



# Education Act 1993

## 1993 CHAPTER 35

### PART VI

#### MISCELLANEOUS

*Replacement of the National Curriculum Council and  
the School Examinations and Assessment Council*

**244 The School Curriculum and Assessment Authority**

- (1) There shall be a body corporate known as the School Curriculum and Assessment Authority.
- (2) The Authority shall consist of not less than ten nor more than fifteen members appointed by the Secretary of State.
- (3) Of the members of the Authority, the Secretary of State—
  - (a) shall appoint one as chairman, and
  - (b) may appoint another as deputy chairman.
- (4) The Secretary of State shall include among the members of the Authority persons who appear to him—
  - (a) to have experience of, and to have shown capacity in, the provision of education, or
  - (b) to have held, and to have shown capacity in, any position carrying responsibility for the provision of education.
- (5) Where in carrying out his functions under subsection (4) above the Secretary of State proposes to appoint a person who appears to him to have experience of, and to have shown capacity in, the provision of education, he shall have regard to the desirability of including persons engaged in the provision of primary or secondary education.
- (6) Schedule 14 to this Act shall have effect with respect to the Authority.

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*Status: This is the original version (as it was originally enacted).*

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## 245 Functions

- (1) The School Curriculum and Assessment Authority shall, so far as relevant for the purposes of advancing education—
  - (a) keep under review all aspects of the curriculum for maintained schools in England and all aspects of school examinations and assessment,
  - (b) advise the Secretary of State on such matters concerned with the curriculum for maintained schools in England or with school examinations and assessment as he may refer to them or as they may see fit,
  - (c) advise the Secretary of State on, and, if so requested by him, assist him to carry out, programmes of research and development for purposes connected with the curriculum for maintained schools in England or with school examinations and assessment,
  - (d) publish and disseminate, and assist in the publication and dissemination of, information relating to the curriculum for maintained schools in England or to school examinations and assessment,
  - (e) make arrangements with appropriate bodies for auditing the quality of assessments made in pursuance of assessment arrangements,
  - (f) advise the Secretary of State on the exercise of his powers under section 5(1) of the Education Reform Act 1988 (approval of external qualifications),
  - (g) advise the Secretary of State on such other matters connected with the provision of education in maintained schools in England, or in non-maintained special schools there, as the Secretary of State may specify by order, and
  - (h) carry out such ancillary activities as the Secretary of State may direct.
- (2) The Authority shall supply the Secretary of State with such reports and other information with respect to the carrying out of their functions as he may require.
- (3) In carrying out their functions, the Authority shall—
  - (a) comply with any directions given by the Secretary of State,
  - (b) act in accordance with any plans approved by him, and
  - (c) so far as relevant, have regard to the requirements of section 1 of the Education Reform Act 1988 (requirements which curriculum for maintained school must satisfy).
- (4) For the purposes of paragraph (h) of subsection (1) above, activities are ancillary activities in relation to the Authority if the Secretary of State considers it is appropriate for the Authority to carry out those activities for the purposes of or in connection with the carrying out by the Authority of any of their other functions under that subsection.
- (5) In this section—
 

“assessment arrangements” and “maintained school” have the same meanings as in Chapter I of Part I of the Education Reform Act 1988, and

“non-maintained special school” means a special school not maintained by a local education authority.

## 246 Dissolution of existing Councils

The National Curriculum Council and the School Examinations and Assessment Council are hereby dissolved.

## **247 Transfer of property**

- (1) The Secretary of State may by order provide for the transfer to the School Curriculum and Assessment Authority of—
  - (a) such of the land or other property of the National Curriculum Council or the School Examinations and Assessment Council, and
  - (b) such of the rights and liabilities of either of those councils (other than rights and liabilities arising under contracts of employment),as, in his opinion, need to be transferred to enable the Authority to carry out their functions properly.
- (2) No order under subsection (1) above may be made after the end of the period of six months beginning with the day on which section 244 of this Act comes into force.
- (3) Any order under subsection (1) above made before the day on which section 244 of this Act comes into force shall come into force on that day.
- (4) Where immediately after the end of the period within which an order under subsection (1) above may be made any property, rights or liabilities remain vested in the National Curriculum Council or the School Examinations and Assessment Council, they shall forthwith vest in the Secretary of State.
- (5) The Secretary of State may by order provide that there shall be substituted for the period mentioned in subsection (2) above such shorter period as he may specify in the order, being a period ending no earlier than the day on which the order comes into force.

## **248 Transfer of staff**

- (1) This section applies to any person who—
  - (a) is employed by the National Curriculum Council or School Examinations and Assessment Council immediately before section 244 of this Act comes into force, and
  - (b) is designated as respects the School Curriculum and Assessment Authority by order of the Secretary of State.
- (2) A contract of employment between a person to whom this section applies and the National Curriculum Council or School Examinations and Assessment Council shall have effect, from the day on which the order under subsection (1)(b) above comes into force, as if originally made between him and the Authority.
- (3) Without prejudice to subsection (2) above—
  - (a) all the rights, powers, duties and liabilities of the National Curriculum Council or School Examinations and Assessment Council under or in connection with a contract to which that subsection applies shall by virtue of that subsection be transferred to the Authority on the day on which the order under subsection (1)(b) above comes into force, and
  - (b) anything done before that day by or in relation to the National Curriculum Council or School Examinations and Assessment Council in respect of that contract or the employee shall be deemed from that day to have been done by or in relation to the Authority.
- (4) Subsections (2) and (3) above are without prejudice to any right of an employee to terminate his contract of employment if a substantial change is made to his detriment

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in his working conditions, but no such right shall arise by reason only of the change in employer effected by subsection (2) above.

- (5) An order under subsection (1)(b) above may designate a person either individually or as falling within a class or description of employee.
- (6) No order under subsection (1)(b) above may be made after the end of the period of six months beginning with the day on which section 244 of this Act comes into force.
- (7) Any order under subsection (1)(b) above made before the day on which section 244 of this Act comes into force shall come into force on that day.
- (8) The Secretary of State may by order provide that there shall be substituted for the period mentioned in subsection (6) above such shorter period as he may specify in the order, being a period ending no earlier than the day on which the order comes into force.