

## SCHEDULES

### SCHEDULE 40

Section 582(4).

#### TRANSITORY PROVISIONS

##### *Compulsory school age: general*

- 1 (1) Until the day appointed under section 583(3) for the coming into force of section 8—
- (a) this paragraph shall have effect for defining “compulsory school age” for the purposes of this Act; and
  - (b) in the enactments to which Part II of Schedule 37 relates or any other enactment, or in any instrument or document—
    - (i) any reference (however expressed) to compulsory school age within the meaning of the Education Act 1944 shall be construed as a reference to compulsory school age as defined by this paragraph, and
    - (ii) any reference to section 9 of the Education Act 1962 shall be construed as reference to sub-paragraphs (3) to (7) of this paragraph.
- (2) “Compulsory school age” means any age between five and 16, so that—
- (a) a person is of compulsory school age if he has attained the age of five and is under the age of 16, and
  - (b) a person is over compulsory school age if he has attained the age of 16.
- (3) The following provisions apply in relation to a person who attains the age of 16 on a day when either—
- (a) he is a registered pupil at a school, or
  - (b) not being such a pupil, he has been a registered pupil at a school within the preceding period of 12 months.
- (4) If he attains that age within the period from the beginning of September to the end of January, he shall be treated for the purposes of this paragraph as not having attained it until the end of the following spring term at his school (that is, the last term at his school to end before the following May).
- (5) If he attains that age after the end of January but before the May school-leaving date (that is, the Friday before the last Monday in May), he shall be treated for the purposes of this paragraph as not having attained it until the May school-leaving date.
- (6) If he attains that age after the May school-leaving date but before the beginning of September, he shall be treated for the purposes of this paragraph as having attained it on the May school-leaving date.
- (7) In sub-paragraph (4) the references to a person’s school are to the last school at which he is a registered pupil for a term ending before the May referred to in that sub-paragraph or for part of such a term.

---

*Status: This is the original version (as it was originally enacted).*

---

*Section 231: powers of governing body of grant-maintained school*

- 2 (1) If section 7 of the Nursery Education and Grant-Maintained Schools Act 1996 has not come into force before the commencement of this Act, this Act shall have effect with the following modifications until the relevant commencement date.
- (2) Section 231 shall have effect as if—
- (a) subsection (5)(c) were omitted; and
  - (b) the following subsections were substituted for subsections (6) and (7)—
    - “(6) Subsection (4) does not confer power to borrow money, except money lent under section 255.
    - (7) The power to dispose of land mentioned in subsection (5)(d) above—
      - (a) does not include power to grant any mortgage, charge or other security in respect of any land, and
      - (b) may only be exercised with the written consent of the Secretary of State.”
- (3) Section 296(2) shall have effect as if “section 231(7)(b)” were substituted for “section 231(7)”.
- (4) Paragraph 1 of Schedule 3 shall have effect as if sub-paragraph (2)(b) were omitted.

*Section 318: provision by LEAs of goods and services*

- 3 If paragraph 12 of Schedule 3 to the Nursery Education and Grant-Maintained Schools Act 1996 has not come into force before the commencement of this Act, section 318 shall have effect until the relevant commencement date as if subsection (3) were omitted.

*Sections 336 and 476: disapplication of arbitration legislation*

- 4 If paragraphs 4 and 59 of Schedule 3 to the Arbitration Act 1996 have not come into force before the commencement of this Act, sections 336(4) and 476(4) shall have effect until the relevant commencement date as if in each case “The Arbitration Act 1950” were substituted for “Part I of the Arbitration Act 1996”.

*Section 355: the “key stages”*

- 5 Until the day appointed under section 583(3) for the coming into force of section 8, section 355(1)(d) shall have effect as if for the words from “the expiry of” to the end there were substituted “the majority of pupils in his class ceasing to be of compulsory school age.”

*Section 357: implementation of National Curriculum*

- 6 Until the relevant commencement date, section 357(2) shall not apply, in relation to pupils in the fourth key stage, to any of the foundation subjects other than the core subjects.

---

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

---

*Section 433: time for admission of pupils*

- 7 If paragraph 2 of Schedule 3 to the Nursery Education and Grant-Maintained Schools Act 1996 has not come into force before the commencement of this Act, section 433 shall have effect until the relevant commencement date as if subsection (4) were omitted.

*Sections 457, 512 and 534: jobseeker's allowances*

- 8 (1) If paragraph 17 of Schedule 2 to the Jobseekers Act 1995 has not come into force before the commencement of this Act, section 457(4)(b) shall have effect until the relevant commencement date with the omission of sub-paragraph (iii).
- (2) If paragraph 3 of Schedule 2 to that Act has not come into force before the commencement of this Act, sections 512(3) and 534(3) shall each have effect until the relevant commencement date with the omission of “or of an income-based jobseeker’s allowance (payable under the Jobseekers Act 1995)”.

*Section 560: work experience*

- 9 Until the day appointed under section 583(3) for the coming into force of section 8, section 560(2) shall have effect as if “by virtue of paragraph 1 of Schedule 40 he would be entitled to leave school” were substituted for “he would cease to be of compulsory school age”.

*Section 578 and Schedule 37: “the Education Acts”; consequential amendments*

- 10 If the provisions of Schedule 3 to the Nursery Education and Grant-Maintained Schools Act 1996 (other than paragraph 2 and paragraphs 9 to 12) have not come into force before the commencement of this Act—
- (a) section 578 shall have effect until the relevant commencement date as if the following Acts were omitted—  
the Education Act 1994;  
the Education (Student Loans) Act 1996; and  
the Nursery Education and Grant-Maintained Schools Act 1996; and
- (b) the amendments made by Schedule 37 to this Act in such of the enactments amended by those provisions of Schedule 3 to that Act as are not reproduced in this Act shall be construed as operating instead on the statutory references in those enactments as they have effect without the amendments made by those provisions.

*Meaning of “the relevant commencement date”*

- 11 (1) Subject to sub-paragraph (2), in any of the preceding paragraphs “the relevant commencement date” means such day as the Secretary of State may by order appoint in relation to that paragraph; and different days may be so appointed for different purposes.
- (2) If, in the case of any provision or provisions referred to in any of paragraphs 2, 3, 4, 7, 8 and 10 above which has or have not come into force before the commencement of this Act, an order under the Act in question has been made before that time appointing a day for the coming into force of that provision or those provisions, “the relevant

---

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

---

commencement date”, in relation to that provision or those provisions, means the day so appointed.