

SCHEDULES

SCHEDULE 19

MINOR AND CONSEQUENTIAL AMENDMENTS

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) the words after “by the authority” are omitted.
- 90 In section 9(5) (grouping)—
- (a) at the end of paragraph (a) there is inserted “or
(iv) section 183 of the Education Act 1993
(establishment, etc. of maintained special
schools)”,
and “or” at the end of sub-paragraph (ii) is omitted, and
 - (b) paragraph (b) is omitted,
- and that section shall have effect as if the transfer of a school to a new site in pursuance of section 16(1A)(c) of the Education Act 1980 were an alteration of a kind mentioned in subsection (5) of that section.
- 91 In section 11 (reviews)—
- (a) after subsection (2)(a)(iii) there is inserted “or
(iv) section 183 of the Education Act 1993
(establishment, etc. of maintained special
schools)”,
and “or” at the end of sub-paragraph (ii) is omitted,
 - (b) subsection (2)(b) is omitted,
 - (c) in subsection (2)(c) “or (b)” is omitted,
 - (d) in subsections (3) and (6), for “(b)” there is substituted “(iv)”, and
 - (e) subsection (7) is omitted.
- 92 In section 12 (temporary governing bodies)—
- (a) in subsection (1)(a) after “the 1980 Act” there is inserted “or section 184 of the Education Act 1993”,
 - (b) in subsection (2)(a)(i) after “school” there is inserted “or a new school which is specially organised to make special educational provision for pupils with special educational needs”,
 - (c) subsection (3) is omitted, and
 - (d) in subsection (4) after “published” there is inserted “or, as the case may be, notice of the proposal has been duly served”.
- 93 In section 13 (effect of change of circumstances), in subsection (2), “or (b)” is omitted.

Status: This is the original version (as it was originally enacted).

- 94 In section 18 (review of curriculum), for subsection (7)(b) there is substituted—
“(b) the implementation of any proposal under section 183 of the Education Act 1993 (establishment, alteration and discontinuance of maintained special schools)”.
- 95 In section 22 (discipline), in paragraph (a)(ii) after “behaviour” there is inserted “and respect for others”.
- 96 In section 23 (exclusions) “or indefinite” in paragraphs (a)(ii) and (b) is omitted.
- 97 In section 24 (reinstatement in county etc. schools)—
(a) in paragraph (a)(i), for “after consulting the governing body” there is substituted “(after giving the governing body an opportunity to express their views and after considering any views expressed within the prescribed period by the governing body)”,
(b) in paragraph (b), for “an exclusion which is for an indefinite period or is permanent” there is substituted “permanent exclusion”,
(c) paragraphs (c) and (e) are omitted, and
(d) in paragraph (f), “or (c)” is omitted.
- 98 In section 25 (reinstatement in aided etc. schools)—
(a) in paragraph (c), for “consult the governing body” there is substituted “give the governing body an opportunity to express their views and to consider any views expressed within the prescribed period by the governing body”, and
(b) paragraphs (d), (e) and (f) are omitted.
- 99 Regulations may provide that, where a local education authority or governing body of a school are required under section 24 or 25 of that Act to take any step, the duty must, subject to prescribed exceptions, be performed within the prescribed period; but such provision shall not relieve the authority or body of the duty to take any step which has not been taken within that period.
- 100 In section 38 (duties of local education authority and governing body in relation to appointment of staff)—
(a) in subsection (4)(c) the words after “to the post” are omitted, and
(b) in subsection (6)(b) “or (4)(c)(ii)” is omitted,
and any provision made by virtue of subsection (4)(c)(ii) of that section in the articles of government for any county, controlled, special agreement or maintained special school shall cease to have effect.
- 101 In section 47 (abolition of corporal punishment)—
(a) in subsection (5)(b), for the words from “primary” (where first mentioned) to “full-time” there is substituted “education”, and
(b) at the end of subsection (6)(b) there is added “or by the funding authority or a local education authority under paragraph 9 or 10 of Schedule 2 to the Education Act 1993”.
- 102 In section 50 (grants for teacher training, etc.)—
(a) in subsection (2)(b) for “capacity as an employee of the kind in question” there is substituted “employment”, and
(b) the following are omitted—
(i) in subsection (3)(c) “local education authorities, and other”, and
(ii) subsection (4).

- 103 In section 51 (recoupment)—
- (a) in subsection (8) for the words from the beginning to “references to” there is substituted “The reference in subsection (2) above to further education does not include a reference to”,
 - (b) subsection (9) is omitted,
 - (c) in subsection (10) for “pupil” there is substituted “person”,
 - (d) in subsection (11) for “this section” there is substituted “the regulations”, and
 - (e) subsection (13) is omitted.
- 104 In section 52 (recoupment: cross-border provisions) for subsection (2) there is substituted—
- “(2) Section 51(3) and (4) of this Act applies for the purposes of this section as it applies for the purposes of that”.
- 105 In section 54(12) (change of status of controlled school to aided school) paragraph (f) is omitted.
- 106 In section 58(1) (travelling and subsistence allowances for governors), in paragraph (a) for “county, voluntary and maintained special schools” there is substituted “any county, voluntary or maintained special school which does not have a delegated budget (construed in accordance with section 33(6)(b) of the Education Reform Act 1988)”.
- 107 In section 63 (orders and regulations)—
- (a) in subsection (3) for “or different circumstances” there is substituted “circumstances or areas”, and
 - (b) subsection (4) is omitted.
- 108 In section 65(1) (interpretation) the definition of “the 1981 Act” is omitted.
- 109 Schedule 2 (new schools) is amended as follows—
- (a) in paragraph 2(1)(b) for “section 4” there is substituted “sections 4 and 4A”,
 - (b) in paragraph 2(2)—
 - (i) after “4” there is inserted “4A”, and
 - (ii) paragraph (b) is omitted,
 - (c) in paragraph 5(2), for “12(3) or (4)” there is substituted “12(4)” and in paragraph (b) the words after “proposal” are omitted,
 - (d) in paragraph 7(7) the words after “by the authority” are omitted, and
 - (e) in paragraph 9 after “Any person” there is inserted “other than a person who is to be named in the instrument of government as a sponsor of the school”.