c. 10)*

- 5 In Schedule 2 to the Charities Act 1993 (exempt charities)...

*The Education Act 1993 (c. 35)*

- 6 (1) The Education Act 1993 is amended as follows.

SCHEDULE 16 — School admission appeals

- 1 Part I of Schedule 2 to the Education Act 1980...

*Schools maintained by local education authorities*

- 2 (1) For paragraph 1(2) there is substituted—

*Aided and special agreement schools*

- 3 (1) For paragraph 2(2) there is substituted—

*Lay members*

- 4 After paragraph 4 there is inserted— Lay members (1) A person is eligible to be a lay member...

SCHEDULE 17 — Uniform statutory trusts for educational endowments

- 1 The trustees may, after payment of any expenses incurred in...  
2 The trustees may also, after payment of any expenses incurred...

SCHEDULE 18 — Pupil referral units

*General adaptations of enactments*

- 1 References in any enactment to the proprietor or governing body...  
2 References in any enactment to the head teacher of a...

*Modifications of enactments by regulations*

- 3 Regulations may provide for any enactments relating to schools maintained...

*Registration*

- 4 (1) A person who is registered as a pupil at...



*Application of Local Government Act 1986*

5 A pupil referral unit is a maintained school for the...

*Curriculum*

6 (1) Section 17 of the Education (No. 2) Act 1986...

*Discipline*

7 The teacher in charge of a pupil referral unit may...

*Political indoctrination, political issues and sex education*

8 Sections 44 to 46 of the Education (No. 2) Act...

*Charges*

9 (1) Sections 106 to 111 and 118 of the Education...

*Application of Environmental Protection Act 1990*

10 A pupil referral unit is an educational institution for the...

*Information*

11 Each local education authority shall make available, on such occasions,...

*Disapplication of Schedule 2*

12 Schedule 2 to this Act does not apply in relation...

*Children with special educational needs*

13 Sections 161(1) to (4), 162 and 168(5)(b) of this Act,...

*School attendance orders*

14 (1) Where a pupil referral unit is named in a...

SCHEDULE 19 — Minor and consequential amendments

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

1 Section 10 of the Children and Young Persons Act 1933...  
2 In section 30(1)(a) of that Act (interpretation) for the words...

*The Education Act 1944 (c. 31)*

3 The Education Act 1944 is amended as follows.  
4 Section 1(1) (general duty of Secretary of State) is omitted...  
5 In section 6(1) (local education authorities) the words from “Subject”...  
6 Section 9(5) (definition of special school) is omitted.  
7 In section 15 (voluntary schools) for “the maintenance contribution payable...  
8 In section 16(1) (transfer of schools to new sites, etc),...  
9 In section 26(4)(a) (special provisions as to religious education in...  
10 Section 35 (compulsory school age) is omitted.

*Status: This is the original version (as it was originally enacted).*

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- 11 Sections 37 (school attendance orders), 39 (duty of parents to...
- 12 In section 50 (provision of board and lodging otherwise than...
- 13 In section 52 (recovery of cost of board and lodging...
- 14 In section 54 (power to ensure cleanliness)—
- 15 In section 55 (transport), at end of subsection (3) there...
- 16 Section 56 (power to provide education otherwise than at school)...
- 17 In section 58 (adaptation of enactments relating to employment of...
- 18 In section 63(2) (exemption from local Acts and byelaws of...
- 19 That subsection shall have effect as if the reference to...
- 20 In section 76 (pupils to be educated in accordance with...
- 21 In section 80(1) (registration of pupils at schools) after “to...
- 22 Sections 102 and 103 (contributions and grants by Secretary of...
- 23 In section 105 (power of Secretary of State to make...
- 24 In section 114 (interpretation)— (a) in subsection (1)—
- 25 In section 116 (saving as to persons of unsound mind...
- 26 In the First Schedule (local administration) Part I is omitted...
- 27 In the Fifth Schedule (procedure for preparing and bringing into...
- 28 In the Eighth Schedule (amendment of enactments), the entry relating...

*The Education Act 1946 (c. 50)*

- 29 In the First Schedule to the Education Act 1946 (maintenance...

*The Education (Miscellaneous Provisions) Act 1948 (c. 40)*

- 30 Section 9 of the Education (Miscellaneous Provisions) Act 1948  
(presumption...

*The Education (Miscellaneous Provisions) Act 1953 (c. 33)*

- 31 In section 6(2) of the Education (Miscellaneous Provisions) Act 1953...
- 32 Section 10 of that Act (amendment of procedure for making...

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

- 33 In section 24(1) of the Agriculture (Safety, Health and Welfare...

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

- 34 In Schedule 1 to the Public Records Act 1958 (definition...

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

- 35 In section 2(1) of the Church Schools (Assistance by Church...

*The Factories Act 1961 (c. 34)*

- 36 In section 176(1) of the Factories Act 1961 (general interpretation)...

*The Education Act 1962 (c. 12)*

- 37 Section 9 of the Education Act 1962 (school leaving dates...

*The Education Act 1964 (c. 82)*

- 38 (1) Section 1 of the Education Act 1964 (middle schools)...

*The Education Act 1967 (c. 3)*

39 Section 1 of the Education Act 1967 (extended powers of...

*The Criminal Justice Act 1967 (c. 80)*

40 In Schedule 3 to the Criminal Justice Act 1967 (increase...

*The Education Act 1968 (c. 17)*

41 In section 1(1) of the Education Act 1968 (changes to...

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

42 Paragraphs 2 and 13 of Schedule 5 to the Children...

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

43 (1) Subject to sub-paragraph (2) below, in the Local Authorities...

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

44 At the end of Schedule 1 to the Local Authority...

*The Education (Handicapped Children) Act 1970 (c. 52)*

45 In section 1(1)(b) of the Education (Handicapped Children) Act 1970...

*The Superannuation Act 1972 (c. 11)*

46 Employment with a funding authority shall be included among the...

47 A funding authority shall pay to the Treasury, at such...

48 Where an employee of a funding authority ceases to be...

*The Local Government Act 1972 (c. 70)*

49 Section 101(9)(a) of the Local Government Act 1972 (arrangements for...

50 In section 104(2)(a) of that Act (teachers not disqualified for...

*The Education Act 1973 (c. 16)*

51 Section 1(2)(b) of the Education Act 1973 (general provisions as...

52 In section 2 of that Act (special powers as to...

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

53 In section 29(2)(a) of the Matrimonial Causes Act 1973 (age...

*The Education (Work Experience) Act 1973 (c. 23)*

54 In section 1(4) of the Education (Work Experience) Act 1973...

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

55 In Part III of Schedule 1 to the House of...

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

56 In section 23(1) of the Sex Discrimination Act 1975 (other...

*Status: This is the original version (as it was originally enacted).*

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- 57 After section 23B of that Act (discrimination by Scottish Further...
- 58 In section 24(2)(d) of that Act (designated establishments) after  
“school...
- 59 In section 25 of that Act (general duty in public...
- 60 In section 82(1) of that Act (general interpretation) the definition...
- 61 In paragraph 1 of Schedule 2 to that Act (transitional...
- 62 (1) Where under section 183(2)(b) of this Act a local...

*The Education (School-leaving Dates) Act 1976 (c. 5)*

- 63 The Education (School-leaving Dates) Act 1976 is repealed.

*The Race Relations Act 1976 (c. 74)*

- 64 In section 18(1) of the Race Relations Act 1976 (other...
- 65 After section 18B of that Act (discrimination by Scottish Further...
- 66 In section 19 of that Act (general duty in public...
- 67 In section 78(1) of that Act (general interpretation) the definition...

*The Criminal Law Act 1977 (c. 45)*

- 68 In Schedule 6 to the Criminal Law Act 1977 (increase...

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

- 69 In section 28A(2) of the National Health Service Act 1977...
- 70 In paragraph 1(a)(ii) of Schedule 1 to that Act (medical...

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

- 71 In section 5(2)(a) of the Domestic Proceedings and Magistrates'  
Courts...

*The Education Act 1980 (c. 20)*

- 72 The Education Act 1980 is amended as follows.
- 73 In section 7 (appeals against admission decisions) after “functions”  
there...
- 74 In section 9(2) (nursery schools and special schools) for “7...
- 75 Sections 10 (determination of school to be named in school...
- 76 In section 13(1) (establishment and alteration of voluntary schools)  
“after...
- 77 In section 14 (approval of school premises)—
- 78 In section 16 (provisions supplementary to sections 12 to 15),...
- 79 In section 22 (school meals) after subsection (4) there is...
- 80 Paragraph 10 of Schedule 1 (school government: consequential  
amendments) is...
- 81 In paragraph 1(3) and (4) of Schedule 2 (constitution of...

*The Education Act 1981 (c. 60)*

- 82 The Education Act 1981 is repealed except for sections 2(1),...

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

- 83 In paragraph 22(1)(i) of Schedule 1 to the Representation of...

*The Value Added Tax Act 1983 (c. 55)*

84 In Note (2) of Group 6 of Schedule 6 to...

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

85 In section 1(6) of the Registered Homes Act 1984 (requirement...

*The Building Act 1984 (c. 55)*

86 In section 4(1)(a) of the Building Act 1984 (exemption of...

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

87 In section 5 of the Disabled Persons (Services, Consultation and...

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

88 The Education (No. 2) Act 1986 is amended as follows....

89 In section 5(4)(b) (appointment of parent governors by governing body)...

90 In section 9(5) (grouping)— (a) at the end of paragraph...

91 In section 11 (reviews)— (a) after subsection (2)(a)(iii) there is...

92 In section 12 (temporary governing bodies)— (a) in subsection (1)(a)...

93 In section 13 (effect of change of circumstances), in subsection...

94 In section 18 (review of curriculum), for subsection (7)(b) there...

95 In section 22 (discipline), in paragraph (a)(ii) after “behaviour” there...

96 In section 23 (exclusions) “or indefinite” in paragraphs (a)(ii) and...

97 In section 24 (reinstatement in county etc. schools)—

98 In section 25 (reinstatement in aided etc. schools)—

99 Regulations may provide that, where a local education authority or...

100 In section 38 (duties of local education authority and governing...

101 In section 47 (abolition of corporal punishment)—

102 In section 50 (grants for teacher training, etc.)—

103 In section 51 (recoupment)— (a) in subsection (8) for the...

104 In section 52 (recoupment: cross-border provisions) for subsection (2) there...

105 In section 54(12) (change of status of controlled school to...

106 In section 58(1) (travelling and subsistence allowances for governors), in...

107 In section 63 (orders and regulations)— (a) in subsection (3)...

108 In section 65(1) (interpretation) the definition of “the 1981 Act”...

109 Schedule 2 (new schools) is amended as follows—

*The Local Government Act 1988 (c. 9)*

110 Section 1(1)(j) of the Local Government Act 1988 (defined authorities)...

111 In Schedule 2 to that Act the words from “A...

*The Education Reform Act 1988 (c. 40)*

112 The Education Reform Act 1988 is amended as follows.

113 In section 3(3) (foundation subjects and key stages)—

114 In section 8(2) (religious education required in the basic curriculum)...

115 In section 9(7) (parent of boarder at maintained school requesting...

*Status: This is the original version (as it was originally enacted).*

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- 116 In section 11 (standing advisory councils on religious education)—
- 117 In section 13 (advisory councils: supplementary provisions) in subsections (1),...
- 118 Section 14 (establishment of curriculum and assessment councils) is amended...
- 119 In section 16 (development work and experiments)—
- 120 In section 18 (pupils with statements of special educational needs)...
- 121 In section 19 (temporary exceptions for individual pupils)—
- 122 (1) Section 20 (procedure for making certain orders: England) is...
- 123 In section 22(3) (provision of information) for “section 58(5)(j) of...
- 124 In section 24(2) (extension of certain provisions) for “14(4) of...
- 125 In section 36 (delegation to governing body of management of...
- 126 Chapter IV of Part I is omitted except for section...
- 127 In section 106 (prohibition of charges, etc. in maintained schools)...
- 128 In section 110(1) (charges and remissions policies) for “57(5) of...
- 129 In section 111 (charges for board and lodging at boarding...
- 130 In section 119(2) (interpretation of Part I) “52(4), 89 or...
- 131 In section 163(1) (new education authorities for inner London) for...
- 132 In section 166(5) (responsibility for schools) for “1988” there is...
- 133 In section 197(6) (Education Assets Board to comply with directions)...
- 134 In section 198 (transfers under Parts I and II)—
- 135 Section 200 (grant-maintained schools: school property) is omitted.
- 136 In section 218(7) (school etc. regulations) after “approval” there is...
- 137 In section 230 (stamp duty) the following are omitted—
- 138 In section 232 (orders and regulations)— (a) in subsection (2)...
- 139 In section 235 (general interpretation) the following are omitted—
- 140 Paragraph 9 of Schedule 1 is omitted.
- 141 In Schedule 2 (curriculum and assessment councils) in paragraph 8(1)...
- 142 For paragraph 10(b) of Schedule 3 (appointment etc. of staff...
- 143 Schedule 5 is omitted.
- 144 In Schedule 10 (supplementary provisions with respect to transfers)—
- 145 In Schedule 12 (minor and consequential amendments) paragraphs 26 to...

*The Employment Act 1989 (c. 38)*

- 146 In section 10(6) (removal of restrictions relating to employment of...

*The Children Act 1989 (c. 41)*

- 147 Section 27(4) of the Children Act 1989 (duty of local...
- 148 In section 28(4) of that Act (local authority support for...
- 149 In section 36(8) of that Act (consultation in respect of...
- 150 In section 105(1) of that Act (interpretation), in the definition...
- 151 In paragraph 3 of Schedule 2 to that Act (local...
- 152 In Part III of Schedule 3 to that Act (education...
- 153 In paragraph 3(3) of Schedule 9 (child minding and day...
- 154 Paragraphs 4 and 36 of Schedule 12 to that Act...
- 155 Paragraphs 4 and 8 of Schedule 13 to that Act...

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

- 156 In section 13 of the Local Government and Housing Act...
- 157 In Schedule 1 to that Act (political balance on local...

158 Paragraph 98 of Schedule 11 to that Act (minor and...

*The Planning (Consequential Provisions) Act 1990 (c. 11)*

159 Paragraph 78 of Schedule 2 to the Planning (Consequential Provisions)...

*The National Health Service and Community Care Act 1990 (c. 19)*

160 Paragraph 22 of Schedule 9 to the National Health Service...

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

161 In section 2 of the School Teachers' Pay and Conditions...

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

162 The Diocesan Boards of Education Measure 1991 is amended as...

163 In section 3 (transactions for which advice or consent of...

164 In section 5 (proposals for acquisition of grant-maintained status)—

165 In section 6(2) (Board to be consulted in certain cases)...

166 In section 7(3) (powers of Board to give directions to...

167 In section 10 (interpretation)— (a) for the definition of “church...

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

168 Section 13 of the Further and Higher Education Act 1992...

169 Section 59(5) of that Act (changes to special schools) is...

170 In section 90(1) of that Act (interpretation), in the definition...

171 In Schedule 8 to that Act (minor and consequential amendments)—...

*The Local Government Finance Act 1992 (c. 14)*

172 Paragraph 58 of Schedule 13 to the Local Government Finance...

*The Education (Schools) Act 1992 (c. 38)*

173 (1) In section 9 of the Education (Schools) Act 1992...

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

174 In paragraph 15(c) of Schedule 1 to the Tribunals and...

*The Charities Act 1993 (c. 10)*

175 In Schedule 2 to the Charities Act 1993 (exempt charities)...

SCHEDULE 20 — Transitional provisions and savings

*Instruments and articles for grant-maintained schools incorporated under the old law*

1 (1) This paragraph applies in relation to a grant-maintained school...

*Grants: transitional arrangements*

2 (1) A commencement order may provide for any functions conferred...

*Status: This is the original version (as it was originally enacted).*

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*Meaning of “funding authority” before Funding  
Agency for Schools begin to exercise functions*

3 (1) Before the Funding Agency for Schools begin to exercise...

*Education committees etc and members of those committees*

4 (1) Sub-paragraph (2) below applies to— (a) any education committee...

*Lay members for existing admission appeal committees*

5 Paragraph 13(4) of Schedule 5 to this Act does not...

6 No amendment made by Schedule 16 to this Act applies...

*General*

7 The provisions of this Schedule are without prejudice to the...

SCHEDULE 21 — Repeals

Part I — REPEALS CONSEQUENTIAL ON PARTS II, III AND IV

Part II — OTHER REPEALS