

*Status: Point in time view as at 20/01/2003.*

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## SCHEDULES

### SCHEDULE 1

Section 19.

#### PUPIL REFERRAL UNITS

##### *General adaptations of enactments*

- 1 References in any enactment to the proprietor or governing body of a school shall be read, in relation to a pupil referral unit, as references to the local education authority.
- 2 References in any enactment to the head teacher of a school shall be read, in relation to a pupil referral unit, as references to the teacher in charge of the unit (whether known as the head teacher or not).

##### *Modifications of enactments by regulations*

- 3 Regulations may provide for any enactments relating to schools maintained by local education authorities (or schools including such schools)—
  - (a) to apply in relation to pupil referral units,
  - (b) to apply in relation to such units with such modifications as may be prescribed, or
  - (c) not to apply in relation to such units.

##### *Registration*

- 4 (1) A person who is registered as a pupil at a school other than a pupil referral unit shall not, by reason only of being registered also as a pupil at such a unit, cease for the purposes of the Education Acts to be treated as a registered pupil at that school.  
(2) In this Schedule “registered” means shown in the register kept under section 434.

##### *Application of Local Government Act 1986*

- 5 A pupil referral unit is a maintained school for the purposes of section 2A(1)(b) of the <sup>M1</sup>Local Government Act 1986 (prohibition on promoting homosexuality).

#### **Marginal Citations**

**M1** 1986 c. 10.

##### *Curriculum*

- 6 <sup>[F1]</sup>(1) In relation to every pupil referral unit, the local education authority, the management committee (where applicable) and the teacher in charge shall exercise their functions with a view to securing that the curriculum for the unit satisfies the requirements of

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[<sup>F2</sup>section 78(1) or 99(1) of the Education Act 2002](1) (balanced and broadly based curriculum).

(2) Regulations may make provision for the determination and organisation of the curriculum in relation to every pupil referral unit, including provision as to making, and keeping up to date, a written statement of the policy in relation to that curriculum for the unit; and such regulations may require—

- (a) the local education authority, the management committee (where applicable), or the teacher in charge to exercise, or
- (b) such of them as may be prescribed to collaborate with each other in exercising,

such functions in relation to the curriculum as may be prescribed.]

(3) Each local education authority shall, with the approval of the Secretary of State, make arrangements for the consideration and disposal of any complaint to the effect that the authority, or the teacher in charge of any pupil referral unit—

- (a) have acted or are proposing to act unreasonably with respect to the exercise of any power conferred, or the performance of any duty imposed, on them by [<sup>F3</sup>sub-paragraph (1) or (2)] above, or
- (b) have failed to discharge any such duty.

(4) The Secretary of State shall not entertain under section 496 or 497 (power to prevent unreasonable exercise of functions; general default powers) any complaint in respect of any local education authority if it is a complaint—

- (a) for which arrangements are required to be made under sub-paragraph (3) above, or
- (b) that a local education authority have failed to exercise their powers to secure compliance by the teacher in charge of a pupil referral unit with any such duty as is referred to in that sub-paragraph,

unless a complaint in respect of the local education authority or, as the case may be, the teacher in charge of the unit has been made in respect of the same matter and disposed of in accordance with arrangements under that sub-paragraph.

#### Textual Amendments

- F1** Sch. 1 para. 6(1)(2) substituted (1.10.1998) by 1998 c. 31, s. 140(1), **Sch. 30 para. 184(a)(i)** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1 Pt.I**
- F2** Words in Sch. 1 para. 6(1) substituted (20.1.2003) by The Education Act 2002 (Modification of Provisions) (No. 2) (England) Regulations 2002 (S.I. 2002/2953), **reg. 2(1)**
- F3** Words in Sch. 1 para. 6(3) substituted (1.10.1998) by 1998 c. 31, s. 140(1), **Sch. 30 para. 184(a)(ii)** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1 Pt.I**

#### Modifications etc. (not altering text)

- C1** Sch. 1 para. 6(1) amended (19.12.2002) by The Education Act 2002 (Transitional Provisions) (Wales) Regulations 2002 (S.I. 2002/3184), **reg. 5(6)**

#### Discipline

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**Textual Amendments**

- F4** Sch. 1 para. 7 repealed (20.1.2003 for E.) by [The Education Act 2002 \(Modification of Provisions\) \(No. 2\) \(England\) Regulations 2002 \(S.I. 2002/2953\)](#), **reg. 2(2)**

*Sex education, political indoctrination and political issues*

- 8 Sections 403, 406 and 407 (sex education, political indoctrination, and treatment of political issues) apply in relation to pupil referral units as they apply in relation to [<sup>F5</sup>community schools].

**Textual Amendments**

- F5** Words in Sch. 1 para. 8 substituted (1.10.2000 for E. and 1.1.2001 for W.) by [2000 c. 21, s. 149, Sch. 9 para. 64](#) (with [s. 150](#)); [S.I. 2000/2559, art. 2\(1\)](#), **Sch. Pt. I**; [S.I. 2000/3230, art. 2](#), **Sch.**

*Charges*

- 9 (1) Chapter III of Part VI applies in relation to pupil referral units as if the references to governing bodies were omitted.
- (2) Section 458(2)(b) (charges for board and lodging) shall have effect in relation to a pupil provided with board and lodging at a unit as if after “that” there were inserted “for the time being”.

*Application of Environmental Protection Act 1990*

- 10 A pupil referral unit is an educational institution for the purposes of Part IV of the <sup>M2</sup>Environmental Protection Act 1990 (litter).

**Marginal Citations**

- M2** [1990 c. 43](#).

*Information*

- 11 Each local education authority shall—
- (a) on such occasions, and
  - (b) in such form and manner,
- as may be prescribed, make available to registered parents of registered pupils at any pupil referral unit such information about the unit as may be prescribed.

*Disapplication of Schedule 4*

- <sup>F6</sup>12 .....

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#### Textual Amendments

- F6** Sch. 1 para. 12 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 184(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

#### *Children with special educational needs*

<sup>F7</sup>13 .....

#### Textual Amendments

- F7** Sch. 1 para. 13 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 184(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

#### *School attendance orders*

- 14 (1) Where a pupil referral unit is named in a school attendance order—
- (a) the local education authority shall inform the teacher in charge of the unit, and
  - (b) if another local education authority are responsible for determining the arrangements for the admission of pupils to the unit, that authority shall admit the child to the unit;
- but paragraph (b) above does not affect any power to exclude from a unit a pupil who is already a registered pupil there.
- (2) Section 438(4) does not apply in relation to a pupil referral unit.
- (3) A local education authority—
- (a) shall, before deciding to specify a particular pupil referral unit in a notice under section 438(2) where another local education authority are responsible for determining the arrangements for the admission of pupils to the unit, consult that authority; and
  - (b) if they decide to specify the unit in the notice, shall serve notice in writing of their decision on that authority.
- (4) Section 439(7) and (8) apply where a notice is served on a local education authority under sub-paragraph (3) above as they apply where notice is served under section 439(6).
- (5) The parent of a child in respect of whom a school attendance order is in force may not under section 440 request the local education authority to amend the order by substituting a pupil referral unit for the school named in the order.
- (6) Where a child is a registered pupil at both a pupil referral unit and at a school other than a unit, the references in section 444 to the school at which he is a registered pupil shall be read as references to the unit.

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## <sup>F8</sup>Management committees

### Textual Amendments

**F8** Sch. 1 para. 15 and cross heading added (1.12.1997) by virtue of 1997 c. 44, s.48; S.I. 1997/1468, art. 2(5), **Sch. 1 Pt.V**

- <sup>F9</sup>15 (1) Regulations may make provision—
- (a) for requiring any local education authority who maintain a pupil referral unit to establish a committee to act as the management committee for the unit; and
  - (b) for that committee to discharge on behalf of the authority such of their functions in connection with the unit as are delegated by them to the committee in accordance with the regulations.
- (2) Regulations under this paragraph may in particular make provision—
- (a) for enabling a local education authority to establish a joint committee to act as the management committee for two or more pupil referral units maintained by the authority;
  - (b) for requiring the approval of the Secretary of State to be obtained before any such joint committee is established;
  - (c) as to the composition of a management committee established under the regulations and—
    - (i) the appointment and removal of its members, and
    - (ii) their terms of office,and in particular for requiring such a committee to include persons representing schools <sup>F10</sup>. . . situated in the area from which the unit or units in question may be expected to draw pupils;
  - [ <sup>F11</sup>(d) for requiring or (as the case may be) prohibiting the delegation by—
    - (i) a local education authority; or
    - (ii) in the case of a local education authority which are operating executive arrangements, the executive of that authority or any person on behalf of that executive,to a management committee of such functions in connection with pupil referral units as are specified in the regulations.]]
  - (e) for authorising a management committee to establish sub-committees;
  - (f) for enabling (subject to any provisions of the regulations) a local education authority [<sup>F12</sup>, and in the case of a local education authority which are operating executive arrangements the executive of that authority or any person acting on behalf of that executive,] or a management committee to determine to any extent the committee's procedure and that of any sub-committee;
  - (g) for limiting the personal liability of members of any such committee or sub-committee in respect of their acts or omissions as such members;
  - (h) for applying to any such committee or sub-committee, with or without modification—
    - (i) any provision of the Education Acts, or
    - (ii) any provision made by or under any other enactment and relating to committees or (as the case may be) sub-committees of a local authority.

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[<sup>F13</sup>(3) In sub-paragraph (2), “executive” and “executive arrangements” have the same meaning as in the Local Government Act 2000.]

#### Textual Amendments

- F9** Sch. 1 para. 15 and cross heading added (1.12.1997) by virtue of 1997 c. 44, s. 48; S.I. 1997/1468, art. 2(5), **Sch. 1 Pt. V**
- F10** Words in Sch. 1 para. 15 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 184(c), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F11** Sch. 1 para. 15(2)(d) substituted (E.) (11.7.2001) and (W.) (1.4.2002) by S.I. 2001/2237, art. 32(a)(i) and S.I. 2002/808, **art. 31(a)(i)**
- F12** Words in Sch. 1 para. 15(2)(f) inserted (E.) (11.7.2001) and (W.) (1.4.2002) by S.I. 2001/2237, art. 32(a)(ii) and S.I. 2002/808, **art. 31(a)(ii)**
- F13** Sch. 1 para. 15(3) inserted (E.) (11.7.2001) and (W.) (1.4.2002) by S.I. 2001/2237, art. 32(b) and S.I. 2002/808, **art. 31(b)**

#### <sup>F14</sup>SCHEDULE 2

#### Textual Amendments

- F14** Sch. 2 repealed (1.11.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 185, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(2), **Sch. 2**

#### <sup>F17</sup>SCHEDULE 3

#### Textual Amendments

- F17** Sch. 3 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 185, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**

#### <sup>F19</sup>SCHEDULE 4

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**Textual Amendments**

**F19** Sch. 4 repealed (1.10.1998 so far as relating to the repeal of paras. 7 and 8 and otherwise 1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 185, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1 Pt. I** and S.I. 1999/1016, art. 2(1), **Sch. 1**

**F23**SCHEDULE 5

**Textual Amendments**

**F23** Sch. 5 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 185, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

**F24**SCHEDULE 6

**Textual Amendments**

**F24** Sch. 6 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 185, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

**F25**SCHEDULE 7

**Textual Amendments**

**F25** Sch. 7 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 185, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

**F26**SCHEDULE 8

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**Textual Amendments**

**F26** Sch. 8 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 185, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

<sup>F27</sup>SCHEDULE 9

**Textual Amendments**

**F27** Sch. 9 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 185, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

<sup>F28</sup>SCHEDULE 10

**Textual Amendments**

**F28** Sch. 10 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 185, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

SCHEDULE 11

Sections 122 and 124.

CONTENTS OF STATEMENTS UNDER SECTION 122(2) AND SECTION 124(1)

**PART I**

STATEMENTS UNDER SECTION 122(2)

- 1 (1) This Part of this Schedule applies to any statement prepared by a local education authority under section 122(2).
- (2) In this Part of this Schedule “the scheme” means the scheme referred to in section 122(1).
- 2 The statement shall contain the following particulars in respect of the financial year to which it relates—
  - (a) the amount of the authority’s general schools budget for the year (as initially determined for the purposes of the scheme),
  - (b) the amount of the authority’s aggregated budget for the year under the scheme (as so determined),



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- (c) such particulars as may be prescribed of amounts deducted in respect of excepted heads or items of expenditure (as defined in section 105(3)) in arriving at the amount specified in the statement by virtue of sub-paragraph (b),
  - (d) such particulars as may be prescribed of amounts deducted by virtue of section 105(1)(b) in arriving at the amount so specified, and
  - (e) such particulars of the allocation formula under the scheme as may be prescribed.
- 3 (1) The statement shall also contain, with respect to each school required to be covered by the scheme in the year in question, particulars in relation to that year of the planned expenditure per pupil arising from the division of the school's budget share (as initially determined for the purposes of the scheme) by the initial pupil number.
- (2) In sub-paragraph (1) "the initial pupil number" means the number of registered pupils at the school in question which is required under the scheme to be used in applying the allocation formula under the scheme for initial determination of the school's budget share for the year.
- 4 The statement shall contain such further information in respect of the financial provision the authority plan to make in the year in question for county and voluntary schools maintained by them as may be prescribed.

## PART II

### STATEMENTS UNDER SECTION 124(1)

- 5 (1) A statement prepared by a local education authority under section 124(1) shall give the following particulars in respect of the financial year to which it relates—
  - (a) the initial amount appropriated for meeting expenditure in the year in respect of all the schools required to be covered by the statement,
  - (b) the amount remaining after deducting from that initial amount the aggregate of the amounts referred to in sub-paragraph (2), and
  - (c) such particulars as may be prescribed of the amounts referred to in sub-paragraph (2).
- (2) Those amounts are the initial amounts appropriated for meeting the following descriptions of expenditure in the year in respect of all the schools required to be covered by the statement—
  - (a) expenditure treated by the authority as expenditure of a capital nature,
  - (b) expenditure in respect of the repayment of the principal of, the payment of interest on and the discharge of any other financial obligation in connection with any loan used to meet expenditure falling within paragraph (a), and
  - (c) expenditure of such other descriptions as may be prescribed.
- 6 (1) The statement shall also give, in relation to each school required to be covered by it, the following particulars in respect of the year—
  - (a) the share of the general expenditure amount which is appropriated by the authority for meeting expenditure for the purposes of the school,
  - (b) the share which is so appropriated of such of the amounts referred to in paragraph 5(2)(c) as may be prescribed,

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- (c) the amount of any expenditure initially planned for the purposes of the school and treated by the authority as expenditure of a capital nature, and
  - (d) such particulars as may be prescribed of the basis on which the authority determine the shares specified in the statement by virtue of paragraphs (a) and (b).
- (2) In sub-paragraph (1) “the general expenditure amount” means the amount of which particulars are required to be given by paragraph 5(1)(b).
- 7 The statement shall contain such further information in respect of the financial provision initially planned by the authority for the schools required to be covered by the statement as may be prescribed.
- 8 Where only one school is required to be covered by the statement, the references in paragraph 5 to all the schools are references to that school and paragraph 6 does not apply.

## SCHEDULE 12

Section 126.

### FINANCIAL DELEGATION AND NEW SCHOOLS

**Modifications etc. (not altering text)**

**C3** Sch. 12 excluded (*temp.* until 1.9.1999) by S.I. 1998/3097, **art.5**

#### *Preliminary*

- 1 In this Schedule “temporary governing body” does not include a temporary governing body who by virtue of paragraph 2 of Schedule 10 fall to be treated as a governing body.

#### *New county and voluntary schools*

- 2 (1) For the purposes of applying (in accordance with this Schedule) sections 101 to 122 and Part I of Schedule 11 in relation to new schools which will be county or voluntary schools—
- (a) references to a school conducted by a governing body shall be read as including a new school which has a temporary governing body, and
  - (b) other references to the governing body of a school shall be read as including the temporary governing body of a new school.
- (2) For those purposes—
- (b) references to a county or voluntary school maintained by a local education authority, and
  - (b) references, in a context referring to a local education authority, to county and voluntary schools,
- shall be read as including a new school which on implementation of the relevant proposals will be a county or voluntary school maintained by the authority.

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- 3 (1) A new school which will be a county or voluntary school is required to be covered by a scheme in any financial year if it has a temporary governing body during the whole or any part of that year.
- (2) In the case of such a school, sections 101 to 122 and Part I of Schedule 11 apply subject to the modifications set out in paragraphs 4 to 7.
- 4 (1) Where a school required to be covered by a scheme in a financial year is a new school during the whole or any part of that year, the provision required by section 106(4)(a) shall not apply in relation to the determination of the school's budget share for the year, so far as that share falls in accordance with the scheme to be treated as referable to planned expenditure by the local education authority for the purposes of the school in respect of any period before the implementation of the relevant proposals.
- (2) Accordingly—
- (a) paragraph 3(1) of Schedule 11 shall apply in relation to the school as if it referred to such part (if any) of the school's budget share for the year as falls to be determined in accordance with the provision required by section 106(4)(a); and
- (b) the statement under section 122(2) shall include in relation to the school the additional particulars mentioned in sub-paragraph (3).
- (3) Those particulars are the amount of such part (if any) of the school's budget share for the year (as initially determined for the purposes of the scheme) as falls in accordance with the scheme to be treated as referable to planned expenditure such as is mentioned in sub-paragraph (1).
- (4) Sub-paragraph (1) shall not be taken as prejudicing the inclusion in the allocation formula under a scheme, by virtue of section 106(4)(b), of provision taking into account in relation to a new school any forecast made in accordance with the scheme of the number of pupils it will have on implementation of the relevant proposals.
- 5 The delegation requirement under a scheme shall not apply in relation to a new school (where it is not a school to which section 110 applies) until such date as may be determined by or under the scheme.
- 6 Section 110 shall have effect, in relation to a new school to which it applies, with the omission of subsection (3)(a).
- 7 Section 122(7) shall not apply in relation to the temporary governing body of a new school.

#### *New special schools*

- 8 (1) Any reference—
- (a) in section 120, to maintained special schools or to a maintained special school, or
- (b) in section 124, to special schools or to a special school,
- shall be read as including a new school proposed to be established by a local education authority which will be a maintained special school and which has a temporary governing body.
- (2) Any reference in section 120 or 124 to a school's governing body shall be read, in relation to such a new school, as a reference to its temporary governing body.

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- (3) The reference in section 124(1) to a local education authority maintaining a special school or special schools shall be read, in relation to such a new school, as a reference to the authority being under a duty by virtue of paragraph 20 of Schedule 9 to defray expenses in relation to its temporary governing body.
- 9       Section 124(8) shall not apply in relation to the temporary governing body of a new school.

*Financial delegation apart from schemes*

- 10       Section 125 shall not apply in relation to a new school.

SCHEDULE 13

Section 133.

STAFFING OF COUNTY, CONTROLLED, SPECIAL  
 AGREEMENT AND MAINTAINED SPECIAL SCHOOLS

*The selection panel*

- 1       (1) The articles of government for a county, controlled, special agreement or maintained special school shall provide—
- (a) for the constitution of a selection panel whenever such a panel is required by virtue of this Schedule in relation to the appointment of a head teacher or deputy head teacher, and
- (b) for a selection panel to consist of a specified number of persons appointed to it by the local education authority and a specified number of governors appointed to it by the governing body.
- (2) Neither of the numbers specified by virtue of sub-paragraph (1)(b) shall be less than three; and the number specified in relation to appointments made by the governing body shall not be less than the number specified in relation to appointments made by the authority.
- (3) The articles shall provide for the governing body and the authority to have power to replace, at any time, any member of a selection panel whom they have appointed.
- 2       Regulations may make provision as to the meetings and proceedings of selection panels.

*Appointment of head teacher*

- 3       (1) The articles of government for a county, controlled, special agreement or maintained special school shall, in relation to the appointment of a head teacher for the school, make provision for the matters set out in sub-paragraphs (2) to (11).
- (2) If the post of head teacher is vacant, the local education authority shall appoint an acting head teacher after consulting the governing body.
- (3) Before appointing a head teacher, the local education authority shall advertise the vacancy in such publications circulating throughout England and Wales as they consider appropriate.

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- (4) The local education authority shall not appoint a person to be head teacher unless his appointment has been recommended by a selection panel constituted in accordance with the articles.
- (5) The selection panel shall interview such applicants for the post as they think fit.
- (6) If the panel fail to agree on the applicants whom they wish to interview—
  - (a) the members of the panel appointed by the governing body are to have the right to nominate not more than two applicants to be interviewed by the panel, and
  - (b) the other members of the panel are to have the right to nominate not more than two other applicants to be interviewed.
- (7) Where the panel consider it appropriate to do so, they shall recommend to the authority for appointment as head teacher one of the applicants interviewed by them.
- (8) If the panel are unable to agree on a person to recommend to the authority, they shall—
  - (a) repeat (with a view to reaching agreement) such of the steps mentioned in sub-paragraphs (5) to (7) as they think fit,
  - (b) where—
    - (i) they have repeated any of those steps in pursuance of paragraph (a) and remain unable to agree, or
    - (ii) they have decided that it is not appropriate to repeat any of those steps,require the authority to re-advertise the vacancy, and
  - (c) where the vacancy is re-advertised, repeat all of the steps mentioned in sub-paragraphs (5) to (7).
- (9) If the authority decline to appoint a person recommended by the panel, the panel shall—
  - (a) where there are applicants for the post whom they have not interviewed, interview such of those applicants (if any) as they think fit,
  - (b) recommend another of the applicants interviewed by them, if they think fit,
  - (c) ask the authority to re-advertise the vacancy, if they consider that it should be re-advertised, and
  - (d) where the vacancy is re-advertised, repeat the steps mentioned in sub-paragraphs (5) to (7).
- (10) The authority shall re-advertise the vacancy where they are required to do so by the panel, and may do so where—
  - (a) it has been duly advertised,
  - (b) the panel have failed either to make a recommendation which is acceptable to the authority or to request that the vacancy be re-advertised, and
  - (c) the authority are of the opinion that the panel have had sufficient time in which to carry out their functions.
- (11) The chief education officer of the authority, or a member of his department nominated by him, shall have the right to attend all proceedings of the panel (including interviews) for the purpose of giving advice to members of the panel.
- (12) In this paragraph “head teacher” does not include an acting head teacher.

*Status: Point in time view as at 20/01/2003.*

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*Appointment of deputy head teacher*

- 4 (1) The articles of government for a county, controlled, special agreement or maintained special school shall, in relation to the appointment of a deputy head teacher for the school, make either—
- (a) the same provision, modified as mentioned in sub-paragraphs (2) and (3), as that made (in accordance with paragraph 3) in relation to the appointment of a head teacher for the school, or
  - (b) the same provision as that made (in accordance with paragraph 5) in relation to the appointment of other teachers at the school.
- (2) If the articles (in accordance with sub-paragraph (1)(a)) provide for the appointment of a deputy head teacher to be on the recommendation of a selection panel, they shall provide that where the head teacher is not a member of the panel—
- (a) he may be present, for the purpose of giving advice, at any proceedings of the panel (including interviews), and
  - (b) whether or not he attends any such proceedings, he shall be consulted by the panel before they make any recommendation to the local education authority.
- (3) No provision similar to that set out in paragraph 3(2) is required in the articles in relation to the appointment of a deputy head teacher.

*Appointment of other staff: general*

- 5 (1) The articles of government for a county, controlled, special agreement or maintained special school shall make provision for the matters set out in sub-paragraphs (2) and (3).
- (2) Where there is a vacancy in a post (other than that of head teacher or deputy head teacher) which is part of the complement of the school, the local education authority shall decide whether, if the post is not a new one, it should be retained.
- (3) If the authority decide that the post should be retained or it is a new post, they shall—
- (a) advertise the vacancy and fill it in accordance with the procedure laid down by virtue of paragraph 6, unless they have the intention mentioned in paragraph (b) below;
  - (b) fill the vacancy in accordance with the procedure laid down by virtue of paragraph 7, if they intend to appoint a person who, at the time when they form that intention, is an employee of theirs or has been appointed to take up employment with them at a future date.
- (4) Nothing in this paragraph (or in any of paragraphs 6 to 9) applies in relation to any temporary appointment pending—
- (a) the return to work of the holder of the post in question, or
  - (b) the taking of any steps required by the articles in relation to the vacancy in question.

*Appointment of other staff: vacancy advertised*

- 6 (1) The articles of government for any school to which paragraph 5(1) applies shall make provision for the matters set out in sub-paragraphs (2) to (7).

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- (2) Where the local education authority decide to advertise the vacancy, they shall do so in a manner likely in their opinion to bring it to the notice of persons (including employees of theirs) who are qualified to fill the post.
- (3) Where the vacancy is advertised, the governing body shall—
  - (a) interview such applicants for the post as they think fit, and
  - (b) where they consider it appropriate to do so, recommend to the authority for appointment to the post one of the applicants interviewed by them.
- (4) If the governing body are unable to agree on a person to recommend to the authority, they shall—
  - (a) repeat the steps mentioned in sub-paragraph (3), if they consider that to do so might lead to their reaching agreement,
  - (b) where they have repeated those steps and remain unable to agree, or decide that it is not appropriate to repeat them, ask the authority to re-advertise the vacancy, and
  - (c) where the vacancy is re-advertised, repeat those steps.
- (5) If the authority decline to appoint a person recommended by the governing body, the governing body shall—
  - (a) where there are applicants for the post whom they have not interviewed, interview such of those applicants (if any) as they think fit,
  - (b) recommend another of the applicants interviewed by them, if they think fit,
  - (c) ask the authority to re-advertise the vacancy, if they consider that it should be re-advertised, and
  - (d) where the vacancy is re-advertised, repeat the steps mentioned in sub-paragraph (3).
- (6) Where the authority are asked to re-advertise the vacancy by the governing body, they shall do so unless—
  - (a) they decide that the post is to be removed from the complement of the school, or
  - (b) they decide to appoint a person who, at the time when that decision is made, is an employee of theirs or has been appointed to take up employment with them at a future date.
- (7) Whenever governors meet to discuss the appointment or an applicant is interviewed—
  - (a) the head teacher (if he would not otherwise be entitled to be present), and
  - (b) such person (if any) as the authority appoint to represent them,shall be entitled to be present for the purpose of giving advice.

*Appointment of other staff: vacancy not advertised*

- 7
- (1) The articles of government for any school to which paragraph 5(1) applies shall make provision for the matters set out in sub-paragraphs (2) and (3).
  - (2) Where the vacancy is not advertised, the governing body—
    - (a) shall be entitled to determine a specification for the post in consultation with the head teacher, and
    - (b) if they do so, shall send a copy of it to the local education authority.

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- (3) When considering whom to appoint to the post, the authority shall—
- (a) have regard to any such specification, and
  - (b) consult the governing body and the head teacher.

*Delegation of functions under paragraph 6 or 7*

- 8 (1) The articles of government for any school to which paragraph 5(1) applies shall make provision for the matters set out in sub-paragraphs (2) and (3).
- (2) The governing body shall have power, in relation to the filling of a particular vacancy or a vacancy of a kind specified by them, to delegate any of the functions which are theirs by virtue of paragraph 6 or 7—
- (a) to one or more governors,
  - (b) to the head teacher, or
  - (c) to one or more governors and the head teacher acting together.
- (3) In such a case, the provision made by virtue of paragraph 6(6) shall apply with the substitution of references to the person or persons to whom the functions are delegated for references to the governing body.

*Restriction on making appointment where vacancy advertised*

- 9 Where a local education authority have advertised a vacancy in accordance with the provision made by the articles of government for a school by virtue of paragraph 6(2), they shall not appoint a person to the post unless—
- (a) his appointment has been recommended in accordance with the provision made by the articles by virtue of paragraph 6(3) to (5), or
  - (b) they decide to appoint a person who, at the time when that decision is made, is an employee of theirs or has been appointed to take up employment with them at a future date.

*Consultation by LEA before appointing certain non-teaching staff*

- 10 The articles of government for a county, controlled, special agreement or maintained special school shall require the local education authority to consult the governing body and the head teacher before appointing any person to work solely at the school otherwise than—
- (a) in a teaching post,
  - (b) in a non-teaching post which is part of the complement of the school, or
  - (c) solely in connection with either or both of the following—
    - (i) the provision of meals;
    - (ii) the supervision of pupils at midday.

*Dismissal etc. of staff*

- 11 (1) The articles of government for a county, controlled, special agreement or maintained special school shall make provision for the matters set out in sub-paragraphs (2) to (7).
- (2) The local education authority shall consult the governing body and (except where he is the person concerned) the head teacher before—



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- (a) dismissing a person to whom sub-paragraph (3) applies, or
  - (b) otherwise requiring such a person to cease to work at the school, or
  - (c) permitting such a person to retire in circumstances in which he would be entitled to compensation for premature retirement.
- (3) This sub-paragraph applies to any person who is—
- (a) employed in a post which is part of the complement of the school, or
  - (b) employed to work solely at the school in any other post, otherwise than solely in connection with either or both of the following—
    - (i) the provision of meals;
    - (ii) the supervision of pupils at midday.
- (4) Where a teacher at the school is required to complete an initial period of probation, the local education authority shall consult the governing body and the head teacher before—
- (a) extending his period of probation, or
  - (b) deciding whether he has completed it successfully.
- (5) Where the governing body recommend to the local education authority that a person should cease to work at the school, the authority shall consider their recommendation.
- (6) Both the governing body and the head teacher shall have power to suspend a person employed to work at the school where, in the opinion of the governing body or (as the case may be) the head teacher, his exclusion from the school is required.
- (7) The governing body or head teacher shall—
- (a) when exercising that power, immediately inform the local education authority and the head teacher or (as the case may be) governing body, and
  - (b) end the suspension if directed to do so by the authority.
- (8) In this paragraph “suspend” means suspend without loss of emoluments; and in sub-paragraph (2) the reference to dismissing a person does not include a dismissal under section 143(6) or 144(3) (dismissal of teachers of religious education).

F29 SCHEDULE 14

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**Textual Amendments**

**F29** Sch. 14 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 185, **Sch.31** (with ss. 138(9), 144(6) and with savings in S.I. 1999/711, **reg. 5**); S.I. 1999/2323, **reg. 2(1)**, **Sch. 1**

F30 SCHEDULE 15

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*Status: Point in time view as at 20/01/2003.*

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#### Textual Amendments

**F30** Sch. 15 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 185, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

### <sup>F31</sup>SCHEDULE 16

#### Textual Amendments

**F31** Sch. 16 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 185, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

### SCHEDULE 17

Section 161.

#### GOVERNORS' ANNUAL REPORTS

##### *General*

- 1 (1) The articles of government for a county, voluntary or maintained special school shall impose the requirements set out in paragraphs 2 to [<sup>F37</sup>9F].
- (2) In those paragraphs “the report” means a governors’ report prepared under section 161.

#### Textual Amendments

**F37** Word in Sch. 17 para. 1(1) substituted (10.1.1997) by S.I. 1996/3210, art. 2(2)

- 2 The report shall be as brief as is reasonably consistent with the requirements as to its contents.

##### *Requirements as to contents*

- 3 Where there is an obligation on the governing body (by virtue of section 162) to hold an annual parents’ meeting, the report shall—
- (a) give details of the date, time and place for the next annual parents’ meeting and its agenda;
  - (b) indicate that the purpose of that meeting will be to discuss both the governors’ report and the discharge by the governing body, the head teacher and the local education authority of their functions in relation to the school; and
  - (c) report on the consideration which has been given to any resolutions passed at the previous annual parents’ meeting.

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- 4 The report shall—
- (a) give the name of each governor and indicate whether he—
    - (i) is a parent, teacher or foundation governor,
    - (ii) was co-opted or otherwise appointed as a governor, or
    - (iii) is an ex officio governor;
  - (b) in the case of an appointed governor, say by whom he was appointed;
  - (c) in relation to each governor who is not an ex officio governor, give the date on which his term of office comes to an end; and
  - (d) name, and give the address of, the chairman of the governing body and their clerk.
- 5 The report shall give such information as is available to the governing body about arrangements for the next election of parent governors.
- 6 The report shall contain a financial statement—
- (a) reproducing or summarising any financial statement of which a copy has been provided to the governing body by the local education authority under section 122 or 124 since the last governors’ report was prepared under section 161;
  - (b) indicating, in general terms, how any sum made available to the governing body by the authority—
    - (i) in respect of the school’s budget share, or
    - (ii) under section 125,in the period covered by the report was used;
  - (c) giving details of the application of any gifts made to the school in that period; and
  - (d) stating the total amount of any travelling and subsistence allowances paid to members of the governing body in that period.
- 7 The report shall give such information about—
- (a) public examinations and other assessments of pupils’ achievements,
  - (b) pupils’ absences from the school,
  - (c) the continuing education of pupils leaving the school, and
  - (d) the employment or training taken up by such pupils,
- as is required to be published by virtue of section 414(6) and (7).
- [<sup>F38</sup>7A The report shall give the information about public examinations and other assessments of pupils’ achievements—
- (a) at schools in England (where the school is in England), or
  - (b) at schools in Wales (where the school is in Wales),
- which has most recently been made available to the governing body by the Secretary of State.]

#### Textual Amendments

**F38** Sch. 17 para. 7A added (10.1.1997) by S.I. 1996/3210, art. 2(3)

- 8 The report shall describe what steps have been taken by the governing body to develop or strengthen the school’s links with the community (including links with the police).

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9 The report shall draw attention to the information made available by the governing body in accordance with regulations made under section 408 so far as relating to the matters mentioned in subsection (2)(b) of that section (information as to educational provision made for pupils at the school and syllabuses followed by them).

[<sup>F39</sup>9A The report shall summarise, where the school is in England, the nature, amount and purpose of training and professional development undertaken by the school's teaching staff in the period since the last governors' report was prepared under section 161, identifying in particular the nature, amount and purpose of any training and professional development so undertaken on any day when the staff were required to be available for work but were not required to teach pupils.]

#### Textual Amendments

**F39** Sch. 17 paras. 9A-9F added (10.1.1997) by S.I. 1996/3210, art. 2(4)

<sup>F40</sup>9B The report shall give, where the school is in Wales, such information about any targets for improvement set by the governing body in respect of the performance of pupils at the school as is required to be published by virtue of regulations made under section 414(6).

#### Textual Amendments

**F40** Sch. 17 paras. 9A-9F added (10.1.1997) by S.I. 1996/3210, art. 2(4)

<sup>F41</sup>9C The report shall describe in general terms—

- (a) the arrangements made for the security of the pupils and staff at the school and the school premises, and
- (b) any changes to those arrangements since the last governors' report was prepared under section 161.

#### Textual Amendments

**F41** Sch. 17 paras. 9A-9F added (10.1.1997) by S.I. 1996/3210, art. 2(4)

<sup>F42</sup>9D The report shall indicate in relation to the period since the last governors' report was prepared under section 161—

- (a) to what extent the aims of the governing body with respect to sport at the school have been attained; and
- (b) any notable sporting achievements of the school's teams during that period.

#### Textual Amendments

**F42** Sch. 17 paras. 9A-9F added (10.1.1997) by S.I. 1996/3210, art. 2(4)

<sup>F43</sup>9E The report shall give the dates of the beginning and end of each school term, and of half-term holidays, for the next school year.

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**Textual Amendments**

**F43** Sch. 17 paras. 9A-9F added (10.1.1997) by S.I. 1996/3210, art. 2(4)

<sup>F44</sup>9F The report shall summarise any changes to information contained in the school prospectus since it was last published pursuant to regulations made under section 414(6).

**Textual Amendments**

**F44** Sch. 17 paras. 9A-9F added (10.1.1997) by S.I. 1996/3210, art. 2(4)

*Power of Secretary of State to make amendments*

10 The Secretary of State may by order amend the preceding provisions of this Schedule.

SCHEDULE 18

Section 162.

ANNUAL PARENTS’ MEETINGS

*Proceedings at an annual parents’ meeting*

1 The articles of government for a county, voluntary or maintained special school shall provide for the proceedings at an annual parents’ meeting to be under the control of the governing body.

2 (1) The articles of government for a county, voluntary or maintained special school shall provide for any annual parents’ meeting at which the required number of parents of registered pupils at the school are present to be entitled to pass (by a simple majority) resolutions on any matters which may properly be discussed at the meeting.

(2) In sub-paragraph (1) “the required number”, in relation to a school, means any number equal to or greater than 20 per cent. of the number of registered pupils at the school.

3 No person who is not a parent of a registered pupil at the school may vote on any question put to an annual parents’ meeting.

*Consideration of resolutions passed at an annual parents’ meeting*

4 (1) The articles of government for a county, voluntary or maintained special school shall require the governing body—

(a) to consider any resolution which is duly passed at an annual parents’ meeting and which they consider is a matter for them;

(b) to send to the head teacher a copy of any resolution which is so passed and which they consider is a matter for him; and

(c) to send to the local education authority a copy of any resolution which is so passed and which they consider is a matter for the authority.

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- (2) The articles of government shall in addition—
- (a) require the head teacher to consider any resolution a copy of which has been sent to him by virtue of sub-paragraph (1)(b) and to provide the governing body with a brief comment on it (in writing) for inclusion in their next governors' report; and
  - (b) require the local education authority to do likewise in relation to any resolution a copy of which has been sent to them by virtue of sub-paragraph (1)(c).

*Determination of question whether person is to be treated as pupil's parent*

- 5 (1) The articles of government for a county, controlled or maintained special school shall provide for any question whether any person is to be treated, for the purposes of any provision of the articles relating to the annual parents' meeting, as the parent of a registered pupil at the school to be determined by the local education authority.
- (2) The articles of government for an aided or a special agreement school shall provide for any such question to be determined by the governing body.

SCHEDULE 19

Section 166.

CONDUCT AND STAFFING OF NEW COUNTY, VOLUNTARY AND MAINTAINED SPECIAL SCHOOLS

**PART I**

GENERAL

*Articles of government for new schools*

- 1 (1) The requirement for there to be articles of government for a school (imposed by section 127) shall not apply in relation to a new school until the requirement for there to be an instrument of government for the school takes effect under section 99.
- (2) Before making an order under section 127 as to the articles of government for a new school, the local education authority shall consult the temporary governing body and the head teacher.
- (3) Before making such an order in respect of a new school which will be a voluntary school, the authority shall—
- (a) secure the agreement of the temporary governing body to the terms of the proposed order, and
  - (b) secure the agreement of the temporary foundation governors to any provisions which are of particular concern to those governors.
- (4) Where a local education authority propose to make an order under section 127 in respect of a new school but cannot secure any agreement required by this paragraph, they or (as the case may be) the temporary governing body or temporary foundation governors may refer the matter to the Secretary of State.

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- (5) On a reference to him under this paragraph, the Secretary of State shall give such direction as he thinks fit.

**Modifications etc. (not altering text)**

C4 Sch. 19 para. 1(1) modified (1.1.1999) by S.I. 1998/3097, reg. 6

- 2 Section 129(2) (amendment of articles) shall not apply in relation to a new school; but if the articles of government for a new county or voluntary school contain any provisions to which section 129(1) would apply during any period when the school had a delegated budget (“inconsistent provisions”) they shall also include in relation to each inconsistent provision the statement required by section 129(3).

*Conduct of new schools: general*

- 3 The determination of those matters relating to the conduct of a new school which require to be determined before a governing body is constituted for the school under an instrument of government shall be under the direction of the temporary governing body, but subject to any provision made by or under this Act (including, in particular, this Schedule) or any other enactment.

**Modifications etc. (not altering text)**

C5 Sch. 19 para. 3 modified (1.1.1999) by S.I. 1998/3097, reg. 7

- 4 Regulations may make in relation to consultation with temporary governing bodies provision similar to the provision that may be made in relation to consultation with governing bodies by regulations under section 131 (consultation not required in urgent cases).

## PART II

### STAFFING OF NEW SCHOOLS: FINANCIAL DELEGATION NOT PROPOSED

**Modifications etc. (not altering text)**

C6 Sch. 19 Pt. II modified (temp from 1.4.1999) by S.I. 1999/638, regs. 1, 5

*Staffing of new county, controlled or maintained special schools*

- 5 Subject to paragraph 19(4), paragraphs 6 to 11 apply in relation to any new school for which a temporary governing body have been constituted and which will be a county, controlled or maintained special school.
- 6 (1) The complement of teaching and non-teaching posts for the school shall be determined by the local education authority.
- (2) Section 133(2) and (3) (staff complements) shall apply in relation to a complement determined under this paragraph.

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- 7 (1) Whenever a selection panel is required by virtue of paragraph 8 or 9, it shall be constituted in accordance with this paragraph.
- (2) A selection panel shall consist of—
- (a) such number of persons appointed to it by the local education authority, and
  - (b) such number of temporary governors appointed to it by the temporary governing body,
- as the authority shall determine.
- (3) Neither of the numbers so determined shall be less than three; and the number determined in relation to appointments made by the temporary governing body shall not be less than the number determined in relation to appointments made by the authority.
- (4) The temporary governing body and the authority may replace, at any time, any member of a selection panel whom they have appointed.
- (5) Regulations may make provision, for the purposes of this paragraph, as to the meetings and proceedings of selection panels.
- 8 (1) Subject to sub-paragraph (2) below, sub-paragraphs (3) to (11) of paragraph 3 of Schedule 13 (appointment of head teacher) shall apply in relation to the appointment of a head teacher for the school—
- (a) as if they had effect as independent enactments (rather than for the purposes of the provision to be made by articles of government); and
  - (b) subject to any necessary modifications.
- (2) Where—
- (a) two or more schools are to be discontinued (“the discontinued schools”), and
  - (b) the registered pupils at those schools, or a substantial number of those pupils, are expected to transfer to the new school,
- the local education authority may, in consultation with the temporary governing body, appoint one of the head teachers of the discontinued schools as the first head teacher for the new school, instead of following the procedure set out in sub-paragraphs (3) to (11) of paragraph 3 of Schedule 13 (as applied by sub-paragraph (1) above).
- (3) If the post of head teacher is vacant, the authority may, if they think fit, appoint an acting head teacher after consulting the temporary governing body.
- 9 (1) Subject to sub-paragraph (2) below, sub-paragraphs (3) to (11) of paragraph 3 of Schedule 13 shall apply in relation to the appointment of a deputy head teacher for the school—
- (a) as if they had effect as independent enactments (rather than for the purposes of the provision to be made by articles of government); and
  - (b) subject to any necessary modifications.
- (2) If the local education authority so decide, those provisions of Schedule 13 shall not so apply and instead the general staff appointment provisions shall apply in relation to the appointment of a deputy head teacher for the school—
- (a) as if they had effect as independent enactments (rather than for the purposes of the provision to be made by articles of government); and
  - (b) subject to any necessary modifications.



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- (3) Where (in accordance with sub-paragraph (1)) the appointment of a deputy head teacher is on the recommendation of a selection panel and the head teacher is not a member of the panel, the head teacher—
- (a) shall be entitled to be present, for the purpose of giving advice, at any proceedings of the panel (including interviews), and
  - (b) whether or not he attends any such proceedings, shall be consulted by the panel before they make any recommendation to the local education authority.
- (4) In this paragraph and paragraph 10 “the general staff appointment provisions” means the following provisions of Schedule 13—
- (a) paragraph 5(3);
  - (b) paragraph 6(2) to (7);
  - (c) paragraph 7(2) and (3); and
  - (d) paragraph 8(2) and (3).
- 10 (1) The general staff appointment provisions shall apply in relation to the appointment of a person to a post (other than that of head teacher or deputy head teacher) which is part of the complement of the school as if they had effect as independent enactments (rather than for the purposes of the provision to be made by articles of government).
- (2) The local education authority shall consult the temporary governing body and the head teacher before appointing any person to work solely at the school otherwise than—
- (a) in a teaching post,
  - (b) in a non-teaching post which is part of the complement of the school, or
  - (c) solely in connection with either or both of the following—
    - (i) the provision of meals;
    - (ii) the supervision of pupils at midday.
- (3) This paragraph does not apply in relation to a temporary appointment pending—
- (a) the return to work of the holder of the post in question, or
  - (b) the taking of any steps required by virtue of this Schedule in relation to the vacancy in question.
- (4) Paragraph 9(4) applies for the purposes of this paragraph.
- 11 (1) The clerk to the temporary governing body shall be appointed by the local education authority.
- (2) When the arrangement for the constitution of the temporary governing body comes to an end under section 96 or 97, the person who was the clerk to that body shall act as clerk to the governing body who succeed them, pending the appointment of a clerk under section 135.

**Modifications etc. (not altering text)**

C7 Sch. 19 para. 11(2) excluded (1.1.1999) by S.I. 1998/3097, reg. 8(f)

- 12 Subject to paragraph 19(4), a local education authority shall, in discharging their duty under paragraph 21 of Schedule 9 (temporary governing bodies) to provide information to the temporary governing body of a new school which will be a

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county, controlled or maintained special school, inform the temporary governing body, in particular—

- (a) of the number of members of any selection panel required by virtue of paragraph 8 or 9 above who are to be appointed by the authority and the number who are to be appointed by the temporary governing body;
- (b) where the authority intend to exercise the power conferred on them by paragraph 8(2) above, of their intention to do so;
- (c) of the provision which is to apply in relation to the appointment of the deputy head teacher of the school;
- (d) of the complement of staff for the school; and
- (e) of the authority's proposals with regard to the appointment of staff for the school and the timing of appointments.

#### *Staffing of new aided schools*

- 13 Subject to paragraph 19(5), paragraphs 14 to 16 apply in relation to a new school which will be an aided school.
- 14 Subject to paragraph 15(1), the local education authority and the temporary governing body shall have the same powers, and be under the same duties, for the purposes of the appointment and dismissal of staff at the school as would the authority and the governing body for an aided school whose articles of government provided for—
- (a) staff employed solely in connection with the provision of school meals to be appointed by the authority, and
  - (b) other staff employed at the school to be appointed by the governing body.
- 15 (1) The first appointment of a clerk to the temporary governing body shall be made by the promoters of the school (that is, the persons making the relevant proposals).
- (2) When the arrangement for the constitution of the temporary governing body comes to an end under section 97, the person who was the clerk to that body shall act as clerk to the governing body who succeed them, pending the appointment of their clerk.

#### **Modifications etc. (not altering text)**

**C8** Sch. 19 para. 15(2) excluded (1.1.1999) by S.I. 1998/3097, reg. 8(f)

- 16 (1) The local education authority shall, with a view to enabling staff to be appointed in good time, notify the temporary governing body of any determination, prohibition or direction they intend to make or give pursuant to subsection (2)(b), (4)(a) or (b) or (5) of section 134 (staffing of aided schools).
- (2) The authority shall, in discharging their duty under paragraph 21 of Schedule 9 to provide information to the temporary governing body of a new school which will be an aided school, inform the temporary governing body, in particular, of the authority's proposals with regard to the appointment of staff for the school and the timing of appointments.

#### *Expenditure on staff for new schools*

- 17 Where a temporary governing body are constituted for a new school, the local education authority shall be under the same duty to defray the expenses incurred in

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relation to the staff appointed in accordance with paragraphs 6 to 11 or (as the case may be) 14 and 15, as they would be if the relevant proposals had been implemented and the temporary governing body were the governing body of the school.

### PART III

#### STAFFING OF NEW SCHOOLS: FINANCIAL DELEGATION PROPOSED

##### Modifications etc. (not altering text)

C9 Sch. 19 Pt. III modified (temp. from 1.4.1999) by S.I. 1999/638, regs. 1, 5

##### *Adaptation of references*

- 18 For the purposes of the application (in accordance with paragraphs 19 to 24) of sections 136 to 141 and Schedule 14 in relation to new schools which will be county or voluntary schools—
- (a) references to the governing body of a school shall be read as including the temporary governing body of a new school;
  - (b) references to a county school shall be read as including a new school which on implementation of the relevant proposals will be a county school; and
  - (c) references to a voluntary school of a particular category, or maintained by a particular local education authority, shall be read as including a new school which on implementation of the relevant proposals will be a voluntary school of that category, or maintained by that authority.

##### *Application or otherwise of provisions about staffing*

- 19 (1) Subject to paragraphs 20 to 24, section 136 or (as the case may be) section 137 (staffing of county or voluntary schools with delegated budgets) shall apply to a new school which on implementation of the relevant proposals will be a school of a category to which that section applies not only at any time when (by virtue of Schedule 12) the new school has a delegated budget but also at any time when it has a temporary governing body and sub-paragraph (2) or (3) is satisfied.
- (2) This sub-paragraph is satisfied if the delegation requirement under the scheme will apply to the school on or before the implementation of the relevant proposals.
  - (3) This sub-paragraph is satisfied if the local education authority propose to exercise any power under the scheme to delegate the management of the school's budget share for a financial year by making such a delegation—
    - (a) to the temporary governing body before the implementation of the relevant proposals, or
    - (b) to the governing body of the school on implementation of those proposals.
  - (4) Paragraphs 6 to 12 of this Schedule shall not apply in relation to a new school to which section 136 for the time being applies.
  - (5) Paragraphs 14 to 16 of this Schedule shall not apply in relation to a new school to which section 137 for the time being applies.

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- 20 Sections 136, 137 and 138 and Schedule 14 (staffing of schools with delegated budgets) shall apply, in the case of a new school, for the purposes only of—
- (a) the appointment of staff at the school, and
  - (b) the taking of such steps with respect to any other matters referred to in those provisions as may be appropriate in preparation for the conduct of the school following implementation of the relevant proposals.
- 21 In the case of a new school which is a proposed county, controlled, aided or special school, no appointments of staff for the school shall be made by the local education authority before the constitution of a temporary governing body for the school.
- 22 Section 139(2) and (5) (payments in respect of dismissal) shall not apply in relation to a new school.
- 23 Any provision included in a scheme by virtue of subsection (3) of section 140 (community schools), so far as it relates to the appointment of staff at a school to which that section applies, shall apply in relation to a new school which on implementation of the relevant proposals will be a school to which that section applies.
- 24 (1) Section 141 (amendment of articles) shall not apply in relation to a new school.
- (2) The local education authority shall, however, incorporate—
- (a) the statement mentioned in section 141(2) in the articles of government for a new school which will be a county or controlled school and to which section 136 applies, or
  - (b) the statement mentioned in section 141(3) in the articles of government for a new school which will be an aided school and to which section 137 applies.

## PART IV

### OTHER MATTERS RELATING TO CONDUCT ETC. OF NEW SCHOOLS

#### *Preparation of curriculum*

- 25 (1) The head teacher of a new school for which a temporary governing body have been constituted shall, in preparing to discharge his functions under Part V in relation to the curriculum for the school, consult that body and the local education authority.
- (2) Any authority who have been consulted under this paragraph shall inform the head teacher of the resources which are likely to be made available to the school; and the head teacher shall have regard to any information so given to him.

#### *School terms, holidays and sessions*

- 26 (1) Pending the coming into force of the articles of government for a new school which will be a county or controlled school—
- (a) the dates when the school terms and holidays are to begin and end shall be determined by the local education authority, and
  - (b) the times of the school sessions shall be determined by the temporary governing body after consultation with the authority.
- (2) Pending the coming into force of the articles of government for a new school which will be an aided school—

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- (a) the dates and times when the school terms and holidays are to begin and end, and
  - (b) the times of the school sessions,
- shall be determined by the temporary governing body.
- (3) In this paragraph “the times of the school sessions” means the times at which each of the school sessions (or, if there is only one, the school session) is to begin and end on any day.

#### *Discipline*

- 27 Pending the coming into force of the articles of government for a new school, section 154(2) to (6) (responsibility for discipline) shall apply—
- (a) in relation to the head teacher, and
  - (b) subject to any necessary modifications, in relation to the temporary governing body,
- as if they had effect as independent enactments (rather than for the purposes of the provision to be made by articles of government).

#### *Reports and information*

- 28 (1) A temporary governing body shall provide the local education authority with such reports in connection with the discharge of their functions as the authority may require (either on a regular basis or from time to time).
- (2) The head teacher of a new school for which a temporary governing body have been constituted shall provide that body or (as the case may be) the local education authority with such reports in connection with the discharge of his functions as that body or the authority may require (either on a regular basis or from time to time).
- (3) In the case of a new school which will be an aided school—
- (a) the local education authority shall notify the temporary governing body of any requirement imposed by them on the head teacher under sub-paragraph (2), and
  - (b) the head teacher shall provide the temporary governing body with a copy of any report which he makes in complying with any such requirement.

#### *Consultation on expenditure by local education authority*

- 29 (1) Where a temporary governing body have been constituted for a new school, the local education authority shall consult that body and the head teacher on their proposed expenditure on books, equipment and stationery for the school.
- (2) Sub-paragraph (1) does not apply in relation to a new school which has a delegated budget.

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#### Textual Amendments

**F45** Sch. 20 repealed (1.10.1998 so far as relating to the repeal of Pt. I and otherwise 1.4.1999) by 1998 c. 31, ss. 140(1)(3), 145(3), Sch. 30 para. 185, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1 Pt. I**; S.I. 1999/1016, art. 2(1), **Sch. 1**

### <sup>F46</sup>SCHEDULE 21

#### Textual Amendments

**F46** Sch. 21 repealed (1.10.1998) by 1998 c. 31, ss. 140(1)(3), 145(1), Sch. 30 para. 185, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1 Pt.I**

### <sup>F47</sup>SCHEDULE 22

Section 218(4).]

#### GOVERNING BODIES OF GRANT-MAINTAINED SCHOOLS

#### Textual Amendments

**F47** Sch. 22 repealed (1.4.1999 so far as relating to the repeal of para. 15 and otherwise prosp.) by 1998 c. 31, ss. 140(1)(3), 145(1), Sch. 30 para. 185, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(4), **Sch. 1 Pt. IV**

#### *Introductory*

- 1 In this Schedule—  
     “school” means a grant-maintained school, and  
     “instrument”, in relation to a school, means the instrument of government for the school.

#### *Election of governors*

- 2 The instrument for a school may make provision—  
     (a) as to the procedure for the election of members of the governing body, and  
     (b) for the determination of any questions arising in connection with, or matters relating to, such elections.

#### *Disqualification for, tenure of and removal from office*

- 3 A person who is a member of the teaching or other staff at a school which is required to have first governors shall be disqualified for holding office as such a governor on the governing body.

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- 4           The instrument for a school may make provision as to the circumstances in which persons are to be disqualified for holding office as members of the governing body.
- 5           Subject to paragraph 10, the instrument for a school must provide for each governor of an elected category to hold office for a term of four years.
- 6           (1) Subject to paragraph 10, the instrument for a school must make the following provision for the term of office of—
- (a) first or, as the case may be, foundation governors, other than a foundation governor who is a governor ex officio, and
- (b) where there are sponsor governors, those governors.
- (2) Except where sub-paragraph (3), (4) or (5) applies, such a governor is to hold office for such term (not being less than five nor more than seven years) as may be specified in the instrument.
- (3) The initial instrument must provide, except where sub-paragraph (4) or (5) applies—
- (a) subject to paragraph (b), for such a governor to hold office for such term as was specified in the proposals for acquisition of grant-maintained status or, as the case may be, the proposals for the establishment of a new grant-maintained school as the proposed term of office for initial governors of the category in question, and
- (b) in the case of a governing body incorporated in pursuance of proposals for the establishment of a new grant-maintained school which name a person as a sponsor of the school, for any sponsor governor to hold office for such term as was specified as the proposed term of office for such governors in those proposals.
- (4) Any additional first or foundation governor appointed in pursuance of provision made in the instrument by virtue of section 230(2) is to hold office for such term (not being more than five years) as may be specified in the terms of that governor's appointment.
- (5) Any first governor appointed in pursuance of provision made in the instrument by virtue of section 227 is to hold office for such term (not being less than five nor more than seven years) as may be specified in the terms of his appointment.
- 7           No provision made in the instrument by virtue of paragraph 5, 6 or 10 shall be taken to prevent a governor—
- (a) from being elected or appointed for a further term, or
- (b) from being disqualified, by virtue of paragraph 3 or any provision made by virtue of paragraph 4, for continuing to hold office.
- 8           The instrument for a school must provide that any member of the governing body may at any time resign his office.
- 9           (1) The instrument for a school must provide that any foundation governor (other than one holding office ex officio) and any sponsor governor may be removed from office by the person or persons who appointed him.
- (2) For the purposes of this paragraph, an initial foundation governor shall be treated as having been appointed by the person or persons entitled to appoint foundation governors under provision included in the instrument in accordance with section 228(7)(b).

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*Initial appointments: terms of office*

- 10 (1) The instrument for a school must, until every initial governor has ceased to hold office, make the provision required by sub-paragraphs (2) and (3).
- (2) In the case of a governing body incorporated under Chapter II of Part III—
- (a) an initial governor of an elected category who was a governor of that category on the governing body of the school immediately before the incorporation date shall hold office for the remainder of his term of office on the former governing body, and
  - (b) an initial governor of an elected category who was elected under section 234, or elected or nominated under section 237 to hold office as such, shall hold office for a term of four years.
- (3) An initial first governor, initial foundation governor (other than a foundation governor who is a governor ex officio) or initial sponsor governor shall hold office for such term (not being less than five nor more than seven years) beginning with the incorporation date as may be specified as his proposed term of office in the proposals for acquisition of grant-maintained status or, as the case may be, the proposals for the establishment of a new grant-maintained school.
- (4) In the case of a governing body incorporated under Chapter IV of Part III, the instrument for a school must, until every governor of an elected category appointed before the date of implementation of the proposals has ceased to hold office, provide for any such governor to hold office for the prescribed term.

*Meetings and proceedings*

- 11 The proceedings of the governing body of a school shall not be invalidated by—
- (a) any vacancy among their number, or
  - (b) any defect in the election or appointment of any governor.
- 12 Subject to the provisions of Chapter V of Part III and any instrument of government or articles of government made under that Chapter, the governing body of a school may regulate their own procedure.
- 13 (1) The instrument for a school may make provision as to the meetings and proceedings of the governing body.
- (2) The provision that may be made in pursuance of this paragraph includes, in particular, provision—
- (a) as to the election of a chairman and vice-chairman,
  - (b) as to the establishment, constitution, meetings and proceedings of committees,
  - (c) for the delegation of the governing body's functions, in such circumstances as may be specified in the instrument, to committees established by that body or to any member of that body, and
  - (d) as to the procedure (including any quorum) when business is transacted by members of the governing body of a particular category.
- (3) The provision mentioned in sub-paragraph (2)(b) may provide for a committee to include persons who are not members of the governing body.
- (4) The instrument shall make provision for an appeal committee for the purposes of paragraph 6(1) of Schedule 23 to include among its members (with full voting



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powers) a person nominated by the governing body from among persons who are eligible to be lay members.

- (5) A person is eligible to be a lay member for the purposes of sub-paragraph (4) if—
- (a) he is a person without personal experience in the management of any school or the provision of education in any school (disregarding any such experience as a governor or in any other voluntary capacity), and
  - (b) he does not have, and has not at any time had, any connection with—
    - (i) the school, or
    - (ii) any person who is a member of, or employed by, the governing body of the school,of a kind which might reasonably be taken to raise doubts about his ability to act impartially in relation to the school.

*Information as to meetings and proceedings*

- 14 (1) Regulations may require the governing body of a school to make available, to such persons or classes of person as may be prescribed, such documents and information relating to the meetings and proceedings of the governing body as may be prescribed.
- (2) Documents and information required by the regulations to be made available shall be made available in such form and manner, and at such times, as may be prescribed.

*Allowances for governors*

F48 15 .....

**Textual Amendments**

**F48** Sch. 22 para. 15 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 185, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(4), **Sch. 1 Pt.IV**

*Seal etc.*

- 16 (1) The application of the seal of the governing body of a school must be authenticated by the signature—
- (a) of the chairman of the governing body, or
  - (b) of some other member authorised either generally or specially by the governing body to act for that purpose,
- together with the signature of any other member.
- (2) Every document purporting to be an instrument made or issued by or on behalf of the governing body of a school and—
- (a) to be duly executed under the seal of the governing body, or
  - (b) to be signed or executed by a person authorised by the governing body to act in that behalf,
- shall be received in evidence and be treated, without further proof, as being so made or issued unless the contrary is shown.

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## SCHEDULE 23

Section 218(5).

### CONTENT OF ARTICLES OF GOVERNMENT FOR GRANT-MAINTAINED SCHOOLS

**Modifications etc. (not altering text)**

**C10** Sch. 23 modified (*temp.*) (1.9.1998) by S.I. 1998/1948, reg. 3(1)(2), Sch. para. 9(1)(2)

#### *Introductory*

- 1 In this Schedule—
- “school” means a grant-maintained school, and
  - “articles”, in relation to a school, means the articles of government for the school.

#### *Performance and delegation of functions*

- 2 (1) The articles must make provision as to the functions to be exercised in relation to the school by—
- (a) the Secretary of State,
  - (b) the funding authority,
  - (c) the governing body,
  - (d) any committee or other body established by the governing body,
  - (e) the head teacher, and
  - (f) any other persons specified in or determined under the articles.
- (2) The articles must also include provision as to the delegation of such functions by those on whom they are imposed or conferred by or under the articles.
- (3) The articles may include provision as to the establishment by the governing body of committees or other bodies of persons for the purposes of or in connection with the performance in relation to the school of such functions as may be determined by or under the articles.

#### *Staff*

- 3 (1) The articles must include provision as to—
- (a) disciplinary rules and procedures applicable to members of the staff of the school, and
  - (b) procedures for giving them opportunities for seeking redress of any grievances relating to their employment.
- (2) The articles must also include provision as to arrangements—
- (a) for giving any member of the staff an opportunity of making representations as to any proposal to dismiss him by the governing body or any persons authorised under the articles to dismiss him, including (if he so wishes) oral representations to such person or persons as may be appointed for the purpose,
  - (b) for requiring the governing body or any persons authorised under the articles to dismiss him to have regard to any representations made by him before taking any decision to dismiss him, and

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- (c) for giving any member of staff whom it has been decided to dismiss an opportunity of appealing against that decision before any action is taken to implement it.

#### *Curriculum*

- 4 (1) The articles must include provision for securing the discharge by the governing body and the head teacher of duties imposed on them under Chapters I and II of Part V and sections 384, 388, 389, 400 and 408.
- (2) The articles must include provision as to arrangements for the consideration and disposal of complaints relating to any matter concerning the curriculum followed within the school including, in particular, the discharge by the governing body of those duties.
- (3) The articles must require the governing body, when considering the content of the secular curriculum for the school, to have regard to any representations with regard to that curriculum—
  - (a) which are made to them by any persons connected with the community served by the school, or
  - (b) which are made to them by the chief officer of police and are connected with his responsibilities.

#### *Admission arrangements*

- 5 (1) The articles must—
  - (a) provide for the governing body to be responsible for determining the arrangements for admitting pupils to the school; and
  - (b) include provision as to the policy to be followed in deciding admissions.
- (2) The articles must also require the governing body to publish, for each school year, particulars of—
  - (a) the arrangements for admission of pupils to the school; and
  - (b) the procedures applicable under the articles in relation to the admission of pupils to the school.

#### *Appeals relating to admission and exclusion of pupils*

- 6 (1) The articles must include provision as to the arrangements for appeals (in such circumstances as may be provided by the articles) to an appeal committee constituted in accordance with the instrument of government against any decision or action taken—
    - (a) by the governing body, or
    - (b) by any persons authorised under the articles to take any decision or action of the kind in question,in relation to admissions of pupils to the school or the permanent exclusion of a pupil from the school.
  - (2) The articles must enable the governing body to make such arrangements jointly with the governing body of one or more other grant-maintained schools.
- [<sup>F49</sup>(2A) Sub-paragraphs (1) and (2), so far as they apply in relation to arrangements in respect of appeals—

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- (a) do not require the articles to provide for any matter for which provision is made by Schedule 25A (exclusion appeals); and
  - (b) have effect subject to paragraph 4(2) of Schedule 33B (refusal of admission in case of children permanently excluded from two or more schools).]
- (3) The articles must require the governing body to publish, for each school year, particulars of any arrangements made by them in respect of appeals by parents against any such decision or action in relation to admissions of pupils to the school as is mentioned in sub-paragraph (1) above.

#### **Textual Amendments**

**F49** Sch. 23 para. 6(2A) inserted (1.9.1997 except in relation to the insertion of para. 6(2A)(a), as to which the insertion came into force on 1.9.1998) by 1997 c. 44, s. 57(1), **Sch. 7 para. 49(3)**; S.I. 1997/1468, art. 2(2), **Sch. 1 Pt. II** (with transitional provisions); S.I. 1998/386, art. 2(4), **Sch. 1 Pt. IV** (with transitional provisions); and Sch. 7 para. 49 of the amending Act is repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 223, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

#### *Annual reports*

- 7 (1) The articles must require the governing body to prepare once in every school year a report in such form and containing such information as the articles may require.
- (2) The articles must require the governing body to take such steps as are reasonably practicable to secure that—
- (a) the registered parents of all registered pupils at the school and all persons employed at the school are given (free of charge) a copy of the report, and
  - (b) copies of the report are available for inspection (at all reasonable times and free of charge) at the school.

#### *Annual parents' meetings*

- 8 (1) The articles must require the governing body, subject to any exceptions provided for in the articles, to hold a meeting once in every school year which is open to—
- (a) all parents of registered pupils at the school, and
  - (b) such other persons as the governing body may invite.
- (2) The articles must include provision as to—
- (a) the procedure to be followed and the matters to be considered at such a meeting,
  - (b) the determination of any questions arising in connection with such a meeting, and
  - (c) the taking by the governing body or any other persons of such action as may be required by the articles for the purposes of, or in connection with, such a meeting or any resolutions passed at it.

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## SCHEDULE 24

Section 222.

### CATEGORIES OF GOVERNORS

#### PART I

##### INTRODUCTORY

###### *Application*

- 1 (1) This Schedule applies, in relation to the governing body of a grant-maintained school, for the purposes of Part III.
- (2) Part II of this Schedule applies for the purpose of determining who are to be the initial governors of a grant-maintained school.
- (3) Part III of this Schedule applies for the purpose of determining who are to be the governors of a grant-maintained school on and after the incorporation date.

###### *General interpretation*

- 2 References to an initial governor are to any person who becomes a member of the governing body on the incorporation date.
- 3 References to a governor of an elected category are to a person who is a parent or teacher governor as defined by section 78(3) or (4) or is such a governor within the meaning of this Schedule.
- 4 In relation to any proposals for acquisition of grant-maintained status in respect of a school, a person who is a governor of an elected category on the existing governing body of the school is an eligible governor of that category if—
  - (a) his term of office as a governor is due to end after the date of implementation of the proposals, and
  - (b) he has notified the existing governing body that he is willing to serve on the proposed governing body and has not withdrawn that notification.

#### PART II

##### INITIAL GOVERNORS

###### *Parent governors*

- 5 (1) In relation to a governing body to be incorporated under Chapter II of Part III, “parent governor” means—
  - (a) a person who, immediately before the incorporation date in relation to the school, is a parent governor (as defined by section 78(3)) in relation to the school, or
  - (b) a person elected or appointed under section 234, or elected, appointed or nominated under section 237, to hold office as an initial parent governor on the governing body.

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- (2) A person elected under section 234 to hold office as an initial parent governor must be elected by registered parents of registered pupils at the school and a person elected or appointed under that section to hold such office must when he is elected or appointed be such a parent.
- (3) A person elected, appointed or nominated under section 237 to hold office as an initial parent governor—
  - (a) in the case of an election, must be elected by registered parents of registered pupils at the school and must when he is elected be such a parent, and
  - (b) in the case of an appointment or nomination, must be a registered parent of a registered pupil at the school at the time of his appointment or nomination.

*Teacher governors*

- 6 (1) In relation to a governing body to be incorporated under Chapter II of Part III, “teacher governor” means—
  - (a) a person who, immediately before the incorporation date in relation to the school, is a teacher governor (as defined by section 78(4)) in relation to the school, or
  - (b) a person elected under section 234, or elected or nominated under section 237, to hold office as an initial teacher governor on the governing body.
- (2) A person elected under section 234 to hold office as an initial teacher governor must be elected by teachers at the school and must when he is elected be such a teacher.
- (3) A person elected or nominated under section 237 to hold office as an initial teacher governor—
  - (a) in the case of an election, must be elected by teachers at the school and must when he is elected be such a teacher, and
  - (b) in the case of a nomination, must be a teacher at the school at the time of his nomination.

*First governors*

- 7 (1) In relation to a governing body to be incorporated under Chapter II of Part III, “first governor” means a person who is selected under section 236(1), or nominated under section 238(1), and appears to the persons selecting or nominating him to be committed to the good government and continuing viability of the school.
- (2) In relation to a governing body to be incorporated under Chapter IV of Part III, “first governor” means a person appointed by the funding authority who appears to them to be committed to the good government and continuing viability of the proposed school.

*Foundation governors*

- 8 (1) In relation to a governing body to be incorporated under Chapter II of Part III, “foundation governor” means—
  - (a) a person who is selected under section 236(2) or nominated under section 238(2),

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- (b) where the statement annexed (under paragraph 2 of Schedule 20) to the proposals for acquisition of grant-maintained status describes the religious character of the school, a person who is appointed for the purpose of securing that (subject to the approval or adoption under section 261 of any proposals) the religious character of the school is such as is indicated in the statement, and
  - (c) where there is a trust deed relating to the school, a person who is appointed for the purpose of securing that the school is conducted in accordance with the deed.
- (2) In relation to a governing body to be incorporated under Chapter IV of Part III, “foundation governor” means—
- (a) a person who is appointed by the promoters,
  - (b) where the statement annexed under paragraph 8 of Schedule 20 to the proposals for the establishment of a new grant-maintained school describes the religious character of the school, a person who is appointed for the purpose of securing that (subject to the approval or adoption under section 261 of any proposals) the religious character of the proposed school is such as is indicated in the statement, and
  - (c) where there is a trust deed relating to the proposed school, a person who is appointed for the purpose of securing that the proposed school is conducted in accordance with that deed.

#### *Sponsor governors*

- 9 In relation to a governing body to be incorporated under Chapter II of Part III, “sponsor governor” means a person appointed by a person named as a sponsor of the school in the proposals for acquisition of grant-maintained status.

### **PART III**

#### **GOVERNORS OTHER THAN INITIAL GOVERNORS**

#### *Parent governors*

- 10 (1) “Parent governor” means a person who—
- (a) is elected by registered parents of registered pupils at the school,
  - (b) is appointed under a provision of the instrument of government made by virtue of section 223(3),
  - (c) is appointed by virtue of section 223(6), or
  - (d) is an initial parent governor.
- (2) To qualify for such election, the person must when he is elected be a registered parent of a registered pupil at the school.

#### *Teacher governors*

- 11 (1) “Teacher governor” means a person who—
- (a) is elected by teachers at the school,
  - (b) is appointed by virtue of section 224(4), or

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(c) is an initial teacher governor.

(2) To qualify for such election, the person must when he is elected be a teacher at the school.

#### *First governors*

12 “First governor” means—

- (a) a person appointed by the governing body who appears to them to be committed to the good government and continuing viability of the school,
- (b) a person appointed under a provision of the instrument of government made by virtue of section 227 who appears to the person appointing him to be committed to the good government and continuing viability of the school, or
- (c) an initial first governor.

#### *Foundation governors*

13 “Foundation governor” means a person who—

- (a) is appointed otherwise than by a local education authority or the funding authority,
- (b) where paragraph 8(1)(b) or (2)(b) applies, is appointed for the purpose there referred to, and
- (c) where there is a trust deed relating to the school, is appointed for the purpose of securing that the school is conducted in accordance with that deed.

#### *Sponsor governors*

14 “Sponsor governor” means—

- (a) a person appointed by a person named in the instrument of government as a sponsor of the school,
- (b) while the instrument of government is the initial instrument, a person appointed by a person named as a sponsor of the school in the proposals for acquisition of grant-maintained status or, as the case may be, the proposals for the establishment of a new grant-maintained school, or
- (c) an initial sponsor governor.

## SCHEDULE 25

Section 285.

### CORE GOVERNORS FOR GROUPS

#### *Introductory*

1 The provision made for core governors in the instrument of government for the governing body of a group must be in accordance with this Schedule.



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### *Kinds of core governor*

- 2 (1) Core governors may be either—
- (a) appointed by the governing body, or
  - (b) externally appointed.
- (2) Externally appointed core governors may be either—
- (a) appointed in respect of a particular school in the group, being a school—
    - (i) which was a voluntary school immediately before it became grant-maintained, or
    - (ii) which was established in pursuance of proposals published under section 212, or
  - (b) where the group consists only of such schools, appointed in respect of the group otherwise than by the governing body.
- (3) A person appointed as mentioned in sub-paragraph (2)(a) must be appointed by the persons named in the instrument of government for the group as being entitled to appoint externally appointed core governors in respect of the school.
- (4) A person appointed as mentioned in sub-paragraph (2)(a) must be appointed—
- (a) (where any statement annexed to the proposals in pursuance of which the school became a grant-maintained school described the religious character of the school) for the purpose of securing that, subject to any change in the character of the school which may be authorised by or under Part III, the religious character of the school is such as was indicated in the statement, and
  - (b) (where there is a trust deed relating to the school) for the purpose of securing that the school is conducted in accordance with the deed.
- (5) Core governors, other than externally appointed core governors appointed in respect of particular schools in the group, must be appointed from among persons who appear to the person making the appointment to be committed to the good government and continuing viability of all the schools in the group.
- (6) A person who is a member of the teaching or other staff at any of the schools in the group is disqualified from holding office as a core governor, other than an externally appointed core governor.

### *Groups consisting only of former voluntary schools or section 212 schools*

- 3 (1) This paragraph applies in the case of such a group as is mentioned in paragraph 2(2)(b).
- (2) The minimum number of externally appointed core governors (referred to in this paragraph as “MN”) is one greater than the number of governors other than externally appointed core governors.
- (3) Any head teacher of a school in the group who has chosen not to be a governor shall be counted as one for the purposes of sub-paragraph (2).
- (4) In respect of each school in the group there must be the same number of externally appointed core governors.
- (5) The total number of externally appointed core governors in respect of schools in the group must not be less than the highest number, not exceeding MN, that is consistent with sub-paragraph (4).

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### *Other groups*

- 4 (1) This paragraph applies in the case of a group other than such a group as is mentioned in paragraph 2(2)(b).
- (2) If any school in the group falls within paragraph 2(2)(a), one externally appointed governor must be appointed in respect of that school.
- (3) The appropriate number of the core governors must (on the date or dates on which they respectively take office) be parents of registered pupils at schools in the group, and the appropriate number of the core governors must (on the date or dates on which they respectively take office) be members of the local community; but one person may satisfy both requirements.
- (4) In sub-paragraph (3) “the appropriate number” means not less than two or, if all but one of the schools in the group fall within paragraph 2(2)(a), at least one.
- (5) In appointing core governors, the governing body must secure that those governors include persons appearing to the governing body to be members of the local business community (and such persons may also satisfy one or both of the requirements of sub-paragraph (3)).
- (6) The number of core governors must be such number, not being—
- (a) less than five, or
  - (b) (subject to paragraph (a)) more than the number of schools in the group, as will secure that they and the parent governors outnumber the other governors.
- (7) Any head teacher of a school in the group who has chosen not to be a governor shall be counted as one for the purposes of sub-paragraph (6).

## [<sup>F50</sup>SCHEDULE 25A

### APPEALS AGAINST EXCLUSION OF PUPILS FROM GRANT-MAINTAINED SCHOOLS

#### Textual Amendments

**F50** Sch. 25A inserted (1.9.1998) by 1997 c. 44, s. 8(2), **Sch.1**; S.I. 1998/386, art. 2(4), **Sch. 1 Pt.IV** (with transitional provisions)

#### <sup>F51</sup> *Introductory*

#### Textual Amendments

**F51** Sch. 25A inserted (1.9.1998) by 1997 c. 44, s. 8(2), **Sch.1**; S.I. 1998/386, art. 2(4), **Sch. 1 Pt.IV** (subject to transitional provisions in Sch. 2 Pt. II); and Sch. 1 of the amending Act is repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 222(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

<sup>F52</sup><sub>1</sub>

In this Schedule—

“appeal” means an appeal mentioned in section 307A;

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“appeal committee” means an appeal committee constituted for the purposes of an appeal in accordance with the instrument of government of the school;

“the relevant person” means—

- (a) in relation to a pupil under the age of 18, a parent of his;
- (b) in relation to a pupil who has attained that age, the pupil himself.

#### Textual Amendments

**F52** Sch. 25A inserted (1.9.1998) by 1997 c. 44, s. 8(2), **Sch.1**; S.I. 1998/386, art. 2(4), **Sch. 1 Pt.IV** (subject to transitional provisions in Sch. 2 Pt. II); and Sch. 1 of the amending Act is repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 222(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

#### *F53 Procedure on appeal*

#### Textual Amendments

**F53** Sch. 25A inserted (1.9.1998) by 1997 c. 44, s. 8(2), **Sch.1**; S.I. 1998/386, art. 2(4), **Sch. 1 Pt.IV** (subject to transitional provisions in Sch. 2 Pt. II); and Sch. 1 of the amending Act is repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 222(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

**F54**<sub>2</sub> An appeal shall be by notice in writing setting out the grounds on which it is made.

#### Textual Amendments

**F54** Sch. 25A inserted (1.9.1998) by 1997 c. 44, s. 8(2), **Sch.1**; S.I. 1998/386, art. 2(4), **Sch. 1 Pt.IV** (subject to transitional provisions in Sch. 2 Pt. II); and Sch. 1 of the amending Act is repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 222(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

- F55**<sub>3</sub> (1) Subject to sub-paragraph (2), the appeal committee shall meet to consider an appeal—
- (a) within the period ending with the 15th school day after the day on which the appeal is lodged, or
  - (b) if the governing body have determined a shorter period, within that period.
- (2) The governing body may extend the period within which the appeal committee are to consider an appeal where—
- (a) the relevant person requests them to do so; and
  - (b) they are satisfied that the circumstances are exceptional and justify the period under sub-paragraph (1) being extended.

#### Textual Amendments

**F55** Sch. 25A inserted (1.9.1998) by 1997 c. 44, s. 8(2), **Sch.1**; S.I. 1998/386, art. 2(4), **Sch. 1 Pt.IV** (subject to transitional provisions in Sch. 2 Pt. II); and Sch. 1 of the amending Act is repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 222(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

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- <sup>F56</sup>4 (1) For the purpose of fixing the time (falling within the period mentioned in paragraph 3) at which the hearing of an appeal is to take place, the governing body shall take reasonable steps to ascertain any times falling within that period when—
- (a) the relevant person, or
  - (b) any other person who wishes, and would be entitled, to appear and make oral representations in accordance with paragraph 5,
- would be able to attend.
- (2) Where in accordance with sub-paragraph (1) the governing body have ascertained any such times in the case of any such person, they shall, when fixing the time at which the hearing is to take place, take those times into account with a view to ensuring, so far as it is reasonably practicable to do so, that that person is able to appear and make such representations at the hearing.

#### Textual Amendments

**F56** Sch. 25A inserted (1.9.1998) by 1997 c. 44, s. 8(2), **Sch.1**; S.I. 1998/386, art. 2(4), **Sch. 1 Pt.IV** (subject to transitional provisions in Sch. 2 Pt. II); and Sch. 1 of the amending Act is repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 222(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

- <sup>F57</sup>5 (1) The appeal committee shall give the relevant person an opportunity of appearing and making oral representations, and shall allow him to be represented or to be accompanied by a friend.
- (2) The appeal committee shall allow—
- (a) the head teacher and a member of the governing body to make written representations;
  - (b) the head teacher and a member of the governing body to appear and make oral representations; and
  - (c) the governing body to be represented.

#### Textual Amendments

**F57** Sch. 25A inserted (1.9.1998) by 1997 c. 44, s. 8(2), **Sch.1**; S.I. 1998/386, art. 2(4), **Sch. 1 Pt.IV** (subject to transitional provisions in Sch. 2 Pt. II); and Sch. 1 of the amending Act is repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 222(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

- <sup>F58</sup>6 An appeal shall be held in private except when otherwise directed by the governing body, but any member of the Council on Tribunals may attend as an observer any meeting of the appeal committee at which an appeal is considered.

#### Textual Amendments

**F58** Sch. 25A inserted (1.9.1998) by 1997 c. 44, s. 8(2), **Sch.1**; S.I. 1998/386, art. 2(4), **Sch. 1 Pt.IV** (subject to transitional provisions in Sch. 2 Pt. II); and Sch. 1 of the amending Act is repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 222(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

- <sup>F59</sup>7 Two or more appeals may be combined and dealt with in the same proceedings if the appeal committee consider that it is expedient to do so because the issues raised by the appeals are the same or connected.

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#### Textual Amendments

**F59** Sch. 25A inserted (1.9.1998) by 1997 c. 44, s. 8(2), **Sch.1**; S.I. 1998/386, art. 2(4), **Sch. 1 Pt.IV** (subject to transitional provisions in Sch. 2 Pt. II); and Sch. 1 of the amending Act is repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 222(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

- F60**8 (1) In deciding whether the pupil in question should be reinstated (and, if so, the time when this should take place), the appeal committee shall have regard to both the interests of that pupil and the interests of other pupils at his school and members of its staff.
- (2) In making its decision on an appeal, the appeal committee shall also have regard to the measures publicised by the head teacher under section 306A(7).
- (3) Sub-paragraphs (1) and (2) do not apply where the appeal committee decides that the pupil in question was not guilty of the conduct which the head teacher relied on as grounds for his permanent exclusion.
- (4) Sub-paragraphs (1) and (2) shall not be read as precluding an appeal committee from having regard to any other relevant matters.

#### Textual Amendments

**F60** Sch. 25A inserted (1.9.1998) by 1997 c. 44, s. 8(2), **Sch.1**; S.I. 1998/386, art. 2(4), **Sch. 1 Pt.IV** (subject to transitional provisions in Sch. 2 Pt. II); and Sch. 1 of the amending Act is repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 222(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

- F61**9 In the event of a disagreement between the members of the appeal committee the appeal under consideration shall be decided by a simple majority of the votes cast and, in the case of an equality of votes, the chairman of the committee shall have a second or casting vote.

#### Textual Amendments

**F61** Sch. 25A inserted (1.9.1998) by 1997 c. 44, s. 8(2), **Sch.1**; S.I. 1998/386, art. 2(4), **Sch. 1 Pt.IV** (subject to transitional provisions in Sch. 2 Pt. II); and Sch. 1 of the amending Act is repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 222(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

- F62**10 Subject to paragraph 11, the decision of the appeal committee and the grounds on which it is made shall be communicated by the committee in writing to the relevant person, the governing body, the head teacher and the local education authority to whose area the pupil belongs within—
- (a) the period ending with the 17th school day after the day on which the appeal is lodged; or
- (b) if the governing body have determined a shorter period, that period.

#### Textual Amendments

**F62** Sch. 25A inserted (1.9.1998) by 1997 c. 44, s. 8(2), **Sch.1**; S.I. 1998/386, art. 2(4), **Sch. 1 Pt.IV** (subject to transitional provisions in Sch. 2 Pt. II); and Sch. 1 of the amending Act is repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 222(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

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- <sup>F63</sup>11 Where the governing body extend the period for the consideration of an appeal in accordance with paragraph 3(2), they shall (to the extent it appears to them to be necessary as a result of the extension of that period) extend the period within which the appeal committee are to communicate their decision.

**Textual Amendments**

**F63** Sch. 25A inserted (1.9.1998) by 1997 c. 44, s. 8(2), **Sch.1**; S.I. 1998/386, art. 2(4), **Sch. 1 Pt.IV** (subject to transitional provisions in Sch. 2 Pt. II); and Sch. 1 of the amending Act is repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 222(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

- <sup>F64</sup>12 Subject to paragraphs 2 to 11, all matters relating to the procedure on appeals shall be determined by the governing body.

**Textual Amendments**

**F64** Sch. 25A inserted (1.9.1998) by 1997 c. 44, s. 8(2), **Sch.1**; S.I. 1998/386, art. 2(4), **Sch. 1 Pt.IV** (subject to transitional provisions in Sch. 2 Pt. II); and Sch. 1 of the amending Act is repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 222(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

- <sup>F65</sup>13 (1) Subject to sub-paragraph (2), where joint arrangements for appeals have been made in accordance with paragraph 6(2) of Schedule 23 (content of articles of government), paragraphs 2 to 12 shall have effect in respect of appeals to committees established in accordance with the joint arrangements.
- (2) In the case of any appeal made in pursuance of the joint arrangements—
- (a) paragraphs 3, 4, 6, 10(b), 11 and 12 shall have effect as if for “the governing body” there were substituted “the governing body and the governing body of every other school which is a party to the arrangements, acting jointly”; and
  - (b) paragraphs 5(2) and 10 (except paragraph 10(b)) shall have effect as if for “the governing body” there were substituted “the governing body against whose decision the appeal is made”.

**Textual Amendments**

**F65** Sch. 25A inserted (1.9.1998) by 1997 c. 44, s. 8(2), **Sch.1**; S.I. 1998/386, art. 2(4), **Sch. 1 Pt.IV** (subject to transitional provisions in Sch. 2 Pt. II); and Sch. 1 of the amending Act is repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 222(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

<sup>F66</sup>*Power of Secretary of State to make amendments*

**Textual Amendments**

**F66** Sch. 25A inserted (1.9.1998) by 1997 c. 44, s. 8(2), **Sch.1**; S.I. 1998/386, art. 2(4), **Sch. 1 Pt.IV** (subject to transitional provisions in Sch. 2 Pt. II); and Sch. 1 of the amending Act is repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 222(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

- <sup>F67</sup>14 The Secretary of State may by order amend the preceding provisions of this Schedule.]

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### Textual Amendments

**F67** Sch. 25A inserted (1.9.1998) by 1997 c. 44, s. 8(2), **Sch.1**; S.I. 1998/386, art. 2(4), **Sch. 1 Pt.IV** (subject to transitional provisions in **Sch. 2 Pt. II**); and **Sch. 1** of the amending Act is repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), **Sch. 30 para. 222(a)**, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

## SCHEDULE 26

Section 323.

### MAKING OF ASSESSMENTS UNDER SECTION 323

#### *Introductory*

- 1 In this Schedule “assessment” means an assessment of a child’s educational needs under section 323.

#### *Medical and other advice*

- 2 (1) Regulations shall make provision as to the advice which a local education authority are to seek in making assessments.
- (2) Without prejudice to the generality of sub-paragraph (1), the regulations shall require the authority, except in such circumstances as may be prescribed, to seek medical, psychological and educational advice and such other advice as may be prescribed.

#### *Manner; and timing, of assessments, etc.*

- 3 (1) Regulations may make provision—
- (a) as to the manner in which assessments are to be conducted,
  - (b) requiring the local education authority, where, after conducting an assessment under section 323 of the educational needs of a child for whom a statement is maintained under section 324, they determine not to amend the statement, to serve on the parent of the child a notice giving the prescribed information, and
  - (c) in connection with such other matters relating to the making of assessments as the Secretary of State considers appropriate.
- (2) Sub-paragraph (1)(b) does not apply to a determination made following the service of notice under <sup>F68</sup>paragraph 2A] of Schedule 27 (amendment of statement by LEA) of a proposal to amend the statement.
- <sup>F69</sup>(3) Regulations may provide—
- (a) that where a local education authority are under a duty under section 323, 329 or 329A to serve any notice, the duty must be performed within the prescribed period,
  - (b) that where a local education authority have served a notice under section 323(1) or 329A(3) on a child’s parent, they must decide within the prescribed period whether or not to make an assessment of the child’s educational needs,

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- (c) that where a request has been made to a local education authority under section 329(1), they must decide within the prescribed period whether or not to comply with the request, and
  - (d) that where a local education authority are under a duty to make an assessment, the duty must be performed within the prescribed period.
- (4) Provision made under sub-paragraph (3)—
- (a) may be subject to prescribed exceptions, and
  - (b) does not relieve the authority of the duty to serve a notice, or make a decision or assessment, which has not been served or made within the prescribed period.]

#### Textual Amendments

- F68** Words in Sch. 26 para. 3(2) substituted (1.1.2002 (E.) and 1.4.2002 (W.)) by 2001 c. 10, s. 42(1), Sch. 8 para. 14(2) (with s. 43(13)); S.I. 2001/2217, art. 5, Sch. Pt. II (as amended by S.I. 2001/2614, art. 4); S.I. 2002/74, art. 5, Sch. Pt. II
- F69** Sch. 26 para. 3(3)(4) substituted (11.5.2001 for certain purposes, 1.1.2002 otherwise for E. and 1.4.2002 otherwise for W.) by 2001 c. 10, ss. 42(1), 43(4)(e), Sch. 8 para. 14(3) (with s. 43(13)); S.I. 2001/2217, art. 5, Sch. Pt. II (as amended by S.I. 2001/2614, art. 4); S.I. 2002/74, art. 5, Sch. Pt. II

#### *Attendance at examinations*

- 4 (1) Where a local education authority [<sup>F70</sup>are considering whether] to make an assessment, they may serve a notice on the parent of the child concerned requiring the child's attendance for examination in accordance with the provisions of the notice.
- (2) The parent of a child examined under this paragraph may be present at the examination if he so desires.
- (3) A notice under this paragraph shall—
- (a) state the purpose of the examination,
  - (b) state the time and place at which the examination will be held,
  - (c) name an officer of the authority from whom further information may be obtained,
  - (d) inform the parent that he may submit such information to the authority as he may wish, and
  - (e) inform the parent of his right to be present at the examination.

#### Textual Amendments

- F70** Words in Sch. 26 para. 4(1) substituted (1.1.2002 (E.) and 1.4.2002 (W.)) by 2001 c. 10, s. 42(1), Sch. 8 para. 11(2) (with s. 43(13)); S.I. 2001/2217, art. 5, Sch. Pt. II (as amended by S.I. 2001/2614, art. 4); S.I. 2002/74, art. 5, Sch. Pt. II

#### *Offence*

- 5 (1) Any parent who fails without reasonable excuse to comply with any requirements of a notice served on him under paragraph 4 commits an offence if the notice relates



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to a child who is not over compulsory school age at the time stated in it as the time for holding the examination.

- (2) A person guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

## SCHEDULE 27

Section 324.

### MAKING AND MAINTENANCE OF STATEMENTS UNDER SECTION 324

#### *Introductory*

- [<sup>F71</sup>1] In this Schedule—
- “amendment notice” has the meaning given in paragraph 2A,
  - “statement” means a statement under section 324,
  - “periodic review” means a review conducted in accordance with section 328(5)(b), and
  - “re-assessment review” means a review conducted in accordance with section 328(5)(a).]

#### **Textual Amendments**

- F71** Sch. 27 para. 1 substituted (1.1.2002 (E.), 1.4.2002 (W.)) by 2001 c. 10, s. 10, **Sch. 1 para. 2** (with s. 43(13)); S.I. 2001/2217, art. 5, **Sch. Pt. II** (as amended by S.I. 2001/2614, art. 4; S.I. 2001/3992, art. 5, **Sch. Pt. II**)

#### *Copy of proposed statement*

- [<sup>F72</sup>2] (1) Before making a statement, a local education authority shall serve on the parent of the child concerned a copy of the proposed statement.
- (2) But that is subject to sub-paragraphs (3) and (4).
- (3) The copy of the proposed statement shall not specify any prescribed matter.
- (4) The copy of the proposed statement shall not specify any matter in pursuance of section 324(4).]

#### **Textual Amendments**

- F72** Sch. 27 paras. 2-2B substituted for Sch. 27 para. 2 (15.6.2001 for E. for certain purposes and otherwise 1.1.2002 and 8.12.2001 for W. for certain purposes and otherwise 1.4.2002) by 2001 c. 10, s. 10, **Sch. 1 para. 3** (with s. 43(13)); S.I. 2001/2217, arts. 4, 5, **Sch. Pts. I, II** (as amended by S.I. 2001/2614, art. 4); S.I. 2001/3992, arts. 4, 5, **Sch. Pts. I, II**)

#### *Amendments to a statement*

- <sup>F73</sup>2A (1) A local education authority shall not amend a statement except—
- (a) in compliance with an order of the Tribunal,

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- (b) as directed by the Secretary of State under section 442(4), or
  - (c) in accordance with the procedure laid down in this Schedule.
- (2) If, following a re-assessment review, a local education authority propose to amend a statement, they shall serve on the parent of the child concerned a copy of the proposed amended statement.
- (3) Sub-paragraphs (3) and (4) of paragraph 2 apply to a copy of a proposed amended statement served under sub-paragraph (2) as they apply to a copy of a proposed statement served under paragraph 2(1).
- (4) If, following a periodic review, a local education authority propose to amend a statement, they shall serve on the parent of the child concerned—
- (a) a copy of the existing statement, and
  - (b) an amendment notice.
- (5) If, at any other time, a local education authority propose to amend a statement, they shall proceed as if the proposed amendment were an amendment proposed after a periodic review.
- (6) An amendment notice is a notice in writing giving details of the amendments to the statement proposed by the authority.

#### **Textual Amendments**

**F73** Sch. 27 paras. 2-2B substituted for Sch. 27 para. 2 (15.6.2001 for E. for certain purposes and otherwise 1.1.2002 and 8.12.2001 for W. for certain purposes and otherwise 1.4.2002) by 2001 c. 10, s. 10, **Sch. 1 para. 3** (with s. 43(13)); S.I. 2001/2217, arts. 4, 5, **Sch. Pts. I, II** (as amended by S.I. 2001/2614, **art. 4**); S.I. 2001/3992, arts. 4, 5, **Sch. Pts. I, II**

#### *Provision of additional information*

- <sup>F74</sup>2B (1) Sub-paragraph (2) applies when a local education authority serve on a parent—
- (a) a copy of a proposed statement under paragraph 2,
  - (b) a copy of a proposed amended statement under paragraph 2A, or
  - (c) an amendment notice under paragraph 2A.
- (2) The local education authority shall also serve on the parent a written notice explaining (to the extent that they are applicable)—
- (a) the arrangements under paragraph 3,
  - (b) the effect of paragraph 4, and
  - (c) the right to appeal under section 326.
- (3) A notice under sub-paragraph (2) must contain such other information as may be prescribed.

#### **Textual Amendments**

**F74** Sch. 27 paras. 2-2B substituted for Sch. 27 para. 2 (15.6.2001 for E. for certain purposes and otherwise 1.1.2002 and 8.12.2001 for W. for certain purposes and otherwise 1.4.2002) by 2001 c. 10, s. 10, **Sch. 1 para. 3** (with s. 43(13)); S.I. 2001/2217, arts. 4, 5, **Sch. Pts. I, II** (as amended by S.I. 2001/2614, **art. 4**); S.I. 2001/3992, arts. 4, 5, **Sch. Pts. I, II**

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### *Choice of school*

- 3 (1) Every local education authority shall make arrangements for enabling [<sup>F75</sup>a parent—
- (a) on whom a copy of a proposed statement has been served under paragraph 2,
  - (b) on whom a copy of a proposed amended statement has been served under paragraph 2A, or
  - (c) on whom an amendment notice has been served under paragraph 2A which contains a proposed amendment about —
    - (i) the type or name of a school or institution, or
    - (ii) the provision made for the child concerned under arrangements made under section 319,
- to be specified in the statement,] to express a preference as to [<sup>F76</sup>the maintained school] at which he wishes education to be provided for his child and to give reasons for his preference.
- (2) Any such preference must be expressed or made within the period of 15 days beginning—
- (a) with the date on which the written notice mentioned in [<sup>F77</sup>paragraph 2B] was served on the parent, or
  - (b) if a meeting has (or meetings have) been arranged under paragraph 4(1)(b) or (2), with the date fixed for that meeting (or the last of those meetings).
- (3) Where a local education authority make a statement in a case where the parent of the child concerned has expressed a preference in pursuance of such arrangements as to the school at which he wishes education to be provided for his child, they shall specify the name of that school in the statement unless—
- (a) the school is unsuitable to the child's age, ability or aptitude or to his special educational needs, or
  - (b) the attendance of the child at the school would be incompatible with the provision of efficient education for the children with whom he would be educated or the efficient use of resources.
- (4) <sup>F78</sup> .....

#### **Textual Amendments**

- F75** Words in Sch. 27 para. 3(1) substituted (1.1.2002 (E.) and 1.4.2002 (W.)) by 2001 c. 10, s. 10, **Sch. 1 para. 4** (with s. 43(13)); S.I. 2001/2217, art. 5, **Sch. Pt II** (as amended by S.I. 2001/2614, art. 4); S.I. 2001/3992, art. 5, **Sch. Pt. II**
- F76** Words in Sch. 27 para 3(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 186(2)(a)**(with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F77** Words in Sch. 27 para 3(2) substituted (1.1.2002 (E.) and 1.4.2002 (W.)) by 2001 c. 10, s. 10, **Sch. 1 para. 5** (with s. 43(13)); S.I. 2001/2217, art. 5, **Sch. Pt II** (as amended by S.I. 2001/2614, art. 4); S.I. 2001/3992, art. 5, **Sch. Pt. II**
- F78** Sch. 27 para. 3(4) repealed (1.1.2002 (E.) and 1.4.2002 (W.)) by 2001 c. 10, ss. 10, 42(6), Sch. 1 para. 6, Sch. 9 (with s. 43(13)); S.I. 2001/2217, art. 5, **Sch. Pt. II** (as amended by S.I. 2001/2614, art. 4); S.I. 2002/74, art. 5, **Sch. Pt. II**

#### **Modifications etc. (not altering text)**

- C11** Sch. 27 para. 3 excluded (prosp.) by **Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 36(5) (e)(10), 162** (with s. 159)

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### *Consultation on specifying name of school in statement*

- [<sup>F79</sup>3A (1) Sub-paragraph (2) applies if a local education authority are considering—
- (a) specifying the name of a maintained school in a statement, or
  - (b) amending a statement—
    - (i) if no school was specified in the statement before the amendment, so that a maintained school will be specified in it,
    - (ii) if a school was specified in the statement before the amendment, so that a different school, which is a maintained school, will be specified in it.
- (2) The local education authority shall—
- (a) serve a copy of the proposed statement or amended statement, or of the existing statement and of the amendment notice, on each affected body, and
  - (b) consult each affected body.
- (3) “Affected body” means—
- (a) the governing body of any school which the local education authority are considering specifying; and
  - (b) if a school which the local education authority are considering specifying is maintained by another local education authority, that authority.]

#### **Textual Amendments**

**F79** Sch. 27 para. 3A inserted (1.1.2002 (E.) 1.4.2002 (W.)) by 2001 c. 10, s. 10 Sch. 1 para. 7 (with s. 43(13)); S.I. 2001/2217, art. 5, Sch. Pt. II (as amended by S.I. 2001/2614 art. 4); S.I. 2001/3992, art. 5, Sch. Pt. II

### *Representations*

- 4 (1) A parent on whom a copy of a proposed statement has been served under paragraph 2 [<sup>F80</sup>, or on whom a proposed amended statement or an amendment notice has been served under paragraph 2A,] may—
- (a) make representations (or further representations) to the local education authority about the content of the [<sup>F81</sup>proposed statement or the statement as it will have effect if amended in the way proposed by the authority], and
  - (b) require the authority to arrange a meeting between him and an officer of the authority at which the [<sup>F81</sup>proposed statement or the statement as it will have effect if amended in the way proposed by the authority] can be discussed.
- (2) Where a parent, having attended a meeting arranged by a local education authority under sub-paragraph (1)(b) [<sup>F82</sup>in relation to—
- (c) a proposed statement, or
  - (d) an amendment proposed following a re-assessment review,]
- disagrees with any part of the assessment in question, he may require the authority to arrange such meeting or meetings as they consider will enable him to discuss the relevant advice with the appropriate person or persons.
- (3) In this paragraph—

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“relevant advice” means such of the advice given to the authority in connection with the assessment as they consider to be relevant to that part of the assessment with which the parent disagrees, and

“appropriate person” means the person who gave the relevant advice or any other person who, in the opinion of the authority, is the appropriate person to discuss it with the parent.

- (4) Any representations under sub-paragraph (1)(a) must be made within the period of 15 days beginning—
  - (a) with the date on which the written notice mentioned in [F83 paragraph 2B] was served on the parent, or
  - (b) if a meeting has (or meetings have) been arranged under sub-paragraph (1) (b) or (2), with the date fixed for that meeting (or the last of those meetings).
- (5) A requirement under sub-paragraph (1)(b) must be made within the period of 15 days beginning with the date on which the written notice mentioned in [F84 paragraph 2B] was served on the parent.
- (6) A requirement under sub-paragraph (2) must be made within the period of 15 days beginning with the date fixed for the meeting arranged under sub-paragraph (1)(b).

#### Textual Amendments

- F80** Words in Sch. 27 para. 4(1) inserted (1.1.2002 (E.), 1.4.2002 (W.)) by 2001 c. 10, s. 10, **Sch. 1 para. 8(a)** (with s. 43(13)); S.I. 2001/2217, art. 5, **Sch. Pt. II** (as amended by S.I. 2001/2614, art. 4); S.I. 2001/3992, art. 5, **Sch. Pt. II**
- F81** Words in Sch. 27 para. 4(1)(a)(b) substituted (1.1.2002 (E.), 1.4.2002 (W.)) by 2001 c. 10, s. 10, **Sch. 1 para. 8(b)** (with s. 43(13)); S.I. 2001/2217, art. 5, **Sch. Pt. II** (as amended by S.I. 2001/2614 art. 4); S.I. 2001/3992, art. 5, **Sch. Pt. II**
- F82** Sch. 27 para. 4(2)(c)(d) inserted (1.1.2002 (E.), 1.4.2002 (W.)) by virtue of 2001 c. 10, s. 10, **Sch. 1 para 9** (with s. 43(13)); S.I. 2001/2217, art. 5, **Sch. Pt. II** (as amended by S.I. 2001/2614 art. 4); S.I. 2001/3992, art. 5, **Sch. Pt. II**
- F83** Words in Sch. 27 para. 4(4)(a) substituted (1.1.2002 (E.), 1.4.2002 (W.)) by 2001 c. 10, s. 10, **Sch. 1 para. 10** (with s. 43(13)); S.I. 2001/2217, art. 5, **Sch. Pt. II** (as amended by S.I. 2001/2614, art. 4); S.I. 2001/3992, art. 5, **Sch. Pt. II**
- F84** Words in Sch. 27 para. 4(5) substituted (1.1.2002 (E.), 1.4.2002 (W.)) by 2001 c. 10, s. 10, **Sch. 1 para. 10** (with s. 43(13)); S.I. 2001/2217, art. 5, **Sch. Pt. II** (as amended by S.I. 2001/2614, art. 4); S.I. 2001/3992, art. 5, **Sch. Pt. II**

#### *Making the statement*

- 5 (1) Where representations are made to a local education authority under paragraph 4(1)(a), the authority shall not make [F85 or amend] the statement until they have considered the representations and the period or the last of the periods allowed by paragraph 4 for making requirements or further representations has expired.
- (2) [F86 If a local education authority make a statement, it] may be in the form originally proposed (except as to the matters required to be excluded from the copy of the proposed statement) or in a form modified in the light of the representations.

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- [<sup>F87</sup>(2A) If a local education authority amend a statement following service of a proposed amended statement under paragraph 2A, the amended statement made may be in the form proposed or in a form modified in the light of the representations.
- (2B) If a local education authority amend a statement following service of an amendment notice, the amendments may be those proposed in the notice or amendments modified in the light of the representations.]
- (3) Regulations may provide that, where a local education authority are under a duty (subject to compliance with the preceding requirements of this Schedule) to make a statement, the duty, or any step required to be taken for performance of the duty, must, subject to prescribed exceptions, be performed within the prescribed period.
- (4) Such provision shall not relieve the authority of the duty to make a statement, or take any step, which has not been performed or taken within that period.

#### Textual Amendments

- F85** Words in Sch. 27 para. 5(1) inserted (1.1.2002 (E.), 1.4.2002 (W.)) by 2001 c. 10, s. 10, **Sch. 1 para. 11** (with s. 43(13)); S.I. 2001/2217, art. 5, **Sch. Pt. II** (as amended by S.I. 2001/2614, art. 4); S.I. 2001/3992, art. 5, **Sch. Pt. II**
- F86** Words in Sch. 27 para. 5(2) inserted (1.1.2002 (E.), 1.4.2002 (W.)) by 2001 c. 10, s. 10, **Sch. 1 para. 12** (with s. 43(13)); S.I. 2001/2217, art. 5, **Sch. Pt. II** (as amended by S.I. 2001/2614, art. 4); S.I. 2001/3992, art. 5, **Sch. Pt. II**
- F87** Sch. 27 para. 5(2A)(2B) inserted (1.1.2002 (E.), 1.4.2002 (W.)) by 2001 c. 10, s. 10, **Sch. 1 para. 13** (with s. 43(13)); S.I. 2001/2217, art. 5, **Sch. Pt. II** (as amended by S.I. 2001/2614, art. 4); S.I. 2001/3992, art. 5, **Sch. Pt. II**

#### *Service of statement*

- [<sup>F88</sup>(1) Where a local education authority make or amend a statement they shall serve a copy of the statement, or the amended statement, on the parent of the child concerned.
- (2) They shall, at the same time, give the parent written notice of his right to appeal under section 326(1) against—
- (a) the description in the statement of the authority's assessment of the child's special educational needs,
  - (b) the special educational provision specified in the statement (including the name of a school specified in the statement), or
  - (c) if no school is named in the statement, that fact.
- (3) A notice under sub-paragraph (2) must contain such other information as may be prescribed.]

#### Textual Amendments

- F88** Sch. 27 para. 6 substituted (15.6.2001 for E. for certain purposes and otherwise 1.1.2002 and 8.12.2001 for W. for certain purposes and otherwise 1.4.2002) by 2001 c. 10, s. 10, **Sch. 1 para. 14** (with s. 43(13)); S.I. 2001/2217, arts. 4, 5, **Sch. Pts. I, II** (as amended by S.I. 2001/2614, art. 4); S.I. 2001/3992, arts. 4, 5, **Sch. Pts. I, II**

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*Keeping, disclosure and transfer of statements*

- 7 (1) Regulations may make provision as to the keeping and disclosure of statements.
- (2) Regulations may make provision, where a local education authority become responsible for a child for whom a statement is maintained by another authority, for the transfer of the statement to them and for Part IV to have effect as if the duty to maintain the transferred statement were their duty.

*Change of named school*

- 8 (1) Sub-paragraph (2) applies where—
- (a) the parent of a child for whom a statement is maintained which specifies the name of a school or institution asks the local education authority to substitute for that name the name of a maintained, grant-maintained or grant-maintained special school specified by the parent, and
  - (b) the request is not made less than 12 months after—
    - (i) an earlier request under this paragraph,
    - (ii) the service of a copy of the statement under paragraph 6,
    - (iii) [<sup>F89</sup>if the statement has been amended, the date when notice of the amendment is given under paragraph 10(3)(b), or]
    - (iv) if the parent has appealed to the Tribunal under section 326 or this paragraph, the date when the appeal is concluded,whichever is the later.
- (2) The local education authority shall comply with the request unless—
- (a) the school is unsuitable to the child's age, ability or aptitude or to his special educational needs, or
  - (b) the attendance of the child at the school would be incompatible with the provision of efficient education for the children with whom he would be educated or the efficient use of resources.
- (3) Where the local education authority determine not to comply with the request—
- (a) they shall give [<sup>F90</sup>notice in writing of that fact] to the parent of the child, and
  - (b) the parent of the child may appeal to the Tribunal against the determination.
- [<sup>F91</sup>(3A) A notice under sub-paragraph (3)(a) must inform the parent of the right of appeal under sub-paragraph (3)(b) and contain such other information as may be prescribed.]
- (4) On the appeal the Tribunal may—
- (a) dismiss the appeal, or
  - (b) order the local education authority to substitute for the name of the school or other institution specified in the statement the name of the school specified by the parent.
- (5) Regulations may provide that, where a local education authority are under a duty to comply with a request under this paragraph, the duty must, subject to prescribed exceptions, be performed within the prescribed period.
- (6) Such provision shall not relieve the authority of the duty to comply with such a request which has not been complied with within that period.

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**Textual Amendments**

- F89** Sch. 27 para. 8(1)(b)(iii) repealed (1.4.2002 for W., otherwise prosp.) by 2001 c. 10, ss. 10, 42(6), 43, Sch. 1 para. 15(f), Sch. 9 (with s. 43(13)); S.I. 2002/74, art. 5, Sch. Pt. II
- F90** Words in Sch. 27 para. 8(3)(a) substituted (1.4.2002 for W., otherwise prosp.) by 2001 c. 10, ss. 42(1), 43, Sch. 8 para. 9(1) (with s. 43(13)); S.I. 2002/74, art. 5, Sch. Pt. II
- F91** Sch. 27 para. 8(3A) inserted (1.4.2002 for W., otherwise prosp.) by 2001 c. 10, ss. 42(1), 43, Sch. 8 para. 9(2) (with s. 43(13)); S.I. 2002/74, art. 5, Sch. Pt. II

**Modifications etc. (not altering text)**

- C12** Sch. 27 para. 8 excluded (prosp.) by Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 36(5) (e)(10), 162 (with s. 159)

*Procedure for amending or ceasing to maintain a statement*

- 9 (1) A local education authority may not <sup>F92</sup> . . . cease to maintain, a statement except in accordance with paragraph <sup>F92</sup> . . . 11.
- (2) Sub-paragraph (1) does not apply where the local education authority—
- (a) cease to maintain a statement for a child who has ceased to be a child for whom they are responsible, [<sup>F93</sup>or]
  - <sup>F94</sup>(b) . . . . .
  - (c) are ordered to cease to maintain a statement under section 326(3)(c), <sup>F95</sup> . . .
  - <sup>F96</sup>(d) . . . . .

**Textual Amendments**

- F92** Words in Sch. 27 para. 9(1) repealed (1.1.2002 (E.) and 1.4.2002 (W.)) by 2001 c. 10, ss. 10, 42(6), Sch. 1 para. 16(g), Sch. 9 (with s. 43(13)); S.I. 2001/2217, art. 5, Sch. Pt. II (as amended by S.I. 2001/2614, art. 4); S.I. 2002/74, art. 5, Sch. Pt. II
- F93** Word in Sch. 27 para. 9(2)(a) inserted (1.1.2002 (E.) and 1.4.2002 (W.)) by 2001 c. 10, s. 10, Sch. 1 para. 16(h)(i) (with s. 43(13)); S.I. 2001/2217, art. 5, Sch. Pt. II (as amended by S.I. 2001/2614, art. 4); S.I. 2001/3992, art. 5, Sch. Pt. II
- F94** Sch. 27 para. 9(2)(b) omitted (1.1.2002 (E.) and 1.4.2002 (W.)) by virtue of 2001 c. 10, s. 10, Sch. 1 para. 16(h)(ii) (with s. 43(13)); S.I. 2001/2217, art. 5, Sch. Pt. II, (as amended by 2001/2614, art. 4); S.I. 2001/3992, art. 5, Sch. Pt. II
- F95** Word in Sch 27 para. 9(2)(c) omitted (1.1.2002 (E.) and 1.4.2002 (W.)) by virtue of 2001 c. 10, s. 10, Sch. 1 para. 16(h)(ii) (with s. 42(13)); S.I. 2001/2217, art. 5, Sch. Pt. II (as amended by S.I. 2001/2614, art. 4); S.I. 2001/3992, art. 5, Sch. Pt. II
- F96** Sch. 27 para 9(2)(d) omitted (1.1.2002 (E.) and 1.4.2002 (W.)) by virtue of 2001 c. 10, s. 10, Sch. 1 para. 16(h)(ii) (with s. 42(13)); S.I. 2001/2217, art. 5, Sch. Pt. II (as amended by S.I. 2001/2614, art. 4); S.I. 2001/3992, art. 5, Sch. Pt. II

<sup>F97</sup>10 . . . . .



*Status: Point in time view as at 20/01/2003.*

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### Textual Amendments

**F97** Sch. 27 para. 10 repealed (1.1.2002 (E.), 1.4.2002 (W.)) by 2001 c. 10, ss. 10, 42(6), Sch. 1 para. 17, Sch. 9 (with s. 42(13)); S.I. 2001/2217, art. 5, Sch. Pt. II (as amended by S.I. 2001/2614, art. 4); S.I. 2002/74, art. 5, Sch. Pt. II

- 11 (1) A local education authority may cease to maintain a statement only if it is no longer necessary to maintain it.
- (2) Where the local education authority determine to cease to maintain a statement—
- (a) they shall give [<sup>F98</sup>notice in writing of that fact] to the parent of the child, and
  - (b) the parent of the child may appeal to the Tribunal against the determination.
- [<sup>F99</sup>(2A) A notice under sub-paragraph (2)(a) must inform the parent of the right of appeal under sub-paragraph (2)(b) and contain such other information as may be prescribed.]
- (3) On an appeal under this paragraph the Tribunal may—
- (a) dismiss the appeal, or
  - (b) order the local education authority to continue to maintain the statement in its existing form or with such amendments of—
    - (i) the description in the statement of the authority’s assessment of the child’s special educational needs, or
    - (ii) the special educational provision specified in the statement,and such other consequential amendments, as the Tribunal may determine.
- (4) Except where the parent of the child appeals to the Tribunal under this paragraph, a local education authority may only cease to maintain a statement under this paragraph within the prescribed period beginning with the service of the notice under sub-paragraph (2).
- [<sup>F100</sup>(5) A local education authority may not, under this paragraph, cease to maintain a statement if—
- (a) the parent of the child has appealed under this paragraph against the authority’s determination to cease to maintain the statement, and
  - (b) the appeal has not been determined by the Tribunal or withdrawn.]

### Textual Amendments

- F98** Words in Sch. 27 para. 11(2)(a) substituted (11.5.2001 for certain purposes, 1.1.2002 otherwise for E. and 1.4.2002 otherwise for W.) by 2001 c. 10, ss. 42(1), 43(4)(e), Sch. 8 para. 10(1) (with s. 43(13)); S.I. 2001/2217, art. 5, Sch. Pt. II (as amended by S.I. 2001/2614, art. 4); S.I. 2002/74, art. 5, Sch. Pt. II
- F99** Sch. 27 para. 11(2A) inserted (11.5.2001 for certain purposes, 1.1.2002 otherwise for E. and 1.4.2002 otherwise for W.) by 2001 c. 10, ss. 42(1), 43(4)(e), Sch. 8 para. 10(2) (with s. 43(13)); S.I. 2001/2217, art. 5, Sch. Pt. II (as amended by S.I. 2001/2614, art. 4); S.I. 2002/74, art. 5, Sch. Pt. II
- F100** Sch. 27 para. 11(5) inserted (1.1.2002 (E.), 1.4.2002 (W.)) by 2001 c. 10, s. 6 (with s. 42(13)); S.I. 2001/2217, art. 5, Sch. Pt. II (as amended by S.I. 2001/2614, art. 4); S.I. 2001/3992, art. 5, Sch. Pt. II

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## F101 SCHEDULE 28

### Textual Amendments

**F101** Sch. 28 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 187, **Sch. 31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/2323, Sch. 6 para. 2, Sch. 7 paras. 2, **10**); S.I. 1999/2323, art. 2(1), **Sch. 1**

## F105 SCHEDULE 29

### Textual Amendments

**F105** Sch. 29 repealed (1.3.1998) by 1997 c. 44, s. 57(4), **Sch.8**; S.I. 1998/386, art. 2(1), **Sch. 1 Pt.I**

## F106 SCHEDULE 30

### Textual Amendments

**F106** Sch. 30 repealed and replaced (1.10.1997) by 1997 c. 44, ss. 27(5), 57(4), **Schs. 5,8**; S.I. 1997/1468, art. 2(3), **Sch. 1 Pt. III**

## SCHEDULE 31

Section 375.

### AGREED SYLLABUSES OF RELIGIOUS EDUCATION

#### *Duty to convene conference to reconsider agreed syllabus*

- 1 (1) Where the agreed syllabus for the time being adopted by a local education authority was adopted by them on or after 29th September 1988 but before 1st April 1994, they shall, within the period of five years beginning with the date on which they adopted the syllabus, convene a conference for the purpose of reconsidering the syllabus.
- (2) Sub-paragraph (1) does not apply where the authority have already convened such a conference on or after 1st April 1994 in pursuance of paragraph 12(3) of Schedule 5 to the <sup>M17</sup>Education Act 1944.

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#### Marginal Citations

M17 1944 c. 31.

- 2 (1) A local education authority shall from time to time cause further conferences to be convened for the purpose of reconsidering any agreed syllabus for the time being adopted by them (whether adopted before, on or after 1st April 1994).
- (2) No such conference shall be convened later than the end of the period of five years beginning with the date (falling after 31st March 1994) on which—
- (a) the authority adopted the syllabus, or
  - (b) the authority gave effect to a recommendation under paragraph 10(2) below (or under paragraph 13 of Schedule 5 to the Education Act 1944) that the syllabus should continue to be the agreed syllabus.
- 3 On receipt by a local education authority of written notification of any such requirement as is mentioned in section 391(3), the authority shall cause a conference to be convened for the purpose of reconsidering any agreed syllabus to which the requirement relates.

#### *Constitution of conference*

- 4 (1) A conference convened under this Schedule shall consist of such groups of persons (“committees”) appointed by the local education authority which convenes the conference as are required by sub-paragraph (2).
- (2) Those committees are—
- (a) a committee of persons representing such Christian denominations and other religions and denominations of such religions as, in the opinion of the authority, will appropriately reflect the principal religious traditions in the area;
  - (b) except in the case of an area in Wales, a committee of persons representing the Church of England;
  - (c) a committee of persons representing such associations representing teachers as, in the opinion of the authority, ought to be represented, having regard to the circumstances of the area; and
  - (d) a committee of persons representing the authority.
- (3) Where a committee is required to be appointed by virtue of sub-paragraph (2)(b), the committee required to be appointed by virtue of sub-paragraph (2)(a) shall not include persons appointed to represent the Church of England.
- (4) The number of persons appointed under sub-paragraph (2)(a) to represent each denomination or religion required to be represented shall, so far as is consistent with the efficient discharge of the committee’s functions, reflect broadly the proportionate strength of that denomination or religion in the area.
- 5 Any sub-committees appointed by the conference shall each include at least one member of each of the committees constituting the conference.
- 6 On any question to be decided by the conference or by any sub-committee of the conference, a single vote shall be given for each of the committees constituting the conference.

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- 7 (1) Before appointing a person to represent any religion, denomination or associations as a member of a committee, the local education authority shall take all reasonable steps to assure themselves that he is representative of the religion, denomination or associations in question.
- (2) No proceedings under this Schedule shall be invalidated on the ground that a member of a committee did not represent the religion, denomination or associations which he was appointed to represent, unless it is shown that the authority failed to take the steps required by sub-paragraph (1).
- 8 A person appointed as a member of a committee—
- (a) may resign his membership, or
- (b) may be withdrawn from membership by the local education authority if, in their opinion, he ceases to be representative of the religion, denomination or associations which he was appointed to represent or (as the case may be) of the authority.
- 9 Where a person resigns or is withdrawn from a committee, the local education authority shall appoint someone in his place in the same manner as that in which they made the original appointment.

*Reconsideration of agreed syllabus*

- 10 (1) This paragraph applies where a local education authority cause a conference to be convened for the purpose of reconsidering any agreed syllabus under any of paragraphs 1 to 3.
- (2) If—
- (a) the conference—
- (i) unanimously recommend that the existing syllabus should continue to be the agreed syllabus, or
- (ii) unanimously recommend a new syllabus to be adopted in substitution for the existing syllabus, and
- (b) it appears to the local education authority that the syllabus or, as the case may be, the new syllabus, reflects the fact that the religious traditions in Great Britain are in the main Christian while taking account of the teaching and practices of the other principal religions represented in Great Britain,
- the authority may give effect to the recommendation.
- (3) If—
- (a) the authority report to the Secretary of State that the conference are unable to reach unanimous agreement, or
- (b) the conference unanimously recommend that the existing syllabus should continue to be the agreed syllabus but the local education authority consider that sub-paragraph (2)(b) prevents them from giving effect to the recommendation, or
- (c) it appears to the Secretary of State that the authority have failed to exercise their power under sub-paragraph (2) to give effect to the unanimous recommendation of the conference,
- the Secretary of State shall proceed in accordance with paragraph 12.

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**Textual Amendments**

**F107** Sch. 31 para. 11 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 188, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

*Preparation of new syllabus by appointed body*

- 12 (1) Where required by paragraph 10 to proceed in accordance with this paragraph, the Secretary of State shall appoint a body of persons having experience in religious education to prepare a syllabus of religious education.
- (2) The appointed body shall, so far as is practicable, be of a representative character which is the same as that required by paragraph 4 in the case of a conference.
- 13 (1) The appointed body shall—
- (a) give the local education authority, the conference and every committee constituting the conference an opportunity of making representations to it;
  - (b) after considering any such representations made to it, prepare a syllabus of religious education; and
  - (c) transmit a copy of that syllabus to the authority and to the Secretary of State.
- (2) Subject to sub-paragraph (1)(a), the appointed body may conduct its proceedings in such manner as it thinks fit.
- 14 The syllabus prepared by the appointed body shall be deemed to be the agreed syllabus adopted for use in the schools for which, or for the class or description of pupils for which, it was prepared—
- (a) as from such date as the Secretary of State may direct, and
  - (b) until a new syllabus is adopted for use in those schools, or for pupils of that class or description, in accordance with this Schedule.

*Special provisions applicable where order under section 27(1)(b) applies*

**F108**15 .....

**Textual Amendments**

**F108** Sch. 31 para. 15 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 188, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

**F109**SCHEDULE 32

**Textual Amendments**

**F109** Sch. 32 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(a), **Sch.31** (with ss. 138(9), 144(6) and with savings in S.I. 1999/1016, art. 6, **Sch. 4 para. 6**); S.I. 1999/1016, art. 2(3), **Sch. 3**

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### F110 SCHEDULE 33

#### Textual Amendments

**F110** Sch. 33 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(b), **Sch. 31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, art. 6, **Sch. 4 para. 8** and S.I. 1999/2323, Sch. 6 paras. 2, 5); S.I. 1999/1016, art. 2(3), **Sch. 3**

### F111 SCHEDULE 33A

#### Textual Amendments

**F111** Sch. 33A repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(c), **Sch. 31** (with ss. 138(9), 144(6) and with savings in S.I. 1999/1016, art. 6, **Sch. 4 para. 8**); S.I. 1999/1016, art. 2(3), **Sch. 3**

### F131 SCHEDULE 33B

#### Textual Amendments

**F131** Sch. 33B repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(d), **Sch. 31** (with ss. 138(9), 144(6) and with savings in S.I. 1999/1016, art. 6, Sch. 4 paras. 2, 8); S.I. 1999/1016, art. 2(3), **Sch. 3**

## SCHEDULE 34

Section 476.

### INDEPENDENT SCHOOLS TRIBUNALS

#### *Appointment of legal and educational panels*

- 1 (1) For the purpose of enabling Independent Schools Tribunals to be constituted as occasion may require there shall be two panels.
- (2) One of the panels (the “legal panel”) shall consist of persons who will be available to act when required as chairmen of such tribunals and shall be appointed by the Lord Chancellor.
- (3) The other panel (the “educational panel”) shall consist of persons who will be available to act when required as members of such tribunals and shall be appointed by the Lord President of the Council.

*Status: Point in time view as at 20/01/2003.*

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*Qualifications for appointment*

- 2 (1) A person is not qualified to be appointed to the legal panel unless he possesses such legal qualifications as the Lord Chancellor considers suitable.
- (2) A person is not qualified to be appointed to the educational panel unless he has had such experience in teaching or in the conduct, management or administration of schools as the Lord President of the Council considers suitable.
- (3) A person who is—
- (a) an officer of a government department, or
  - (b) employed by a local education authority otherwise than as a teacher,
- is disqualified from being appointed to either panel.

*Terms and conditions of appointment*

- 3 (1) Subject (in the case of a member of the legal panel) to sub-paragraph (2), a person appointed to be a member of a panel shall hold office as such subject to such conditions as to the period of his membership and otherwise as may be determined by the Lord Chancellor or the Lord President of the Council, as the case may be.
- (2) No appointment of a person to be a member of the legal panel shall be such as to extend beyond the day on which he attains the age of 70; but this sub-paragraph has effect subject to section 26(4) to (6) of the <sup>M23</sup>Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).

**Marginal Citations**

**M23** 1993 c. 8.

*Constitution of tribunal*

- 4 (1) Where an appeal is required to be determined by an Independent Schools Tribunal, the tribunal shall consist of—
- (a) a chairman who is a member of the legal panel, and
  - (b) two other members who are members of the educational panel.
- (2) The chairman and other members of the tribunal shall be impartial persons appointed from those panels by the Lord Chancellor and the Lord President of the Council respectively.

*Remuneration*

- 5 The Secretary of State may pay to the members of an Independent Schools Tribunal such remuneration and allowances as he may determine with the consent of the Treasury.

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#### Textual Amendments

**F140** Sch. 35 repealed (1.9.1997) by 1997 c. 59, ss. 1(1)(c), 6(3), 7(3)(a), **Sch. Pt. I** (with s. 1(3))

## [<sup>F141</sup>SCHEDULE 35A

### ACADEMIES: LAND

#### Textual Amendments

**F141** Sch. 35A inserted (26.7.2002) by Education Act 2002 (c. 32), ss. 65(3), 216(2), **Sch. 7 para. 1** (with ss. 210(8), 214(4)); S.I. 2002/2002, **art. 2**

#### Transfer schemes

- 1 (1) The Secretary of State may make a scheme in relation to land if these requirements are met—
  - (a) a local education authority holds a freehold or leasehold interest in the land when the scheme is made;
  - (b) at any time in the period of eight years ending with the day on which the scheme is made the land was used wholly or mainly for the purposes of a county school or community school;
  - (c) at the time the scheme is made the land is no longer used as mentioned in paragraph (b) or the Secretary of State thinks it is about to be no longer so used;
  - (d) before making the scheme the Secretary of State consulted the authority.
- (2) The Secretary of State may also make a scheme in relation to land if these requirements are met—
  - (a) a local education authority holds a freehold or leasehold interest in the land when the scheme is made;
  - (b) the land forms the whole or part of a site specified in a notice published under section 70 of the Education Act 2002 (new schools to meet increased demand for secondary education) as a possible site for a new school;
  - (c) before making the scheme, the Secretary of State consulted the authority.
- (3) These requirements must be met as regards a scheme under sub-paragraph (1) or (2)
  - (a) the scheme must provide for a transfer of the authority's interest in the land or in such part of it as is specified in the scheme;
  - (b) the transfer must be to a person (the transferee) who is specified in the scheme and is concerned with the running of an Academy;
  - (c) the transfer must be made to the transferee for the purposes of the Academy;
  - (d) in the case of a scheme under sub-paragraph (2), the Academy must have been the subject of proposals published under section 70 of the Education Act 2002;



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- (e) the scheme must provide for the transfer to the transferee of any right or liability held by the authority as holder of the interest in the land or specified part concerned.
- (4) In sub-paragraph (3) the reference to a right or liability—
  - (a) includes a reference to a right or liability as a trustee, but
  - (b) excludes a reference to a liability in respect of the principal of or interest on a loan.
- (5) A scheme may include such supplementary, incidental, consequential or transitional provisions as the Secretary of State thinks are appropriate.
- (6) A scheme must be so expressed that it does not come into force while the land concerned is used as mentioned in sub-paragraph (1)(b).
- (7) A scheme comes into force—
  - (a) on the day it specifies for it to come into force, or
  - (b) on the day it otherwise identifies as the day for it to come into force.
- (8) When a scheme comes into force it has effect to transfer (in accordance with its provisions) the interests, rights and liabilities to which it applies.
- (9) A transfer made by virtue of a scheme is binding on all persons (as well as on the authority and the transferee) even if, apart from this sub-paragraph, it would have required the consent or concurrence of any person.

#### *Restriction on disposal*

- 2 (1) Sub-paragraph (2) applies if—
  - (a) a freehold or leasehold interest in land is held by a local education authority,
  - (b) the authority proposes to make a disposal in respect of the interest, or to enter into a contract to make a disposal in respect of it, or to grant an option to make an acquisition in respect of it, and
  - (c) at any time in the period of eight years ending with the day on which the disposal, contract or option is proposed to be made, entered into or granted, the land was used wholly or mainly for the purposes of a county school or community school.
- (2) Unless the Secretary of State consents, the authority must not make the disposal or enter into the contract or grant the option.
- (3) Sub-paragraph (2) does not apply to a disposal made in pursuance of a contract made, or option granted, before the coming into force of this paragraph.
- (4) Sub-paragraph (2) does not apply to—
  - (a) a disposal in favour of a person for the purposes of an Academy and for no consideration;
  - (b) a contract to make such a disposal;
  - (c) a grant of an option for a person to make an acquisition for the purposes of an Academy and for no consideration.
- (5) A disposal or contract or grant is not invalid by reason only that it is made in contravention of sub-paragraph (2).

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- (6) A person acquiring an interest in land or entering into a contract to acquire it is not to be concerned to enquire whether consent required by sub-paragraph (2) has been given.
- 3 (1) This paragraph applies if an authority makes a disposal or enters into a contract or grants an option in contravention of paragraph 2(2).
- (2) In the case of a grant of an option, the Secretary of State may by notice served on the option holder repudiate the option at any time before it is exercised.
- (3) In the case of a contract to make a disposal in respect of an interest, the Secretary of State may by notice served on the other party to the contract repudiate it at any time before a conveyance of the interest is executed.
- (4) A repudiation under sub-paragraph (2) or (3) has effect—
- (a) when the notice is served, and
  - (b) as if the repudiation were made by the authority.
- (5) In the case of a disposal in respect of an interest (whether or not in pursuance of an option or contract falling within sub-paragraph (2) or (3)) the Secretary of State may purchase the interest concerned compulsorily.
- (6) The Acquisition of Land Act 1981 (c. 67) is to apply in relation to the compulsory purchase of an interest under sub-paragraph (5).
- (7) On completion of a compulsory purchase of an interest under sub-paragraph (5) the Secretary of State must transfer it to a person concerned with the running of an Academy.
- (8) If the Secretary of State acquires an interest by compulsory purchase under sub-paragraph (5) he is entitled to recover from the authority an amount equal to the aggregate of—
- (a) the compensation agreed or awarded in respect of the purchase,
  - (b) any interest payable by him in respect of the compensation, and
  - (c) the costs and expenses incurred by him in connection with the making of the compulsory purchase order.
- (9) The authority must provide the Secretary of State with such information as he may require it to provide in connection with a compulsory purchase under sub-paragraph (5).
- 4 (1) For the purposes of paragraphs 2 and 3—
- (a) references to a disposal in respect of an interest are to a disposal of the whole interest or of a lesser interest;
  - (b) references to an acquisition in respect of an interest are to an acquisition of the whole interest or of a lesser interest.
- (2) If the disposal referred to in paragraph 3(3) or (5) is a disposal of a lesser interest, the reference there to the interest concerned is to the lesser interest.

#### *Restriction on appropriation*

- 5 (1) Sub-paragraph (2) applies if—
- (a) a freehold or leasehold interest in land is held by a local education authority,

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- (b) the authority proposes to make an appropriation of the land under section 122 of the Local Government Act 1972 (c. 70), and
  - (c) at any time in the period of eight years ending with the day on which the appropriation is proposed to be made the land was used wholly or mainly for the purposes of a county school or community school.
- (2) Unless the Secretary of State consents, the authority must not make the appropriation.
- 6 (1) This paragraph applies if an authority makes an appropriation in contravention of paragraph 5(2).
- (2) The Secretary of State may purchase the interest concerned compulsorily.
- (3) Paragraph 3(6) to (9) apply to a compulsory purchase of an interest under sub-paragraph (2) above as they apply to a compulsory purchase of an interest under paragraph 3(5).

#### *Duty to inform*

- 7 (1) Sub-paragraph (2) applies if—
  - (a) a freehold or leasehold interest in land is held by a local education authority,
  - (b) the authority proposes to change the use of the land in such a way that (were the change made) the land would cease to be capable of use wholly or mainly for the purposes of a school, and
  - (c) at any time in the period of eight years ending with the date of the proposed change of use the land was used wholly or mainly for the purposes of a county school or community school.
- (2) The authority must inform the Secretary of State of the proposal.

#### *Former Academies*

- 8 (1) This paragraph applies if—
  - (a) a freehold or leasehold interest in land is transferred from a local education authority on or after 28th July 2000,
  - (b) the transfer is made to a person for the purposes of an Academy, and
  - (c) the first or the second condition set out below is satisfied.
- (2) The first condition is that—
  - (a) the school concerned ceases to be an Academy, and
  - (b) immediately before the school ceases to be an Academy the interest is held by a person for the purposes of the Academy.
- (3) The second condition is that, although the school concerned continues to be an Academy, the interest ceases to be held for the purposes of the Academy.
- (4) This paragraph applies whether or not the transfer is made by virtue of a scheme under paragraph 1.
- (5) Sub-paragraph (2) applies whether or not, on the school ceasing to be an Academy, it simultaneously ceases to function as a school.
- (6) The Secretary of State may make a scheme providing for the transfer of the interest—
  - (a) from the person holding it;

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- (b) to the authority from which the transfer mentioned in sub-paragraph (1)(a) was made.
- (7) A scheme may include such supplementary, incidental, consequential or transitional provisions as the Secretary of State thinks are appropriate.
- (8) A scheme comes into force on the day it specifies for it to come into force.
- (9) When a scheme comes into force it has effect to transfer (in accordance with its provisions) the interest to which it applies.
- (10) A transfer made by virtue of a scheme is binding on all persons (as well as on the authority and the transferee) even if, apart from this sub-paragraph, it would have required the consent or concurrence of any person.

#### *Disapplication of rule against perpetuities*

- 9 Where—
- (a) a freehold or leasehold interest in land is transferred for no consideration from a local authority to a person for the purposes of an Academy (whether or not by virtue of a scheme under paragraph 1), and
  - (b) at any time on or after the day on which this Schedule comes into force the authority is granted an option to make a re-acquisition of the interest (subject to whatever conditions),
- the rule against perpetuities does not apply to the option.

#### *Other Acts*

- 10 (1) Where a lease is granted by or transferred from a local authority to a person for the purposes of an Academy on or after the day on which this Schedule comes into force, section 153 of the Law of Property Act 1925 (c.20) (enlargement of leases granted for no rent etc) does not apply to permit that person to enlarge the term under the lease.
- (2) Section 123(2) of the Local Government Act 1972 (c. 70) (disposal for consideration less than the best reasonably obtainable) does not apply to a disposal to a person for the purposes of an Academy.
- (3) Section 123(2A) of that Act (disposal of open space requires certain procedures) does not apply to a disposal which is made—
- (a) to a person for the purposes of an Academy, and
  - (b) for no consideration.
- (4) Section 77(1) of the School Standards and Framework Act 1998 (c. 31) (restriction on disposal of playing fields) does not apply to a disposal which is made—
- (a) by a local authority (within the meaning of that section) to a person for the purposes of an Academy, and
  - (b) for no consideration.

#### *Regulations*

- 11 Regulations under this Schedule may in particular include—
- (a) provision requiring a person to be appointed by the Secretary of State in connection with the proposed making of a scheme under paragraph 1;

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- (b) provision requiring the appointed person to identify the interests, rights and liabilities to be the subject of a scheme under paragraph 1;
- (c) provision requiring the authority concerned to provide the appointed person with such documents as he may require in order to identify the interests, rights and liabilities to be the subject of a scheme under paragraph 1;
- (d) provision requiring an authority whose interest is (or is to be) transferred by virtue of a scheme under paragraph 1 to execute instruments and deliver certificates for the purposes of the enactments relating to registered land;
- (e) provision treating such an authority as having given acknowledgement in writing of the right to production of documents;
- (f) provision that consent under paragraph 2 is to be sought in a specified way;
- (g) provision that information is to be given under paragraph 7 in a specified way.

#### *Class consents*

- 12 For the purposes of paragraphs 2(2) and 5(2), the consent of the Secretary of State—
- (a) may be given in relation to a particular case or class of case, and
  - (b) may be given subject to conditions.

#### *Interpretation*

- 13 A dwelling-house used by an authority for occupation by a person employed to work at a school is to be treated for the purposes of this Schedule as used for the purposes of the school.]

## SCHEDULE 36

Section 557.

### UNIFORM STATUTORY TRUSTS FOR EDUCATIONAL ENDOWMENTS

- 1 The trustees may, after payment of any expenses incurred in connection with the administration of the trust, apply the capital and income of the relevant trust assets for any of the following purposes—
- (a) in or towards the purchase of a site for, or the erection, improvement or enlargement of, the premises of any relevant school in the area,
  - (b) for the maintenance of any relevant school in the area;
  - (c) in or towards the purchase of a site for, or the erection, improvement or enlargement of, the premises of a teacher's house for use in connection with any relevant school in the area; and
  - (d) for the maintenance of a teacher's house for use in connection with any relevant school in the area.
- 2 The trustees may also, after payment of any expenses incurred in connection with the administration of the trust, apply the income of the relevant trust assets for any of the following purposes—
- (a) in or towards the provision of advice, guidance and resources (including materials) in connection with any matter related to the management of, or education provided at, any relevant school in the area;

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- (b) the provision of services for the carrying out of any inspection of any relevant school in the area required by Part I of the <sup>M24</sup>School Inspections Act 1996; and
- (c) to defray the cost of employing or engaging staff in connection with—
  - (i) the application of income of the relevant trust assets for either of the purposes referred to in sub-paragraphs (a) and (b) above, or
  - (ii) the application of capital or income of the relevant trust assets for any of the purposes referred to in paragraph 1 above.

**Marginal Citations**

**M24** 1996 c. 57.

SCHEDULE 37

Section 582(1).

CONSEQUENTIAL AMENDMENTS

**PART I**

AMENDMENTS COMING INTO FORCE ON 1ST NOVEMBER 1996

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

- 1 Section 96 of the <sup>M25</sup>Children and Young Persons Act 1933 (provisions as to local authorities) shall continue to have effect with the following amendments (originally made by Schedule 8 to the Education Act 1944)—
- (a) in subsection (3), for the words from “for elementary education” onwards there is substituted “ shall be defrayed as expenses under the enactments relating to education ”; and
  - (b) in subsection (4), for the second “under” there is substituted “in accordance with”.

**Marginal Citations**

**M25** 1944 c. 31.

*Public Records Act 1958 (c. 51)*

- 2 In Schedule 1 to the Public Records Act 1958 (definition of public records) Part II of the Table at the end of paragraph 3 (organisations whose records are public records) shall continue to include the following entries (originally inserted by Schedule 19 to the <sup>M26</sup>Education Act 1993, taken with Schedule 15 to that Act)—
- “Curriculum and Assessment Authority for Wales”,
  - “Funding Agency for Schools”,
  - “School Curriculum and Assessment Authority”, and

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“Schools Funding Council for Wales”.

**Marginal Citations**

**M26** 1993 c. 35.

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

- 3 In section 2(1) of the Church Schools (Assistance by Church Commissioners) Measure 1958 (interpretation) for “the Education Acts, 1944 to 1993” there is substituted “ the Education Act 1996 ” .

*Education Act 1962 (c. 12)*

- 4 (1) Section 1 of the Education Act 1962 (local education authority awards for designated courses) shall continue to have effect with the following amendment (originally made by section 4 of the <sup>M27</sup>Education (Grants and Awards) Act 1984).
- (2) In subsection (3)(d), for the words from “for the higher diploma” onwards there is substituted “ or for the higher national diploma of the body corporate known at the passing of the Education (Grants and Awards) Act 1984 as the Business & Technician Education Council. ”

**Marginal Citations**

**M27** 1984 c. 11.

- 5 In section 3(c)(i) of that Act (awards by Secretary of State) for “section 100 of the Education Act 1944” there is substituted “ section 485 of the Education Act 1996 ”.
- 6 For section 14(4) of that Act there is substituted—
- “ (4) This Act shall be construed as one with the Education Act 1996. ”
- 7 In paragraph 2 of Schedule 1 to that Act (ordinary residence) for “section 31(3) of the Education Act 1980” there is substituted “ the Education Act 1996 in accordance with regulations made under section 579(4) of that Act. ”

*London Government Act 1963 (c. 33)*

- 8 In section 30(1) of the London Government Act 1963 (local education authorities) for “the Education Acts 1944 to 1962 or in any other Act” there is substituted “ any Act ”.

F1429 .....

**Textual Amendments**

**F142** Sch. 37 para. 9 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

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*Children and Young Persons Act 1963 (c. 37)*

- 10 In section 37(3) of the Children and Young Persons Act 1963 (exceptions to restriction on persons under 16 taking part in public performances etc.) for “the Education Act 1944” there is substituted “ the Education Act 1996 ”.
- 11 In section 38 of that Act (restriction on licences for performances by children under 13)—
- (a) in subsection (1) for “thirteen” there is substituted “ fourteen ”;
  - (b) subsection (2) is omitted; and
  - (c) in the sidenote, for “13” there is substituted “ 14 ”.

*Veterinary Surgeons Act 1966 (c. 36)*

- 12 In Schedule 3 to the Veterinary Surgeons Act 1966 (exemptions from restrictions on practice of veterinary surgery), in the definition of “recognised institution” following paragraph 5, for “the Education Act 1944” there is substituted “ the Education Act 1996 ”.

*Education Act 1967 (c. 3)*

- 13 In section 6(2) of the Education Act 1967 (construction as one) for “the Education Acts 1944 to 1965” there is substituted “ the Education Act 1996. ”

*Public Expenditure and Receipts Act 1968 (c. 14)*

- 14 In Schedule 3 to the Public Expenditure and Receipts Act 1968 (variation of fees, etc.) for “The Education Act 1944 (c.31) section 94” there is substituted “ The Education Act 1996 (c.56) section 564 ”.

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

F143 15 .....

**Textual Amendments**

F143 Sch. 37 paras. 15, 16 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168, Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

F144 16 .....

**Textual Amendments**

F144 Sch. 37 paras. 15, 16 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168, Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

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

F145 17 .....



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### Textual Amendments

**F145** Sch. 37 para. 17 repealed (1.3.1998 in so far as Sch. 37 relates to School Curriculum and Assessment Authority and otherwise 1.10.1997) by 1997 c. 44, ss. 57(4), 58(3), **Sch.8**; S.I. 1997/1468, art. 2(3), **Sch. 1 Pt. III**; S.I. 1998/386, art. 2(1), **Sch. 1 Pt.I**

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

- 18 In Schedule 1 to the Local Authority Social Services Act 1970 (enactments conferring functions assigned to social services committee) the entry relating to the Education Act 1993 is omitted and at the end there is added—

“Education Act 1996.

Section 322.....

Help for local education authority in exercising functions under Part IV of the Act.”

### *Chronically Sick and Disabled Persons Act 1970 (c. 44)*

- 19 In section 8(2) of the Chronically Sick and Disabled Persons Act 1970 (access to and facilities at university and school buildings) for the words from “and expressions used” onwards there is substituted “ and expressions used in paragraph (b) above and in the Education Act 1996 have the same meanings as in that Act. ”

### *Pensions (Increase) Act 1971 (c. 56)*

- 20 In Part II of Schedule 2 to the Pensions (Increase) Act 1971 (official pensions payable out of local funds), in paragraph 57, for “the Education Act 1944” there is substituted “ the Education Act 1996. ”

### *Superannuation Act 1972 (c. 11)*

- 21 (1) Schedule 1 to the Superannuation Act 1972 shall continue—
- (a) to include <sup>F146</sup> . . . and the entries relating to the Funding Agency for Schools and the Schools Funding Council for Wales (originally inserted by Schedule 19 to that Act); <sup>F147</sup> . . .
- <sup>F147</sup>(b) . . . . .
- <sup>F148</sup>(2) . . . . .

### Textual Amendments

**F146** Words in Sch. 37 para. 21(1)(a) repealed (1.3.1998 in so far as relating to School Curriculum and Assessment Authority and otherwise 1.10.1997) by 1997 c. 44, ss. 57(4), 58(3), **Sch.8**; S.I. 1997/1468, art. 2(3), **Sch. 1 Pt. III**; S.I. 1998/386, art. 2(1), **Sch. 1 Pt.I**

**F147** Sch. 37 para. 21(1)(b) and the word immediately preceding it repealed (1.3.1998 in so far as relating to the School Curriculum and Assessment Authority and otherwise 1.10.1997) by 1997 c. 44, ss. 57(4), 58(3), **Sch.8**; S.I. 1997/1468, art. 2(3), **Sch. 1 Pt. III**; S.I. 1998/386, art. 2(1), **Sch. 1 Pt.I**

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**F148** Sch. 37 para. 21(2) repealed (1.3.1998 in so far as relating to the School Curriculum and Assessment Authority and otherwise 1.10.1997) by 1997 c. 44, ss. 57(4), 58(3), **Sch. 8**; S.I. 1997/1468, art. 2(3), **Sch. 1 Pt. III**; S.I. 1998/386, art. 2(1), **Sch. 1 Pt.I**

*Local Government Act 1972 (c. 70)*

- 22 (1) Section 104(2)(a) of the Local Government Act 1972 (teachers not disqualified for being members of committees) shall continue to have effect with the following amendment (originally made by Schedule 19 to the <sup>M28</sup>Education Act 1993).
- (2) For “for the purposes of the enactments relating to education” there is substituted “ wholly or partly for the purpose of discharging any functions with respect to education conferred on them in their capacity as local education authorities ”.

**Marginal Citations**

**M28** 1993 c. 35.

- 23 In section 112(4)(b) of that Act (appointment of staff) for “section 88 of the Education Act 1944” there is substituted “ section 532 of the Education Act 1996 ”.
- 24 In section 139(4) of that Act (acceptance of gifts of property) for “the Education Acts 1944 to 1971” there is substituted “ the Education Act 1996 ”.
- 25 In section 177(1) of that Act (supplementary provisions as to allowances) for “paragraph 4 of Schedule 2 to the Education Act 1980” there is substituted “ paragraph 4 of Schedule 33 to the Education Act 1996 ”.

*Fair Trading Act 1973 (c. 41)*

- 26 In Schedule 4 to the Fair Trading Act 1973 (services excluded from sections 14 and 109), in paragraph 14, for “the Education Act 1944,” there is substituted “ the Education Act 1996, ”.

*Local Government Act 1974 (c. 7)*

**F149**<sup>27</sup> .....

**Textual Amendments**

**F149** Sch. 37 para. 27 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

- 28 In section 31A(2) of that Act (consideration of adverse reports) for “paragraph 1 of Schedule 2 to the Education Act 1980” there is substituted “ paragraph 1 of Schedule 33 to the Education Act 1996 ”.
- 29 In paragraph 5(1) of Schedule 5 to that Act (matters not subject to investigation) for the words from “section 23” to “1986” there is substituted “ section 370 of the Education Act 1996 or section 17 of the Education (No.2) Act 1986 ”.

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

- 30 (1) Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (disqualifying offices)—
- (a) shall be amended as provided in sub-paragraphs (2) and (3); and
  - (b) shall continue to include the entries set out in sub-paragraph (4) (originally inserted by Schedule 19 to the <sup>M29</sup>Education Act 1993).
- (2) For the entry relating to the Curriculum and Assessment Authority for Wales there is substituted—
- “Any member of the Curriculum and Assessment Authority for Wales constituted under section 360 of the Education Act 1996 in receipt of remuneration”.
- (3) For the entry relating to the School Curriculum and Assessment Authority there is substituted—
- “Any member of the School Curriculum and Assessment Authority constituted under section 358 of the Education Act 1996 in receipt of remuneration”.
- (4) The entries referred to in sub-paragraph (1)(b) are—
- “Any member of an education association in receipt of remuneration”,
  - “Any member of the Funding Agency for Schools in receipt of remuneration”, and
  - “Any member of the Schools Funding Council for Wales in receipt of remuneration”.

**Marginal Citations**

**M29** 1993 c. 35.

*Sex Discrimination Act 1975 (c. 65)*

- 31 In section 23(1) of the Sex Discrimination Act 1975 (other discrimination by local education authorities) for “the Education Acts 1944 to 1996” there is substituted “ the Education Acts ”.
- 32 In section 23A of that Act (discrimination by Further Education and Higher Education Funding Councils) for “the Education Acts 1944 to 1994” there is substituted “ the Education Acts ”.

**F150**<sup>33</sup> .....

**Textual Amendments**

**F150** Sch. 37 para. 33 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

- 34 In section 24(2)(c) of that Act (designated establishments) for “the Education Act 1944” there is substituted “ the Education Act 1996 ”.
- 35 (1) Section 25 of that Act (general duty in public sector of education)—

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- (a) shall be amended in accordance with sub-paragraphs (2)(a) to (c), (3)(b), and (4)(a); and
  - (b) shall continue to have effect with the amendments set out in sub-paragraphs (2)(d), (3)(a) and (4)(b) (originally made by Schedule 19 to the Education Act 1993 and subsequently amended by the <sup>M30</sup>Education Act 1994).
- (2) In subsection (2)—
- (a) for “the Education Act 1944” there is substituted “ the Education Act 1996 ”;
  - (b) in paragraph (a), for “section 68” there is substituted “ section 496 ”;
  - (c) in paragraph (b), for “section 99” there is substituted “ section 497 ”; and
  - (d) for “and 23” there is substituted “ 23, 23A, 23C and 23D ”.
- (3) In subsection (4)—
- (a) for “and 23” there is substituted “ 23, 23A, 23C and 23D ”; and
  - (b) for “either” there is substituted “ any ”.
- (4) In subsection (6)—
- (a) in paragraph (c)(iii), for “section 100 of the Education Act 1944” there is substituted “ section 485 of the Education Act 1996 ”; and
  - (b) after paragraph (d) there is added—
    - “(e) the Funding Agency for Schools and the Schools Funding Council for Wales.”

#### Marginal Citations

M30 1994 c. 30.

- 36 In section 82 of that Act (general interpretation), in subsection (1)—
- (a) after the definition of “education” there is inserted—
    - ““the Education Acts” has the meaning given by section 578 of the Education Act 1996;”;
  - (b) in the definition of “further education”, for “section 41(3) of the Education Act 1944 as read with section 14 of the Further and Higher Education Act 1992” there is substituted “ section 2 of the Education Act 1996 ”;
  - (c) in the definition of “independent school”, for “section 114(1) of the Education Act 1944” there is substituted “ section 463 of the Education Act 1996 ”;
  - (d) in the definition of “proprietor”, for “section 114(1) of the Education Act 1944” there is substituted “ section 579 of the Education Act 1996 ”; and
  - (e) in the definition of “school”, for “section 114(1) of the Education Act 1944” there is substituted “ section 4 of the Education Act 1996 ”.
- 37 In Schedule 2 to that Act (transitional exemption orders for educational admissions)
- 
- <sup>F151</sup>(a) .....
- (b) in paragraph 3—
    - (i) for “section 100 of the Education Act 1944” there is substituted “ section 485 of the Education Act 1996 ”; and
    - (ii) for “subsection (1)(b) of the said section 100” there is substituted “ the said section 485 ”.

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**Textual Amendments**

**F151** Sch. 37 para. 37(a) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

*Restrictive Trade Practices Act 1976 (c. 34)*

38 In Schedule 1 to the Restrictive Trade Practices Act 1976 (services excluded from section 13), in paragraph 14, for “the Education Act 1944,” there is substituted “the Education Act 1996, ”.

*Race Relations Act 1976 (c. 74)*

39 In section 18(1) of the Race Relations Act 1976 (other discrimination by local education authorities) for “the Education Acts 1944 to 1996” there is substituted “ the Education Acts ”.

40 In section 18A of that Act (discrimination by Further Education and Higher Education Funding Councils) for “the Education Acts 1944 to 1994” there is substituted “ the Education Acts ”.

<sup>F152</sup>41 .....

**Textual Amendments**

**F152** Sch. 37 para. 41 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

<sup>F153</sup>42 .....

**Textual Amendments**

**F153** Sch. 37 para. 42 repealed (2.4.2001) by 2000 c. 34, s. 9(2), **Sch. 3** (with s. 10(5)); S.I. 2001/566, **art. 2(1)**

43 In section 78 of that Act (general interpretation), in subsection (1)—  
(a) after the definition of “education” there is inserted—  
    ““the Education Acts” has the meaning given by section 578 of the Education Act 1996;”;  
(b) in the definition of “independent school”, for “section 114(1) of the Education Act 1944” there is substituted “ section 463 of the Education Act 1996 ”;  
(c) in the definition of “proprietor”, for “section 114(1) of the Education Act 1944” there is substituted “ section 579 of the Education Act 1996 ”; and  
(d) in the definition of “school”, for “section 114(1) of the Education Act 1944” there is substituted “ section 4 of the Education Act 1996 ”.

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

44 In section 28A(2)(c) of the National Health Service Act 1977 (power to make payments to local education authority)—

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- (a) for “the Education Acts 1944 to 1996” there is substituted “ the Education Act 1996 ”; and
  - (b) for “those Acts” there is substituted “ the Education Acts (within the meaning of that Act) ”.
- 45 In section 128(1) of that Act (interpretation), in the definition of “local education authority”, for “the Education Act 1944” there is substituted “ the Education Act 1996 ”.
- 46 In Schedule 1 to that Act (medical and dental inspection and treatment of pupils etc.)—
- (a) in paragraph 1(a)(ii), for “section 163 or 298 of the Education Act 1993” there is substituted “ section 19 or 319 of the Education Act 1996 ”; and
  - (b) in paragraph 4, for “by section 114(1) of the Education Act 1944” there is substituted “ for the purposes of the Education Act 1996 ”.

*Education Act 1980 (c.20)*

- 47 (1) Section 38 of the Education Act 1980 (citation etc.) shall be amended as follows.
- (2) Subsections (2) and (4) to (6) are omitted.
- (3) For subsection (3) there is substituted—
- “(3) This Act shall, in its application to England and Wales, be construed as one with the Education Act 1996.”
- (4) In subsection (7), for the words from the beginning to “Northern Ireland;” there is substituted “ In this Act section 20 and this section extend to Northern Ireland, ”.

*Education (Scotland) Act 1980 (c. 44)*

- 48 (1) Section 48A of the Education (Scotland) Act 1980 (corporal punishment) shall continue to have effect with the following amendments (originally made by section 294 of the <sup>M31</sup>Education Act 1993).
- (2) In subsection (1), after “pupil” there is inserted “ to whom this subsection applies ”, and after that subsection there is inserted—
- “(1A) Where, in any proceedings, it is shown that corporal punishment has been given to a pupil by or on the authority of a member of the staff, giving the punishment cannot be justified if the punishment was inhuman or degrading.
- (1B) In determining whether punishment is inhuman or degrading regard shall be had to all the circumstances of the case, including the reason for giving it, how soon after the event it is given, its nature, the manner and circumstances in which it is given, the persons involved and its mental and physical effects.”
- (3) In subsection (5) for the words preceding paragraph (a) there is substituted “In this section “pupil” means a person for whom education is provided at a school or for whom school education is provided by an education authority otherwise than at a school.
- (5A) Subsection (1) above applies to a pupil”.
- (4) In subsection (8)(a) for “(5)(a)(iii)” there is substituted “ (5A)(a)(iii) ”.

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**Marginal Citations**

**M31** 1993 c. 35.

*Local Government, Planning and Land Act 1980 (c.65)*

- 49 In paragraph 10 of Schedule 10 to the Local Government, Planning and Land Act 1980 (adjustment of block grant in connection with education etc.: interpretation) for “Section 38(5) of the Education Act 1980” there is substituted “ Section 579(4) of the Education Act 1996 ”.

*Acquisition of Land Act 1981 (c. 67)*

- 50 In section 1(2) of the Acquisition of Land Act 1981 (application of Act) for “section 90(1) of the Education Act 1944” there is substituted “ section 530(1) of the Education Act 1996 ”.
- 51 (1) Section 17(4) of that Act (statutory undertakers) shall have effect with the following amendment instead of that made by section 11 of the <sup>M32</sup>Education Act 1993.
- (2) After paragraph (aa) of the definition of “statutory undertakers” there is inserted—
- “(ab) the Funding Agency for Schools,  
(ac) the Schools Funding Council for Wales,”.

**Marginal Citations**

**M32** 1993 c. 35.

*Greater London Council (General Powers) Act 1981 (c. xvii)*

- 52 In section 16 of the Greater London Council (General Powers) Act 1981 (exemptions from Part IV)—
- (a) in paragraph (b) for “the Education Act 1944” there is substituted “ the Education Act 1996 ”; and
- (b) in paragraph (k) for “section 100(1)(b) of the said Act of 1944” there is substituted “ section 485 of the Education Act 1996 ”.

*Agricultural Training Board Act 1982 (c. 9)*

- 53 In section 4(5) of the Agricultural Training Board Act 1982 (meaning of “post-school education”), for paragraph (a) there is substituted—
- “(a) in England and Wales, “higher education” as defined by section 120(1) of the Education Reform Act 1988 or “further education” as defined by section 2(3) to (5) of the Education Act 1996; and”.

*Industrial Training Act 1982 (c. 10)*

- 54 In section 5 of the Industrial Training Act 1982 (functions of boards) for the subsection (7) inserted by the <sup>M33</sup>Education Reform Act 1988 there is substituted—

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- “(8) In this section “post-school education” means—
- (a) in England and Wales, “higher education” as defined by section 120(1) of the Education Reform Act 1988 or “further education” as defined by section 2(3) to (5) of the Education Act 1996; and
  - (b) in Scotland, “further education” within the meaning of the Education (Scotland) Act 1980.”

#### Marginal Citations

**M33** 1988 c. 40.

#### *Local Government (Miscellaneous Provisions) Act 1982 (c. 30)*

55

[<sup>F154</sup>In section 40 of the Local Government (Miscellaneous Provisions) Act 1982 (nuisance and disturbance on educational premises) for subsections (2) to (10) there is substituted—

- “(2) This section applies to premises, including playing fields and other premises for outdoor recreation, of an institution (other than a school) which—
- (a) is maintained by a local education authority; and
  - (b) provides further education or higher education (or both).
- (3) If—
- (a) a police constable; or
  - (b) a person whom a local education authority have authorised to exercise the power conferred by this subsection,
- has reasonable cause to suspect that any person is committing or has committed an offence under this section, he may remove him from the premises in question.
- (4) No proceedings under this section shall be brought by any person other than—
- (a) a police constable; or
  - (b) a local education authority.
- (5) Expressions used in this section and in the Education Act 1996 have the same meaning as in that Act.”]

#### Textual Amendments

**F154** Sch. 37 para. 55 repealed (1.10.2002 for E., 1.9.2003 for W.) by [Education Act 2002 \(c. 32\), s. 216\(4\), Sch. 22 Pt. 3](#) (with [ss. 210\(8\), 214\(4\)](#)); S.I. 2002/2439, art. 3; S.I. 2003/1718, art. 5, Sch. Pt. II

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

- 56 (1) Paragraph 22 of Schedule 1 to the Representation of the People Act 1983 (use of schools for the purpose of taking a poll) shall continue to have effect with the



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following amendment (originally made by Schedule 19 to the <sup>M34</sup>Education Act 1993).

- (2) In sub-paragraph (1)(i), after “authority” there is inserted “ a grant-maintained school ”.

#### Marginal Citations

**M34** 1993 c. 35.

#### *Education (Fees and Awards) Act 1983 (c. 40)*

57 In section 1(4) of the Education (Fees and Awards) Act 1983 (fees at universities and further education establishments)—

- (a) for “section 100(1)(b) of the Education Act 1944” there is substituted “ section 485 of the Education Act 1996 ”; and  
(b) for “the Education Act 1944” there is substituted “ the 1996 Act ”.

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

<sup>F155</sup>58 .....

#### Textual Amendments

**F155** Sch. 37 para. 58 repealed (1.4.2002) by 2000 c. 14, s. 117(2), Sch. 6; S.I. 2001/4150, art. 3(c)(xii) (subject to art. 4); S.I. 2002/920, art. 3(3)(g)(x) (subject to art. 3(2), Schs. 1-3 and with art. 3(5)-(10))

#### *Building Act 1984 (c. 55)*

59 In section 4(1)(a) of the Building Act 1984 (exemption of educational buildings etc) for sub-paragraphs (i) to (iv) substitute—

- “(i) plans that have been approved by the Secretary of State,  
(ii) particulars submitted and approved under section 39 or 44 of the Education Act 1996 or under regulations made under section 544 of that Act or section 218(7) of the Education Reform Act 1988,  
(iii) particulars approved or adopted under section 214, 262 or 341 of the Education Act 1996, or  
(iv) particulars given in a direction under section 428 of that Act.”

#### *Greater London Council (General Powers) Act 1984 (c. xxvii)*

60 In section 10(2)(g) of the Greater London Council (General Powers) Act 1984 (buildings excepted from Part IV) for “section 100(1)(b) of the Education Act 1944” there is substituted “ section 485 of the Education Act 1996 ”.

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*Further Education Act 1985 (c. 47)*

- 61 In section 8(3) (short title etc.) for “the Education Act 1944” there is substituted “the Education Act 1996.”

*Housing Act 1985 (c. 68)*

- 62 In Schedule 1 (tenancies which are not secure tenancies), in paragraph 10(4), for “the Education Act 1944” there is substituted “ the Education Act 1996 ”.

*Local Government Act 1986 (c. 10)*

F156 63 .....

**Textual Amendments**

**F156** Sch. 37 para. 63 repealed (28.9.2000) by 2000 c. 22, ss. 107(2), 108(2)(c), Sch. 6

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

- 64 (1) Section 5 of the Disabled Persons (Services, Consultation and Representation) Act 1986 (disabled persons leaving special education) shall be amended as follows.
- (2) In subsection (1)(a) for “or 168 of the Education Act 1993” there is substituted “ section 168 of the Education Act 1993 or section 324 of the Education Act 1996 ”.
- (3) In subsection (8)—
- (a) for “paragraph 7 of Schedule 10 to the Education Act 1993” there is substituted “ paragraph 7 of Schedule 27chedul to the Education Act 1996 ”, and
- (b) for “maintained under section 168” there is substituted “ maintained under section 324 ”.
- (4) In subsection (9)—
- (a) for “Part III of the Education Act 1993” there is substituted “ Part IV of the Education Act 1996 ”; and
- (b) for “the Education Act 1944” there is substituted “ the Education Act 1996 ”.

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

- 65 (1) Section 50 of the Education (No. 2) Act 1986 (grants for teacher training etc.) shall continue to have effect with the following amendments (originally made by section 278 of and Schedule 19 to the <sup>M35</sup>Education Act 1993).
- (2) In subsection (1)—
- (a) for “local authorities and other persons” there is substituted “ persons other than local education authorities ”; and
- (b) for the words from the end of paragraph (a) onwards there is substituted—
- “and
- (b) such other classes of persons as may be prescribed.”

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- (3) In subsection (2)(b), for “capacity as an employee of the kind in question” there is substituted “ employment ”.

**Marginal Citations**

**M35** 1993 c. 35.

- 66 (1) Section 67 of that Act (short title etc.) shall be amended as follows.
- (2) Subsections (2), (5) and (6) are omitted.
- (3) In subsection (3), for “the 1944 Act” there is substituted “ the Education Act 1996. ”
- (4) In subsection (7), for the words from the beginning to “Northern Ireland;” there is substituted “ In this Act section 48 and this section extend to Scotland, ”.

*Reverter of Sites Act 1987 (c. 15)*

- 67 (1) The Reverter of Sites Act 1987 shall be amended as follows.
- (2) In section 1(5) (right of reverter replaced by trust for sale) for “section 2 of the Education Act 1973” there is substituted “ section 554 of the Education Act 1996 ”.
- (2) In section 5 (orders under Education Act 1973)—
- (a) in subsection (1), for “section 2 of the Education Act 1973” there is substituted “ section 554 of the Education Act 1996 ”; and
- (b) for “section 2 of the said Act of 1973”, wherever occurring, there is substituted “ section 554 of the 1996 Act ”.

*Local Government Act 1988 (c. 9)*

- 68 In paragraph 8(3)(a) of Schedule 1 to the Local Government Act 1988 (competition) for “section 53 of the Education Act 1944 (whether or not also provided under section 41 of that Act)” there is substituted “ section 508 of the Education Act 1996 (whether or not also provided under section 15 of that Act) ”.

*Criminal Justice Act 1988 (c. 33)*

- 69 In section 139A(6) and (7) of the Criminal Justice Act 1988 (as amended by the Offensive Weapons Act 1996), for “section 14(5) of the Further and Higher Education Act 1992” there is substituted “ section 4 of the Education Act 1996 ”.

*Education Reform Act 1988 (c. 40)*

F15770 .....

**Textual Amendments**

**F157** Sch. 37 para. 70 repealed (1.4.2001) by 2000 c. 21, s. 153, Sch. 11 (with s. 150); S.I. 2001/654, art. 2(2), Sch. Pt. II (with art. 3); S.I. 2001/1274, art. 2(2), Sch. Pt. I (with art. 3)

- 71 In section 161(1)(b)(i) of that Act (interpretation of Part II) for “section 41 of the 1944 Act” there is substituted “ section 15 of the Education Act 1996 ”.

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- 72 In section 163(1) of that Act (new education authorities for London) for “the Education Acts 1944 to 1996” there is substituted “ the Education Act 1996 ”.
- 73 In section 166(5) of that Act (responsibility for schools) for “the Education Acts 1944 to 1993” there is substituted “ the Education Act 1996 ”.
- 74 (1) Section 197 of that Act ([<sup>F158</sup>Education Transfer Council]) shall be amended as follows.
- (2) In subsection (6), for “the Education Acts 1944 to 1993” there is substituted “ the Education Acts ”.
- (3) Subsection (7) shall continue to have effect with the insertion of the words “and any governing body of a maintained or grant-maintained school” (originally inserted by section 47(5) of the <sup>M36</sup>Education Act 1993); and in that subsection for “the Education Acts 1944 to 1993” there is substituted “ the Education Acts ”.
- (4) In subsection (7B), for “the Education Acts 1944 to 1992” there is substituted “ the Education Acts ”.
- (5) At the end of the section there is added—
- “(10) In this section “the Education Acts” has the meaning given by section 578 of the Education Act 1996.”

#### Textual Amendments

**F158** Words in Sch. 37 para. 74 substituted (1.10.1998) by 1998 c. 31, s. 136 (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, Sch. 1 Pt. I

#### Marginal Citations

**M36** 1993 c. 35.

<sup>F159</sup>75 .....

#### Textual Amendments

**F159** Sch. 37 para. 75 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

- 76 (1) Section 218 of that Act (school and further and higher regulations)—
- (a) shall be amended as provided in sub-paragraphs (2) to (5); and
- (b) shall continue to have effect with the amendments set out in sub-paragraph (6) (originally made by section 290 of the Education Act 1993).
- (2) In subsection (1) the following are omitted—
- (a) in paragraphs (e) and (f), the words “schools and”; and
- (b) paragraph (g).
- (3) For subsection (2B) (renumbered by paragraph 8(4) of Schedule 2 to the <sup>M37</sup>Education Act 1994) there is substituted—
- “(2B) Regulations under subsection (2) above may impose requirements on persons carrying on city technology colleges or city colleges for the

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technology of the arts as to the training and teaching experience of persons employed as teachers at such colleges who seek to become (in relation to schools) qualified teachers.”

- (4) In subsection (7), the following are omitted—
- (a) the words from “or, in such cases” to “the funding authority”; and
  - (b) the words “school or” (where first occurring) and “any school or”.
- (5) Subsections (8) and (13) are omitted.
- (6) The amendments referred to in sub-paragraph (1)(b) are—
- (a) after subsection (6)(c) there is added “or
    - (d) by the proprietors of independent schools or at such schools as teachers or in any such work,”; and
  - (b) in subsection (12) after “section” there is inserted “ other than in subsection (6)(d) above ”.

**Marginal Citations**

M37 1994 c. 40.

77 For section 219 of that Act there is substituted—

**“219 Powers of the Secretary of State in relation to certain educational institutions.**

- (1) This section applies to any institution which is maintained by a local education authority and provides higher education or further education (or both).
- (2) Section 495(1) of the Education Act 1996 (determination of disputes by the Secretary of State) shall apply in relation to the governing body of an institution to which this section applies as it applies in relation to the governing body of a school.
- (3) Each of sections 496 and 497 of that Act (power of Secretary of State to prevent unreasonable exercise of functions and Secretary of State’s general default powers) shall have effect as if any reference to a body to which that section applies included a reference to the governing body of an institution to which this section applies.
- (4) Section 498 of that Act (powers of Secretary of State where there is no properly constituted governing body) shall have effect as if any reference to a school to which that section applies included a reference to an institution to which this section applies.”

F160 78 .....

**Textual Amendments**

F160 Sch. 37 para. 78 repealed (11.9.1998) by 1998 c. 18, ss. 54(3), 55(2), Sch.5

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- 79 In section 228 of that Act (transfer of property to grant-aided institutions in Wales), in subsection (2)(a), for “section 100(1)(b) of the 1944 Act” there is substituted “section 485 of the Education Act 1996”.
- 80 In section 232 of that Act (orders and regulations)—
- (a) in subsection (2), for the words from “sections” to “Schedule 5” there is substituted “section 157”;
  - (b) subsection (3) is omitted; and
  - (c) in subsection (4), “3(4)(a), 4(2)(c), 24,” is omitted.
- 81 (1) Section 235 of that Act (general interpretation) shall be amended as follows.
- (2) In subsection (1) the definition of “the 1980 Act” is omitted.
  - (3) In subsection (2)(c), after “1944 Act” there is inserted “or section 485 of the Education Act 1996”.
  - (4) In subsections (7) and (8), for “the 1944 Act” in each place there is substituted “the Education Act 1996”.
- 82 (1) Schedule 10 to that Act (supplementary provisions with respect to transfers)—
- (a) shall continue to have effect with the amendments set out in sub-paragraph (2) (originally made by section 47 of the <sup>M38</sup>Education Act 1993);  
F161 . . .
  - F161(b) . . . . .
  - (2) The amendments mentioned in sub-paragraph (1)(a) are as follows—
  - F162(a) . . . . .
  - (b) in paragraph 4(1) of the Schedule, for “by virtue of section 126 or 130” there is substituted “to which this Schedule applies”; F163 . . .
  - F163(c) . . . . .
  - F164(3) . . . . .

#### Textual Amendments

- F161** Sch. 37 para. 82(1)(b) and the word immediately preceding it repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F162** Sch. 37 para. 82(2)(a) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F163** Sch. 37 para. 82(2)(c) and the word immediately preceding it repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 31 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F164** Sch. 37 para. 82(3) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

#### Marginal Citations

- M38** 1993 c. 35.

#### *Copyright, Designs and Patents Act 1988 (c. 48)*

- 83 In section 174(3) of the Copyright, Patents and Designs Act 1988 (meaning of “school”) for “the Education Act 1944” there is substituted “the Education Act 1996”.

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*Children Act 1989 (c. 41)*

84 In section 28(4) of the Children Act 1989 (local authority support for children and families: consultation with local education authorities) for “Part III of the Education Act 1993” there is substituted “ Part IV of the Education Act 1996 ”.

85 In section 36(5) of that Act (education supervision orders: presumption that child is not being properly educated)—

(a) for “section 37 of the Education Act 1944” there is substituted “ section 437 of the Education Act 1996 ”; and

(b) for “section 39” there is substituted “ section 444 ”.

F16586 . . . . .

**Textual Amendments**

**F165** Sch. 37 para. 86 repealed (1.4.2002) by 2000 c. 14, s. 117(2), Sch. 6; S.I. 2001/4150, arts. 3(3)(c)(xii) (subject to art. 4); S.I. 2002/920, art. 3(3)(g)(x) (subject to art. 3(2), Schs. 1-3 and with art. 3(5)-(10))

87 In section 87(10) of that Act (welfare of children accommodated in independent schools) for “the Education Act 1944” there is substituted “ the Education Act 1996 ”.

F16688 . . . . .

**Textual Amendments**

**F166** Sch. 37 para. 88 repealed (1.4.2002) by 2000 c. 14, ss. 117(2), Sch. 6; S.I. 2001/4150, arts. 3(3)(c)(xii) (subject to art. 4); S.I. 2002/920, art. 3(3)(g)(x) (subject to art. 3(2), Schs. 1-3 and with art. 3(5)-(10))

F16789 . . . . .

**Textual Amendments**

**F167** Sch. 37 para. 89 repealed (1.4.2002) by 2000 c. 14, s. 117(2), Sch. 6; S.I. 2001/4150, arts. 3(3)(c)(xii) (subject to art. 4); S.I. 2002/920, art. 3(3)(g)(x) (subject to art. 3(2), Schs. 1-3 and with art. 3(5)-(10))

90 In section 91(5) of that Act (effect and duration of orders: school attendance orders) for “section 37 of the Education Act 1944” there is substituted “ section 437 of the Education Act 1996 ”.

91 In section 105(1) of that Act (interpretation) for “the Education Act 1944” in each place where it occurs, and for “the Education Act 1993”, there is substituted “ the Education Act 1996 ”.

92 In paragraph 3(b) of Schedule 2 to that Act (local authority support for children and families: assessment of children’s needs) for “Part III of the Education Act 1993” there is substituted “ Part IV of the Education Act 1996 ”.

93 (1) Part III of Schedule 3 to that Act (education supervision orders) shall be amended as follows.

(2) In paragraph 13—

(a) in sub-paragraph (1) for “section 36 of the Education Act 1944 (duty to secure education of children) and section 199 of the Education Act 1993

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(duty” there is substituted “ sections 7 and 444 of the Education Act 1996 (duties to secure education of children and ”; and

- (b) in sub-paragraph (2)—
  - (i) in paragraph (a)(i) for “section 192 of that Act” there is substituted “ section 437 of the Education Act 1996 ”,
  - (ii) in paragraph (b)(i) for “section 192” there is substituted “ section 437 ”,
  - (iii) in paragraph (b)(ii) for “section 76 of the Education Act 1944” there is substituted “ section 9 of that Act ”, and
  - (iv) in paragraph (b)(iii) for “sections 6 and 7 of the Education Act 1980” there is substituted “ sections 411 and 423 of that Act ”.

(3) In paragraph 21 for “the Education Act 1944 (as amended by Schedule 13)” there is substituted “ the Education Act 1996. ”

94 (1) Paragraph 3 of Schedule 9 to that Act (child minding and day care: exemption of certain schools) shall be amended as follows.

- (2) In sub-paragraph (1)—
  - (a) for “section 100 of the Education Act 1944” there is substituted “ section 485 of the Education Act 1996 ”, and
  - (b) for “section 53 of the Act of 1944” there is substituted “ section 508 of that Act ”.

- (3) In sub-paragraph (3)—
  - (a) for “the Education Act 1944” there is substituted “ the Education Act 1996 ”, and
  - (b) for “the Education Act 1993” there is substituted “ that Act ”.

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

95 In section 2(6)(a) of the Local Government and Housing Act 1989 (politically restricted posts) for “section 88 of the Education Act 1944” there is substituted “ section 532 of the Education Act 1996 ”.

- 96 (1) Section 13 of that Act (voting rights of members of committees)—
  - (a) shall be amended as provided in sub-paragraphs (2), (3) and (5); and
  - (b) shall continue to have effect with the amendment set out in sub-paragraph (4) (originally made by Schedule 19 to the <sup>M39</sup>Education Act 1993).

<sup>F168</sup>(2) .....

- (3) For subsection (5) there is substituted—
  - “(5) Nothing in this section shall prevent the appointment of a person who is not a member of a local education authority as a voting member of—
    - (a) any committee or sub-committee appointed by the local authority wholly or partly for the purpose of discharging any functions with respect to education conferred on them in their capacity as a local education authority,
    - (b) any joint committee appointed by two or more local authorities wholly or partly for the purpose of discharging any functions with



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respect to education conferred on them in their capacity as local education authorities, or

- (c) any sub-committee appointed by any such committee or joint committee wholly or partly for the purpose of discharging any of that committee’s functions with respect to education,

where that appointment is required by directions given by the Secretary of State under section 499 of the Education Act 1996 (power of Secretary of State to direct appointment of members of committees).”

- (4) In subsection (7) for “education committee or sub-committee of an education committee” there is substituted “ committee, joint committee or sub-committee appointed for the purpose mentioned in that subsection ”.
- (5) In subsection (9) the definition of “foundation governors” and the “and” immediately following it are omitted.

**Textual Amendments**

**F168** Sch. 37 para. 96(2) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

**Marginal Citations**

**M39** 1993 c. 35.

F16997 .....

**Textual Amendments**

**F169** Sch. 37 para. 97 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

*Education (Student Loans) Act 1990 (c. 6)*

- 98 In section 1(3)(a) of the Education (Student Loans) Act 1990 (meaning of “institutions receiving support from public funds”) for “section 100(1)(b) of the Education Act 1944” there is substituted “ section 485 of the Education Act 1996 ”.

*Town and Country Planning Act 1990 (c. 8)*

- 99 In section 76 of the Town and Country Planning Act 1990 (duty to draw attention to certain provisions for benefit of disabled) for subsection (3) there is substituted—
- “(3) Expressions used in subsection (1)(e) and in the Education Act 1996 have the same meanings as in that Act.”

*Environmental Protection Act 1990 (c. 43)*

- 100 In section 98(2) of the Environmental Protection Act 1990 (definitions)—
- (a) in paragraph (c)(i) for “section 100(1)(b) of the Education Act 1944” there is substituted “ section 485 of the Education Act 1996 ”; and
- (b) in paragraph (e) for “section 105 of the Education Reform Act 1988)” there is substituted “ section 482 of the Education Act 1996) ”.

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

- 101 (1) The School Teachers’ Pay and Conditions Act 1991—
- (a) shall continue to have effect with the amendment set out in sub-paragraph (2) (originally made by Schedule 19 to the <sup>M40</sup>Education Act 1993); and
  - (b) shall be amended as provided in sub-paragraphs (3) and (4).
- (2) In section 2 (orders relating to statutory conditions of employment), in subsections (6) and (7) for “section 3” there is substituted “ sections 3 and 3A ”.
- (3) For the section 3A inserted by section 289 of the Education Act 1993 there is substituted—

**“3A Special provisions for teachers on transfer of employment.**

- (1) This section applies where a school teacher employed to teach at an independent school—
  - (a) which becomes a county or voluntary school in pursuance of proposals published under section 35(1)(b) or, as the case may be, 41(1) of the Education Act 1996, or
  - (b) in place of which a grant-maintained school is established in pursuance of proposals published under section 212 of that Act, becomes employed (in the case of a county or voluntary school) by the local education authority or the governing body or (in the case of a grant-maintained school) by the governing body in accordance with the Transfer of Undertakings (Protection of Employment) Regulations 1981.
- (2) A pay and conditions order shall not apply to the statutory conditions of employment of such a teacher unless he gives notice in writing to the new employer that the order is to so apply.
- (3) Where the governing body of an aided school receive notice given under subsection (2) above, they shall inform the local education authority.”
- (4) In section 5 (interpretation etc.)—
  - (a) in subsection (1)—
    - (i) in the definition of “school which has a delegated budget” for “Chapter III of Part I of the Education Reform Act 1988” there is substituted “ Part II of the Education Act 1996 ”, and
    - (ii) for “the Education Act 1944” there is substituted “ that Act ”; and
  - (b) in subsection (5), for “sections 68 and 99(1) of the Education Act 1944” there is substituted “ sections 496 and 497 of the Education Act 1996 ”.

**Marginal Citations**

**M40** 1993 c. 35.

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

F170 102 .....

*Status: Point in time view as at 20/01/2003.*

*Changes to legislation: Education Act 1996 is up to date with all changes known to be in force on or before 13 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**Textual Amendments**

**F170** Sch. 37 para. 102 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

**F171** 103 . . . . .

**Textual Amendments**

**F171** Sch. 37 para. 103 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

104 (1) Section 6 of that Measure (Board to be consulted in certain cases) shall be amended as follows.

(2) In subsection (1)—

- (a) for “section 13(1) of the 1988 Act” there is substituted “ section 392(2) of the Education Act 1996 ”; and
- (b) for “section 11” there is substituted “ section 390 ”.

**F172**(3) . . . . .

**Textual Amendments**

**F172** Sch. 37 para. 104(3) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

**F173** 105 . . . . .

**Textual Amendments**

**F173** Sch. 37 para. 105 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

**F174** 106 . . . . .

**Textual Amendments**

**F174** Sch. 37 para. 106 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

**F175** 107 . . . . .

**Textual Amendments**

**F175** Sch. 37 para. 107 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 107, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

*Status: Point in time view as at 20/01/2003.*

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

<sup>F176</sup>108 .....

**Textual Amendments**

**F176** Sch. 37 para. 108 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

109 In section 28(3)(a) of that Act (institutions which are grant-aided or eligible to receive aid by way of grant) for “section 100(1)(b) of the Education Act 1944” there is substituted “ section 485 of the Education Act 1996 ”.

110 (1) Section 37 of that Act (attribution of surpluses and deficits) shall be amended as follows.

<sup>F177</sup>(2) .....

(3) In subsection (7)—

<sup>F177</sup>(a) .....

(b) in the definition of “financial year”, for “the Education Reform Act 1988” there is substituted “ the Education Act 1996 ”.

**Textual Amendments**

**F177** Sch. 37 para. 110(2)(3)(a) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

111 In section 54(2) of that Act (duty to give information) for the words from “section 51” to “section 52 of that Act” there is substituted “ regulations under section 492 or 493 of the Education Act 1996 ”.

<sup>F178</sup>112 .....

**Textual Amendments**

**F178** Sch. 37 para. 112 repealed (1.4.2001) by 2000 c. 21, s. 153, **Sch. 11** (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3); S.I. 2001/1274, art. 2(2), **Sch. Pt. I** (with art. 3)

<sup>F179</sup>113 .....

**Textual Amendments**

**F179** Sch. 37 para. 113 repealed (1.1.2001 (W.) 1.4.2001 (E.)) by 2000 c. 21, s. 153, **Sch. 11** (with s. 150); S.I. 2000/3230, art. 2, **Sch.**; S.I. 2001/654, art. 2(2), **Sch. Pt. II**

114 In section 89(5) of that Act (orders, regulations and directions) for “Section 111 of the Education Act 1944” there is substituted “ Section 570 of the Education Act 1996 ”.

115 (1) Section 90 of that Act (interpretation) shall be amended as follows.

(2) In subsection (1)—

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- (a) in the definition of “the Education Acts”, for “means the Education Acts 1944 to 1996” there is substituted “ has the meaning given by section 578 of the Education Act 1996 ”; and
  - (b) after that definition there is inserted—  
““further education” has the meaning given by section 2(3) to (5) of that Act;”.
- (3) In subsection (5), for “the Education Act 1944” there is substituted “ the Education Act 1996 ”.
- 116 In section 92 of that Act (Index)—
- (a) in the entry for “further education”, for “section 14(1) to (4)” there is substituted “ section 90(1) ”; and
  - (b) the entries for “pupil”, “secondary education” and “school” are omitted.
- 117 (1) Schedule 8 to that Act—
- (a) shall continue to have effect with the amendment set out in sub-paragraph (2) (originally made by section 47(6) of the <sup>M41</sup>Education Act 1993); and
  - (b) shall be amended as provided in sub-paragraphs (3) and (4).
- (2) In paragraph 61, for “by virtue of section 126 or 130 and in such a case” there is substituted “ and ”.
- (3) In paragraph 62(3), for “or (as the case may be) the Education Act 1993” there is substituted “ or (as the case may be) the Education Act 1996 ”.
- (4) In—
- (a) paragraph 79(2) (which provides that, in relation to a further education corporation or a Further Education Funding Council, the reference in section 25(2) of the <sup>M42</sup>Sex Discrimination Act 1975 to section 99 of the <sup>M43</sup>Education Act 1944 is to be read as a reference to section 57(3) of the 1992 Act), <sup>F180</sup> . . .
  - <sup>F180</sup>(b) . . . . .  
for “section 99 of the Education Act 1944” there is substituted “ section 497 of the Education Act 1996 ”.

**Textual Amendments**

**F180** Sch. 37 para. 117(4)(b) and preceding word repealed (2.4.2001) by 2000 c. 34, s. 9(2), Sch. 3 (with s. 10(5)); S.I. 2001/566, art. 2(1) (with art. 2(2))

**Marginal Citations**

- M41** 1993 c. 35.
- M42** 1975 c. 65.
- M43** 1994 c. 31.

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

- 118 (1) The Tribunals and Inquiries Act 1992 shall be amended as follows.

*Status: Point in time view as at 20/01/2003.*

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- (2) Section 11(1) (appeals from certain tribunals) shall continue to have effect with the substitution for “15(a) or (d)” of “15(a), (d) or (e)” (originally made by section 181 of the Education Act 1993).
- (3) In paragraph 15 of Schedule 1 (tribunals under general supervision of Council on Tribunals)—
  - (a) in sub-paragraph (a), for “section 72 of, and Schedule 6 to, the Education Act 1944 (c. 31)” there is substituted “ section 476 of, and Schedule 34 to, the Education Act 1996 (c. 56) ”;
  - (b) in sub-paragraph (b), for “Part I of Schedule 2 to the Education Act 1980 (c. 20)” there is substituted “ Part I of Schedule 33 to that Act ”;
  - (c) in sub-paragraph (c), for “paragraph 5(1) of Schedule 6 to the Education Act 1993” there is substituted “ paragraph 6(1) of Schedule 23 to that Act ”; and
  - <sup>F181</sup>(d) .....

**Textual Amendments**  
**F181** Sch. 37 para. 118(3)(d) repealed (1.9.2002) by 2001 c. 10, s. 42(1)(6), Sch. 8 para. 4, Sch. 9 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. 1

*Charities Act 1993 (c. 10)*

- 119 For section 79(9) of the Charities Act 1993 (parochial charities) there is substituted—
  - “(9) This section shall not affect the trusteeship, control or management of any voluntary or grant-maintained school within the meaning of the Education Act 1996.”
- 120 (1) Schedule 2 to that Act (exempt charities) shall continue to have effect with the following amendments (originally made by Schedules 15 and 19 to the <sup>M44</sup>Education Act 1993).
  - (2) After paragraph (d) there is inserted—
    - “(da) the School Curriculum and Assessment Authority;”.
  - (3) For paragraph (f) there is substituted—
    - “(f) the Curriculum and Assessment Authority for Wales;”.

**Marginal Citations**  
**M44** 1993 c. 35.

- 121 At the end of paragraph 1(b) of Schedule 4 to that Act (charities over which the court has jurisdiction) there is added “ or section 554 of the Education Act 1996 ”.

*Welsh Language Act 1993 (c. 38)*

- <sup>F182</sup>122 .....

*Status: Point in time view as at 20/01/2003.*

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**Textual Amendments**

**F182** Sch. 37 para. 122 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

*Local Government (Wales) Act 1994 (c. 19)*

- 123 (1) Section 30 of the Local Government (Wales) Act 1994 (area committees) shall be amended as follows.
- (2) In subsection (7) for “section 297 of the Education Act 1993” there is substituted “section 499 of the Education Act 1996”.
- (3) In subsections (9) and (14) for “section 297 of the Act of 1993” there is substituted “section 499 of the Act of 1996”.
- 124 (1) Section 31 of that Act (sub-committees of area committees) shall be amended as follows.
- (2) In subsection (6) for “section 297 of the Education Act 1993” there is substituted “section 499 of the Education Act 1996”.
- (3) In subsections (8) and (12) for “section 297 of the Act of 1993” there is substituted “section 499 of the Act of 1996”.

*Value Added Tax Act 1994 (c. 23)*

- 125 In Schedule 9 to the Value Added Tax Act 1994 (exemptions), in paragraph (a) of Note (1) to Group 6 (education)—
- (a) for “the Education Acts 1944 to 1996” there is substituted “the Education Act 1996”;
- (b) in sub-paragraph (iii), for “a maintained school within the meaning of the Education Act 1993 or” there is substituted “a county school, voluntary school or maintained special school (other than one established in a hospital) within the meaning of the Education Act 1996 or a maintained school within the meaning of”;
- <sup>F183</sup>(c) .....
- <sup>F183</sup>(d) .....

**Textual Amendments**

**F183** Sch. 37 para. 125(c)(d) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

*Education Act 1994 (c. 30)*

- 126 After section 11 of the Education Act 1994 there is inserted—

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*“ General duty of Secretary of State*

**11A General duty of Secretary of State with respect to teacher training.**

In carrying out his duties under sections 10 and 11 of the Education Act 1996 the Secretary of State shall, in particular, make such arrangements as he considers expedient for securing that sufficient facilities are available for the training of teachers to serve in schools maintained by local education authorities, grant-maintained schools, institutions within the further education sector and institutions which are maintained by such authorities and provide higher education or further education (or both).”

- 127 (1) Section 12 of that Act (power of schools to provide courses of initial teacher training) shall be amended as follows.
- (2) In subsection (5), for “section 12 or 13 of the Education Act 1980 or section 96 of the Education Act 1993” there is substituted “ section 35, 41 or 259 of the Education Act 1996 ”.
- (3) In subsection (6)—
- (a) for “sections 33 to 43 of the Education Reform Act 1988” there is substituted “ sections 101 to 123 of the Education Act 1996 ”, and
- (b) for “Chapter VI of Part II of the Education Act 1993” there is substituted “ Chapter VI of Part III of that Act ”.
- 128 In section 19 of that Act (interpretation)—
- (a) in subsection (3), for “section 156 of the Education Act 1993” there is substituted “ section 312 of the Education Act 1996 ”; and
- (b) in subsection (5), for “the Education Act 1944” there is substituted “ the Education Act 1996 ”.

*Disability Discrimination Act 1995 (c. 50)*

F184 129 .....

**Textual Amendments**

**F184** Sch. 37 para. 129 repealed (1.9.2002) by 2001 c. 10, ss. 38(14), 42(6), Sch. 9 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. 1

*Employment Rights Act 1996 (c. 18)*

- 130 In section 134(1) of the Employment Rights Act 1996 (dismissal of teachers in aided schools) for “paragraph (a) of the proviso to section 24(2) of the Education Act 1944” there is substituted “ section 134(3) of the Education Act 1996 ”.

*Nursery Education and Grant-Maintained Schools Act 1996 (c. 57)*

- 131 (1) Section 4 of the Nursery Education and Grant-Maintained Schools Act 1996 (children with special educational needs) shall be amended as follows.
- (2) In subsection (1)—



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- (a) for “section 157 of the Education Act 1993” there is substituted “section 313 of the Education Act 1996”; and
- (b) for “Part III” there is substituted “ Part IV ”.
- (3) In each of subsections (2) and (3), for “Part III of the Education Act 1993” there is substituted “ Part IV of the Education Act 1996 ”.
- 132 In section 11 of that Act (citation etc.) for subsection (2) there is substituted—
- “(2) This Act shall be construed as one with the Education Act 1996.”

## PART II

### AMENDMENTS COMING INTO FORCE ON APPOINTED DAY

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

- 133 In section 30(1)(a) of the Children and Young Persons Act 1933 (interpretation) for the words from “for the purposes” to the end of paragraph (a) there is substituted “ over compulsory school age (construed in accordance with section 8 of the Education Act 1996) ”.

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

- 134 In section 24(1) of the Agriculture (Safety, Health and Welfare Provisions) Act 1956 (interpretation) in the definition of “young person”, for “for the purposes of the Education Act 1944” there is substituted “ (construed in accordance with section 8 of the Education Act 1996) ”.

#### *Factories Act 1961 (c. 34)*

- 135 In section 176(1) of the Factories Act 1961 (general interpretation) for the definition of “child” there is substituted—
- ““child” means any person who is not over—
- (a) compulsory school age (construed in accordance with section 8 of the Education Act 1996), or
- (b) school age (construed in accordance with section 31 of the Education (Scotland) Act 1980);”.

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

- 136 In section 29(2)(a) of the Matrimonial Causes Act 1973 (age limit on making certain orders in favour of children) for the words from “(that is to say” to “that section)” there is substituted “ (construed in accordance with section 8 of the Education Act 1996) ”.

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

- 137 In section 24(2)(d) of the Sex Discrimination Act 1975 (designated establishments) after “school age” there is inserted “ (construed in accordance with section 8 of the Education Act 1996) ”.

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

- 138 In section 5(2)(a) of the Domestic Proceedings and Magistrates' Courts Act 1978 (age limit on making certain orders in favour of children) for the words from “(that is to say” to “that section)” there is substituted “ (construed in accordance with section 8 of the Education Act 1996) ”.

*Employment Act 1989 (c. 38)*

- 139 In section 10 of the Employment Act 1989 (removal of restrictions relating to employment of young persons), in subsection (6), for “for the purposes of the Education Act 1944” there is substituted “ (construed in accordance with section 8 of the Education Act 1996) ”.

SCHEDULE 38

Section 582(2).

REPEALS AND REVOCATIONS

**PART I**

REPEALS COMING INTO FORCE ON 1ST NOVEMBER 1996

<b>Chapter</b>	<b>Short title</b>	<b>Extent of repeal</b>
1944 c.31.	Education Act 1944.	The whole Act.
1946 c.49.	Acquisition of Land (Authorisation Procedure) Act 1946.	In Schedule 4, the entry relating to the Education Act 1944.
1946 c.50.	Education Act 1946.	The whole Act.
1948 c.40.	Education (Miscellaneous Provisions) Act 1948.	The whole Act.
1953 c.33.	Education (Miscellaneous Provisions) Act 1953.	The whole Act.
1959 c.53.	Town and Country Planning Act 1959.	In Schedule 4, paragraph 4.
1959 c.60.	Education Act 1959.	The whole Act.
1961 c.45.	Rating and Valuation Act 1961.	The whole Act.
1962 c.12.	Education Act 1962.	Section 9. Section 13(4). Section 14(2).
1963 c.37.	Children and Young Persons Act 1963.	Section 38(2).
1964 c.82.	Education Act 1964.	The whole Act.

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1967 c.3.	Education Act 1967.	Section 2.  In section 6(1), the words from “and this Act” onwards.
1967 c.80.	Criminal Justice Act 1967.	In Part I of Schedule 3, the entry relating to the Education Act 1944.
1968 c.17.	Education Act 1968.	The whole Act.
1968 c.xxxix	Greater London Council (General Powers) Act 1968.	Section 56.
1970 c.42.	Local Authority Social Services Act 1970.	In Schedule 1, the entry relating to the Education Act 1993.
1970 c.52.	Education (Handicapped Children) Act 1970.	The whole Act.
1972 c.70.	Local Government Act 1972.	Section 192.
1973 c.16.	Education Act 1973.	Section 1(2).  Section 2.  In section 5(1), the words from “, and the Education Acts” onwards.  In Schedule 1, paragraph 3.
1973 c.23.	Education (Work Experience) Act 1973.	The whole Act.
1975 c.2.	Education Act 1975.	The whole Act.
1976 c.5.	Education (School-leaving Dates) Act 1976.	The whole Act.
1976 c.81.	Education Act 1976.	The whole Act.
1977 c.49.	National Health Service Act 1977.	In Schedule 14, in paragraph 13(1)(b) “7 to 9”.  In Schedule 15, paragraphs 2 and 3.
1979 c.49.	Education Act 1979.	The whole Act.
1980 c.20.	Education Act 1980.	Sections 1 to 18.  Sections 21 and 22.  Section 24.  Section 26.  Sections 28 to 30.  Section 33(3).  Sections 34 and 35.

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		Section 37.
		In section 38, subsections (2) and (4) to (6).
		Schedules 1 to 4.
		Schedule 7.
1980 c.65.	Local Government, Planning and Land Act 1980.	Section 2(3).
1981 c.60.	Education Act 1981.	The whole Act.
1982 c.48.	Criminal Justice Act 1982.	In Schedule 3, the entries relating to the Education Act 1944.
1984 c.11.	Education (Grants and Awards) Act 1984.	The whole Act.
1985 c.47.	Further Education Act 1985.	Section 8(2).
1986 c.50.	Social Security Act 1986.	Section 77 so far as relating to section 22 of the Education Act 1980.
1986 c.61.	Education (No.2) Act 1986.	Sections 1 to 42.
		Sections 44 to 47.
		Sections 51 to 60.
		In section 62(1), paragraph (a) and the “(b)” immediately following it.
		In section 63, in subsection (1) the words “(other than under section 2(7), 9(6) or 54)”, in subsection (2) “51 or”, and subsection (2A).
		In section 65(1), all the definitions except that of “establishment of higher or further education”.
		In section 66, in subsection (1) “60 and” and “to (3)”, and in subsection (2) “and 59”.
		In section 67, subsections (2), (5) and (6).
		Schedules 1 to 3.
		In Schedule 4, paragraphs 1, 2 and 5.

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1987 c.15.	Reverter of Sites Act 1987.	Schedules 5 and 6. Section 8(1).
1988 c.40.	Education Reform Act 1988.	Part I. Section 120(5) and (9). In section 210, in each of subsections (1) and (3)(d) the words “local education authorities or”. In section 211, paragraphs (a) and (b) and the words “the school or”. Sections 212 and 213. In section 218, in subsection (1) in each of paragraphs (e) and (f) the words “schools and” and paragraph (g), in subsection (7) the words from “or, in such cases” to “the funding authority” and the words “school or” (where first occurring) and “any school or”, and subsections (8) and (13). Section 222. Sections 225 and 227. Section 229(1). In section 230(1), “section 15(2)”. In section 232, subsection (3) and, in subsection (4)(b), “3(4)(a), 4(2)(c), 24”. Section 234. In section 235, in subsection (1) the definition of “the 1980 Act”. In section 236, in subsection (1) the words from “section 1” to “section 119” and “sections 212 and 213”, and subsections (2) and (3). Section 238(2). Schedules 1 to 4.

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		In Schedule 12, paragraphs 1 to 8, 14, 17, 24, 25, 34, 35, 37, 54 to 62, 69(4), 76, 77, 81, 82, 87(3), 99, 102, 103 and 106.
1989 c.41.	Children Act 1989.	In Schedule 13, paragraphs 9 and 10.
1989 c.42.	Local Government and Housing Act 1989.	In section 13(9), the definition of “foundation governors” and the “and” immediately following it.  Section 188.
1990 c.6.	Education (Student Loans) Act 1990.	Section 4(2).
1990 c.19.	National Health Service and Community Care Act 1990.	In Schedule 9, paragraph 31.
1990 c.38.	Employment Act 1990.	Section 14.  In section 18(2), the words from “section 14” to “experience”.
1991 c.21.	Disability Living Allowance and Disability Working Allowance Act 1991.	In Schedule 3, paragraph 12.
1991 c.49.	School Teachers’ Pay and Conditions Act 1991.	Section 6(2).
1991 No.2.	Diocesan Boards of Education Measure 1991.	In section 10(1), the definition of “the 1988 Act”.
1992 c.13.	Further and Higher Education Act 1992.	Sections 10 to 14.  Section 59.  In section 92, the entries for “pupil”, “secondary education” and “school”.  Section 94(2).  In Schedule 8, paragraphs 1 to 17, 24 to 26, 28, 43(b), 50, 53, 54, 56, 57 and 82.
1992 c.38.	Education (Schools) Act 1992.	Section 16.  In Schedule 4, paragraphs 1 and 4 to 6.
1993 c.8.	Judicial Pensions and Retirement Act 1993.	In Schedule 6, paragraph 51.

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1993 c.10.	Charities Act 1993.	In Schedule 2, paragraphs (e) and (g).
1993 c.35.	Education Act 1993.	The whole Act.
1994 c.19.	Local Government (Wales) Act 1994.	Section 21.  In Schedule 16, paragraphs 8 and 105.
1994 c.30.	Education Act 1994.	Section 27(2).  In Schedule 2, paragraphs 5(2) and (4)(a), 6(2) and (4)(a) and 8(2) to (4).
1995 c.17.	Health Authorities Act 1995.	In Schedule 1, paragraphs 112 and 124.
1995 c.18.	Jobseekers Act 1995.	In Schedule 2, paragraphs 3 and 17.
1995 c.21.	Merchant Shipping Act 1995.	In Schedule 13, paragraph 48.
1995 c.50.	Disability Discrimination Act 1995.	Section 29(1) and (2).  Section 30(7) to (9).
1996 c.9.	Education (Student Loans) Act 1996.	Section 4(2).
1996 c.18.	Employment Rights Act 1996.	In Schedule 1, paragraph 59.
1996 c.23.	Arbitration Act 1996.	In Schedule 3, paragraphs 4 and 59.
1996 c.50.	Nursery Education and Grant-Maintained Schools Act 1996.	Section 7.  In Schedule 3, paragraphs 1 to 8 and 10 to 15.

## PART II

### REPEALS COMING INTO FORCE ON APPOINTED DAY

Chapter	Short title	Extent of repeal
1975 c.65.	Sex Discrimination Act 1975.	In section 82(1), the definition of “upper limit of compulsory school age”.
1976 c.74.	Race Relations Act 1976.	In section 78(1), the definition of “upper limit of compulsory school age”.

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1995 c.36.	Children (Scotland) Act 1995.	In Schedule 4, paragraph 10(a).
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### PART III

#### REVOCATIONS

<b>S.I. Number</b>	<b>Title</b>	<b>Extent of revocation</b>
S.I. 1977/293.	Local Authorities etc. (Miscellaneous Provision) Order 1977.	Article 4(1) and (5).
S.I. 1991/1890.	Education (Financial Delegation for Primary Schools) Regulations 1991.	The whole Regulations.
S.I. 1992/110.	Education (Financial Delegation for Primary Schools) (Amendment) Regulations 1992.	The whole Regulations.
S.I. 1992/1548.	Education (National Curriculum) (Foundation Subjects at Key Stage 4) Order 1992.	The whole Order.
S.I. 1993/2709.	Education (No. 2) Act 1986 (Amendment) Order 1993.	The whole Order.
S.I. 1993/2827.	Education (No. 2) Act 1986 (Amendment) (No. 2) Order 1993.	The whole Order.
S.I. 1994/692.	Education (No. 2) Act 1986 (Amendment) Order 1994.	The whole Order.
S.I. 1994/1814.	Education (National Curriculum) (Foundation Subjects at Key Stage 4) Order 1994.	The whole Order.
S.I. 1994/2092.	Education (No. 2) Act 1986 (Amendment) (No. 2) Order 1994.	The whole Order.
S.I. 1994/2732.	Education (No. 2) Act 1986 (Amendment) (No. 3) Order 1994.	The whole Order.
S.I. 1996/710.	Local Government Changes for England (Education) (Miscellaneous Provisions) Regulations 1996.	Regulation 19.
S.I. 1996/951.	Deregulation (Length of the School Day) Order 1996.	The whole Order.

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## SCHEDULE 39

Section 582(3).

### TRANSITIONAL PROVISIONS AND SAVINGS

#### PART I

#### GENERAL

##### *General transitional provisions*

- 1 (1) The repeal and re-enactment of provisions by this Act does not affect the continuity of the law.
- (2) Any subordinate legislation made or other thing done, or having effect as if made or done, under or for the purposes of any provision repealed and re-enacted by this Act shall, if in force or effective immediately before the commencement of the corresponding provision of this Act, have effect thereafter as if made or done under or for the purposes of that corresponding provision.
- (3) Any reference (express or implied) in this Act or any other enactment or in any instrument or document—
- (a) to any provision of this Act, or
  - (b) to things done or falling to be done under or for the purposes of any provision of this Act,
- shall (so far as the context permits) be construed as including, in relation to times, circumstances or purposes in relation to which the corresponding provision repealed by this Act had effect, a reference—
- (i) to that corresponding provision, or
  - (ii) to things done or falling to be done under or for the purposes of that corresponding provision,
- as the case may be.
- (4) Any reference (express or implied) in any enactment or in any instrument or document—
- (a) to any provision repealed and re-enacted by this Act, or
  - (b) to things done or falling to be done under or for the purposes of any such provision,
- shall (so far as the context permits) be construed as including, in relation to times, circumstances or purposes in relation to which the corresponding provision of this Act has effect, a reference—
- (i) to that corresponding provision, or
  - (ii) to things done or falling to be done under or for the purposes of that corresponding provision,
- as the case may be.
- (5) Without prejudice to the generality of sub-paragraph (4), where a power conferred by an Act is expressed to be exercisable in relation to enactments contained in Acts passed before or in the same Session as the Act conferring the power, the power is also exercisable in relation to provisions of this Act which reproduce such enactments.

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- (6) Sub-paragraphs (1) to (5) have effect instead of section 17(2) of the <sup>M45</sup> Interpretation Act 1978 (but are without prejudice to any other provision of that Act); and sub-paragraph (1) has effect subject to any amendments of the law which give effect to recommendations of the Law Commission.
- (7) Sub-paragraph (2) does not apply to any subordinate legislation in so far as it is reproduced in this Act.

**Modifications etc. (not altering text)**

**C14** Sch. 39 Pt. I para. 1 applied (24.7.1998) by 1998 c. 31, ss. 142(8)(9), 145(4) (with ss. 138(9), 144(6))

**Marginal Citations**

**M45** 1978 c. 30.

*Extension of references to provisions repealed by Education Act 1993*

- 2 (1) Paragraph 1(3) above shall have effect, for the purpose of extending references so as to include references to (or to things done or falling to be done under) the pre-1993 Act enactments, as if any reference in paragraph 1(3) to the corresponding provision repealed by this Act were a reference to the corresponding provision of those enactments.
- (2) Paragraph 1(4) above shall have effect, for the purpose of extending references to (or to things done or falling to be done under) the pre-1993 Act enactments, as if any reference in paragraph 1(4) to any provision repealed and re-enacted by this Act were a reference to a provision of those enactments.
- <sup>F185</sup>(3) .....
- (4) In this paragraph “the pre-1993 Act enactments” means the enactments specified in Part I of Schedule 21 to the <sup>M46</sup> Education Act 1993 (repeals).

**Textual Amendments**

**F185** Sch. 39 Pt. I para. 2(3) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(f) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2, Sch. 1

**Modifications etc. (not altering text)**

**C15** Sch. 39 Pt. I para. 2 applied (24.7.1998) by 1998 c. 31, ss. 142(8)(9), 145(4) (with ss. 138(9), 144(6))

**Marginal Citations**

**M46** 1993 c. 35.

*Construction of pre-1944 Act references*

- 3 Where immediately before the commencement of this Act any reference in any enactment, instrument or document had effect as if it were a reference to the Secretary of State or the Department for Education and Employment by virtue of the operation of section 2(1) of the <sup>M47</sup> Education Act 1944 and any order made

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under the Ministers of the <sup>M48</sup>Crown Act 1975, it shall continue to do so despite the repeal of that provision by this Act.

**Marginal Citations**

**M47** 1944 c. 31.

**M48** 1975 c. 26.

- 4 (1) This paragraph applies to enactments passed before 1st April 1945.
- (2) Unless the context otherwise requires any such enactment shall be construed as if—
- (a) any reference to an elementary school or to a public elementary school (whether or not any reference is made there to the payment of parliamentary grants in respect of the school) were a reference to a county school or voluntary school, as the context may require;
  - (b) any reference to a school certified by the Board of Education, in accordance with the provisions of Part V of the <sup>M49</sup>Education Act 1921, as suitable for providing education for blind, deaf, defective or epileptic children were a reference to a special school;
  - (c) any reference to the managers of a school, in relation to a county school or voluntary school, were a reference to the governors (or, if the context so requires, the governing body) of the school;
  - (d) any reference to elementary education or to higher education were a reference to such education as may be provided by a local education authority in the exercise of their functions under sections 13 to 15 of this Act; and
  - (e) any reference to a local education authority, to a local education authority for elementary education or to a local education authority for higher education were a reference to a local education authority within the meaning of this Act.

**Marginal Citations**

**M49** 1921 c. 51.

*Effect of old transitional provisions and savings*

- 5 The repeals made by this Act shall not affect the operation of any transitional provision or saving relating to the coming into force of a provision reproduced in this Act in so far as the transitional provision or saving is not specifically reproduced in this Act but remains capable of having effect in relation to the corresponding provision of this Act or otherwise.
- 6 (1) The repeal by this Act of an enactment previously repealed subject to savings does not affect the continued operation of those savings.
- (2) The repeal by this Act of a saving on the previous repeal of an enactment does not affect the saving so far as it is not specifically reproduced in this Act but remains capable of having effect.

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*Use of existing forms etc.*

- 7 Any reference to an enactment repealed by this Act which is contained in a document made, served or issued after the commencement of that repeal shall be construed, except so far as a contrary intention appears, as a reference or (as the context may require) including a reference to the corresponding provision of this Act.

*Pre-commencement offences*

- 8 Nothing in this Act affects the enactments repealed by this Act in their operation in relation to offences committed before the commencement of this Act.

**PART II**

SPECIFIC PROVISIONS

*Governing bodies of LEA-maintained schools*

- 9 (1) Any governing body which immediately before the commencement of this Act was incorporated by virtue of section 238 of the <sup>M50</sup>Education Act 1993 (incorporation of governing bodies of county, voluntary and maintained special schools) shall continue in existence as a body corporate despite the repeal of that section by this Act.
- (2) In Schedule 7 to this Act any reference to a governing body incorporated under section 88(1) of this Act includes a reference to a governing body falling within subparagraph (1).
- (3) Despite the repeal by this Act of Schedule 13 to the Education Act 1993 (incorporated governing bodies for county, voluntary and maintained special schools)—
- (a) paragraph 3 of that Schedule (contracts of employment) shall continue to apply to, or in relation to, any contract of employment to which it applied immediately before the commencement of this Act; and
  - (b) to the extent that any provision of paragraphs 13 to 15 (general provisions about transfers) applied in relation to any transfer immediately before the commencement of this Act, it shall continue so to apply.

**Marginal Citations**

**M50** 1993 c. 35.

- 10 (1) The reproduction by this Act of any reference, in an enactment repealed by this Act, to the governors of a school of any description as a reference to the governing body of a school of that description shall not be taken to affect the construction or operation of that enactment in relation to any times, circumstances or purposes in relation to which it had effect.
- (2) Where by virtue of section 1(4) of the <sup>M51</sup>Education Act 1980 any enactment or document referred immediately before the commencement of this Act to the governors, foundation governors, instrument of government or articles of government of a primary school to which section 1(2) and (3) of that Act applied, it shall continue to do so despite the repeal of section 1(4) by this Act.

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**Marginal Citations**

**M51** 1980 c. 20.

- 11 Where any instrument under which the governing body of an aided or special agreement school is constituted was in force immediately before the commencement of this Act by virtue of paragraph 1 of Schedule 5 to the <sup>M52</sup>Education (No. 2) Act 1986, the instrument shall have effect thereafter as if made by order under section 76 of this Act; but this paragraph shall cease to apply to any such school if it is grouped with any other school or schools under section 89 of this Act.

**Marginal Citations**

**M52** 1986 c. 61.

*Special agreement schools*

- 12 (1) Any order under section 15(2) of the <sup>M53</sup>Education Act 1944 directing that a school is to be a special agreement school shall, if in force immediately before the commencement of this Act, continue in force despite the repeal by this Act of section 15(2) of that Act.
- (2) Sub-paragraph (1) does not prejudice the operation of paragraph 1(2) above in relation to other orders in force under section 15(2) of that Act immediately before the commencement of this Act.

**Marginal Citations**

**M53** 1944 c. 31.

*Proposals to establish etc. maintained or grant-maintained schools*

- 13 (1) Nothing in sections 35 to 45 or in sections 259 to 263 of this Act applies in relation to any proposals published before the commencement of this Act; and the corresponding provisions of the <sup>M54</sup>Education Act 1980 and the <sup>M55</sup>Education Act 1993 shall continue to apply in relation to any proposals duly published under section 12(1)(a) to (d) or 13 of the 1980 Act or section 96 or 97 of the 1993 Act as if this Act had not been passed.
- (2) Sub-paragraph (1) does not prevent references in other provisions of this Act to proposals published or implemented under any of those sections of this Act from applying, by virtue of paragraph 1(3) above, to any proposals falling within sub-paragraph (1).

**Marginal Citations**

**M54** 1980 c. 20.

**M55** 1993 c. 35.

*Status: Point in time view as at 20/01/2003.*

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*Review of constitution of governing bodies*

- 14 (1) Subject to sub-paragraph (2), nothing in section 82 of this Act applies in relation to the implementation of any proposal made before the commencement of this Act, and section 11 of the <sup>M56</sup>Education (No. 2) Act 1986 shall continue to apply in relation to the implementation of any such proposal falling within subsection (2)(a) of that section as if this Act had not been passed.
- (2) In section 82(2) of this Act—
- (a) in paragraph (b), the reference to proposals falling within subsection (3) of that section includes a reference to proposals falling within section 11(2) of the 1986 Act; and
  - (b) in paragraph (c) the reference to a relevant event for the purposes of section 82 includes a reference to a relevant event for the purposes of section 11 of the 1986 Act;
- and any date determined by the local authority under section 11(6) of the 1986 Act shall be taken, for the purposes of section 82(2) of this Act, to be the date on which the proposals in question were implemented.

**Marginal Citations**

**M56** 1986 c. 61.

*Confirmation of certain decisions of governing body*

<sup>F186</sup>15 .....

**Textual Amendments**

**F186** Sch. 39 para. 15 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(f), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

*Review of grouping*

- 16 The reference in section 94(2)(c) of this Act to an order under section 50 or 51 or 58(1) of this Act does not, by virtue of paragraph 1(3) above, include a reference to an order made before the commencement of this Act under section 2 of the <sup>M57</sup>Education Act 1946 or section 15(5) of the <sup>M58</sup>Education Act 1944.

**Marginal Citations**

**M57** 1946 c. 50.

**M58** 1944 c. 31.

*Financial delegation*

- 17 (1) Without prejudice to paragraph 1(3) above—
- (a) the reference in section 101(1) of this Act to a scheme made by a local education authority under section 103 of this Act includes a reference to a scheme in force immediately before the commencement of this Act which

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- was made under section 33 of the <sup>M59</sup>Education Reform Act 1988 (including one made by way of variation or replacement of such a scheme under section 35 of that Act); and
- (b) the reference in section 104(6) of this Act to section 104(5) includes a reference to section 34(6) of that Act.
- (2) In relation to any such scheme made (or treated as if made) under section 33 of that Act, the reference in section 110(2) of this Act to the date of the coming into force of the scheme is (subject to sub-paragraph (3) below) a reference to the date of its coming into force as first made under section 33 (or 34(6)) of that Act.
- (3) Where the initial period of any such scheme made before 1st January 1994 (the date on which section 274 of the <sup>M60</sup>Education Act 1993 came into force) was before 1st January 1994 determined by reference to a date later than that referred to in sub-paragraph (2) above, section 110(2) of this Act shall have effect in relation to the scheme as if it instead referred to that later date.

**Marginal Citations**

**M59** 1988 c. 40.

**M60** 1993 c. 35.

- 18 Nothing in section 141 of this Act requires a local education authority to amend the articles of government of a school if, before the commencement of this Act, they have already amended those articles in accordance with section 44(4) of the <sup>M61</sup>Education Reform Act 1988.

**Marginal Citations**

**M61** 1988 c. 40.

*School sessions*

- 19 For the purposes of section 147(1)(b) of this Act as it applies to a county, controlled or maintained special school, any determination as to the times of the school sessions (within the meaning of section 147) which had effect immediately before the commencement of this Act, whether made—
- (a) by the governing body, or
- (b) by the local education authority before 1st May 1989 (the date on which section 115 of the Education Reform Act 1988 came into force),
- shall continue to have effect, as if made for those purposes, subject to any new determination under section 148 of this Act.

*Exclusion of pupils*

- 20 Nothing in section 157 of this Act applies in relation to any pupil excluded from a school before the commencement of this Act, and section 23 of the <sup>M62</sup>Education (No. 2) Act 1986 shall continue to apply to any such pupil as if this Act had not been passed.

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#### Marginal Citations

**M62** 1986 c. 61.

#### *School premises: pre-1993 Act transfer of control agreements*

- 21 (1) This paragraph applies to any agreement to which paragraph 6 or 7 of Schedule 13 to the Education Act 1993 (pre-existing transfer of control agreements) applied immediately before the commencement of this Act.
- (2) The provisions of paragraph 6 or (as the case may be) paragraph 7 shall continue to apply in relation to any such agreement as if this Act had not been passed.

#### *Variation of trust deeds etc.*

- 22 In section 179(1) of this Act—
- (a) paragraph (b) does not apply to a transfer made before the commencement of this Act unless it was made in pursuance of proposals that fell to be implemented under section 12 or 13 of the <sup>M63</sup>Education Act 1980; but
- (b) in paragraph (d) the reference to any order made by the Secretary of State under section 47 of this Act includes a reference to any order made under section 16(1) of the <sup>M64</sup>Education Act 1944 (whether made in relation to a county school or a voluntary school).

#### Marginal Citations

**M63** 1980 c. 20.

**M64** 1944 c. 31.

#### *Ballots relating to acquisition of grant-maintained status*

- 23 Section 190(2)(b) of this Act applies where after the commencement of this Act the Secretary of State has given his consent for the purposes of section 186(3) or section 187(5) of this Act.

#### *Instruments and articles for grant-maintained schools incorporated under pre-1993 Act law*

- 24 (1) This paragraph applies in relation to a grant-maintained school where—
- (a) the governing body of the school were incorporated under Chapter IV of Part I of the <sup>M65</sup>Education Reform Act 1988;
- (b) an instrument and articles of government were made for the school under that Chapter before 1st January 1994; and
- (c) immediately before the commencement of this Act those instruments had effect (in accordance with paragraph 1(2) of Schedule 20 to the <sup>M66</sup>Education Act 1993 (transitional provisions and savings)) subject to the modifications specified in either or both of paragraphs 8 and 9 of the <sup>M67</sup>Education Act 1993 (Commencement No. 2 and Transitional Provisions) Order 1993.



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- (2) The instrument and articles of government for the school shall continue to have effect, subject to those modifications, as if made under section 220 of this Act and in accordance with Part III of this Act.

**Marginal Citations**

**M65** 1988 c. 40.

**M66** 1993 c. 35.

**M67** S.I. 1993/3106.

- 25 (1) This paragraph applies in relation to a grant-maintained school where—
- (a) the governing body of the school were incorporated under Chapter IV of Part I of the Education Reform Act 1988;
  - (b) paragraph 24(1)(b) above does not apply; and
  - (c) immediately before the commencement of this Act the instrument and articles of government prescribed by virtue of section 56 of the Education Act 1993 had effect in relation to the school (in accordance with paragraph 1(3) of Schedule 20 to that Act).
- (2) The instrument and articles of government for the school shall continue to have effect as if made under section 219 of this Act; and while they remain in force Schedule 24 to this Act shall apply in relation to the school with the following modifications.
- (3) In paragraph 10(1) there shall be inserted at the end of paragraph (d) “or
- (e) in the case of a governing body incorporated under Chapter IV of Part I of the Education Reform Act 1988, became a member of the governing body on the incorporation date in relation to the school (as defined by section 104(3) of that Act) and—
    - (i) immediately before that date, was a parent governor (within the meaning of the Education (No. 2) Act 1986) in relation to the school, or
    - (ii) was elected under section 66, or elected or nominated under section 68, of the Education Reform Act 1988 to hold office as a parent governor on the governing body.”
- (4) In paragraph 11(1) there shall be inserted at the end of paragraph (c) “or
- (d) in the case of a governing body incorporated under Chapter IV of Part I of the Education Reform Act 1988, became a member of the governing body on the incorporation date in relation to the school (as defined by section 104(3) of that Act) and—
    - (i) immediately before that date, was a teacher governor (within the meaning of the Education (No. 2) Act 1986) in relation to the school, or
    - (ii) was elected under section 66, or elected or nominated under section 68, of the Education Reform Act 1988 to hold office as a teacher governor on the governing body.”
- (5) In paragraph 12(1) there shall be inserted at the end of paragraph (c) “or
- (d) in the case of a governing body incorporated under Chapter IV of Part I of the Education Reform Act 1988—

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- (i) became a member of the governing body on the incorporation date in relation to the school (as defined by section 104(3) of that Act), and
- (ii) was selected under section 66, or nominated under section 68, of that Act as being a person appearing to be a member of the local community committed to the good government and continuing viability of the school.”
- 26 (1) This paragraph applies in relation to a grant-maintained school where—
- (a) the governing body of the school were incorporated under Chapter IV of Part I of the <sup>M68</sup>Education Reform Act 1988; and
- (b) the school was a voluntary school before it became grant-maintained.
- (2) Schedule 24 to this Act shall apply in relation to the school with the substitution of the following paragraph for paragraph 13—
- “13 “Foundation governor” means—
- (a) a person appointed otherwise than by a local education authority for the purpose of securing, so far as is practicable, that the established character of the school at the time when it became grant-maintained is preserved and developed and, in particular, that the school is conducted in accordance with the provisions of any trust deed relating to it; or
- (b) a person selected under section 66, or nominated under section 68, of the Education Reform Act 1988 for the purpose referred to in subparagraph (a) above.”

#### Marginal Citations

**M68** 1988 c. 40.

#### *Appeal committees*

- 27 Nothing in—
- (a) section 308(3) of this Act, or
- (b) paragraph 7 of Schedule 33 to this Act,
- applies in relation to any decision or action taken by the members of an appeal committee before 1st January 1994.
- 28 Paragraph 13(4) of Schedule 22 to this Act does not apply to any appeal committee constituted before 1st January 1994 in accordance with the instrument of government for any grant-maintained school for the purposes referred to in section 58(5)(d) of the Education Reform Act 1988 (articles of government admission appeal committees) while all the members of the committee are persons who were nominated before that date.
- 29 Where immediately before the commencement of this Act an appeal committee was constituted in accordance with the provisions of Part I of Schedule 2 to the <sup>M69</sup>Education (No. 2) Act 1986 as they had effect by virtue of paragraph 6 of Schedule 20 to the <sup>M70</sup>Education Act 1993 (namely without the amendments made by Schedule 16 to that Act), those provisions shall continue to apply to the committee (in place of the corresponding provisions of Part I of Schedule 33 to

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this Act) while all the members of the committee are persons nominated before 1st January 1994.

**Marginal Citations**

**M69** 1986 c. 61.

**M70** 1993 c. 35.

- 30 Nothing in this Act affects the restriction imposed by paragraph 4(2) of Schedule 2 to the <sup>M71</sup>Education Act 1993 (Commencement No.1 and Transitional Provisions) Order 1993 on the jurisdiction exercisable by a Local Commissioner, by virtue of section 25(5) of the <sup>M72</sup>Local Government Act 1974, in relation to cases where notice of appeal was served before 1st October 1993.

**Marginal Citations**

**M71** S.I. 1993/1975.

**M72** 1974 c. 7.

*Maintenance etc. grants*

- 31 (1) The former grants code shall continue to have effect in relation to—
- (a) any payments of maintenance grant under section 79(1) of the <sup>M73</sup>Education Reform Act 1988 in respect of any financial year ending before 1st April 1994; and
  - (b) any payments of capital and special purpose grants under section 79(3) of that Act made before that date.
- (2) The functions conferred on the Secretary of State by or under the former grants code (as it has effect by virtue of sub-paragraph (1) above) shall, so far as relating to any amounts which—
- (a) fall or may fall to be paid in any financial year beginning on or after 1st April 1994 in respect of any grant under that code, or
  - (b) have been paid by the Secretary of State before that date in respect of any such grant,
- be exercisable by the funding authority.
- (3) In this paragraph “the former grants code” means sections 79 and 80 of the Education Reform Act 1988 (maintenance, special purpose and capital grants) in their application to England.

**Marginal Citations**

**M73** 1988 c. 40.

- 32 Section 81 of the Education Reform Act 1988 (recovery from local funds of sums in respect of maintenance grant) shall continue to have effect in relation to any sums recoverable by the Secretary of State under section 81(1) of that Act for any financial year ending before 1st April 1994.

*Status: Point in time view as at 20/01/2003.*

*Changes to legislation: Education Act 1996 is up to date with all changes known to be in force on or before 13 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- 33 The <sup>M74</sup>Education (Grant-maintained Schools) (Finance) Regulations 1990, so far as in force immediately before the commencement of this Act, shall continue in force despite the repeals made by this Act.

**Marginal Citations**

**M74** [S.I. 1990/549](#).

*Assessments and statements of special educational needs*

- 34 Any assessment or statement of special educational needs which—
- (a) was made pursuant to a notice or copy of a proposed statement served before 1st September 1994, and
  - (b) immediately before the commencement of this Act was treated, by virtue of paragraph 2(7) or 4(3) of Schedule 4 to the <sup>M75</sup>Education Act 1993 (Commencement No.5 and Transitional Provisions) Order 1994, as if it had been made under section 167 or 168 of the <sup>M76</sup>Education Act 1993,
- shall have effect as if made under section 323 or 324 of this Act (as the case may be).

**Marginal Citations**

**M75** [S.I. 1994/2038](#).

**M76** [1993 c. 35](#).

*Applications relating to special schools*

- 35 Any application which—
- (a) was made to the Secretary of State before 1st April 1994, and
  - (b) immediately before the commencement of this Act was treated, by virtue of paragraph 5 of Schedule 3 to the <sup>M77</sup>Education Act 1993 (Commencement No. 3 and Transitional Provisions) Order 1994, as if it had been made in accordance with—
    - (i) paragraph (a) or paragraph (b) of subsection (2), and subsection (6), of section 183 of the <sup>M78</sup>Education Act 1993, and
    - (ii) section 184(1) to (3) of that Act,
- shall have effect as if made in accordance with paragraph (a) or (as the case may be) paragraph (b) of subsection (1), and subsection (5), of section 339 of this Act and section 340(1) to (3) of this Act.

**Marginal Citations**

**M77** [S.I. 1994/507](#).

**M78** [1993 c. 35](#).

*Contracts of staff transferred to School Curriculum and Assessment Authority or Curriculum and Assessment Authority for Wales*

- 36 (1) The repeal by this Act of—

*Status: Point in time view as at 20/01/2003.*

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- (a) section 15 of the <sup>M79</sup>Education Reform Act 1988 (transfer of staff of School Curriculum Development Committee or Secondary Examinations Council),  
or
- (b) section 248 of the Education Act 1993 (transfer of staff of National Curriculum Council and School Examinations and Assessment Council),
- shall not affect the continued operation of section 15(3) to (5) or (as the case may be) section 248(2) and (3) in relation to any contract of employment in relation to which those provisions applied immediately before the commencement of this Act.
- (2) Nothing in this Act shall affect the continued operation of Article 4 of the <sup>M80</sup>Education (School Curriculum and Assessment Authority) (Transfer of Functions) Order 1995 in relation to the person mentioned in that Article.

**Marginal Citations**

**M79** 1988 c. 40.

**M80** S.I. 1995/903.

*Information about directions under section 365*

- 37 Nothing in section 366 of this Act applies, by virtue of paragraph 1 above, to any direction given before the commencement of this Act under regulations made under section 19 of the Education Reform Act 1988, and that section shall continue to apply in relation to any such direction as if this Act had not been passed.

*Review of conclusions about policy relating to curriculum*

- 38 Any articles of government of a county, controlled or maintained special school made under section 18(7) of the <sup>M81</sup>Education (No. 2) Act 1986 shall, in their operation after the commencement of this Act in accordance with paragraph 1 above, have effect as if the events requiring the governing body to review their conclusions about the matters mentioned in section 371(2) and (3) of this Act included the implementation of any proposals made after that time which—
- (a) would fall to be published by virtue of section 35 of this Act but for subsection (2)(b) of that section, and
- (b) materially affect the school.

**Marginal Citations**

**M81** 1986 c. 61.

*Agreed syllabuses of religious education*

- 39 (1) Nothing in this Act affects the constitution of, or the operation of Schedule 5 to the <sup>M82</sup>Education Act 1944 in relation to, any conference convened (or reconvened) before the commencement of this Act.
- (2) Any regulations made under section 258(2) of the <sup>M83</sup>Education Act 1993 and having effect immediately before the commencement of this Act in relation to any conference or other body falling within section 258(1) or (3) shall continue to have

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effect in relation to any such conference or body, subject to the provisions of any regulations made under section 397(2) of this Act.

**Marginal Citations**

**M82** 1944 c. 31.

**M83** 1993 c. 35.

*Arrangements for collective worship*

40 In section 385 of this Act—

- (a) subsection (4)(b) does not affect any arrangements for collective worship in the case of a grant-maintained school that was formerly a voluntary school which were made before the commencement of this Act for the purposes of section 6 of the <sup>M84</sup>Education Reform Act 1988; and
- (b) subsection (6) does not affect any arrangements made for the purposes of section 6(5) of that Act before the commencement of this Act.

**Marginal Citations**

**M84** 1988 c. 40.

*Disqualification for purposes of Part VII*

41 Sections 472 and 473 of this Act shall apply to a person who is disqualified—

- (a) from being the proprietor of an independent school, or
- (b) from being a teacher in any school,

by virtue of an order under Part III of the Education Act 1944 made before 1st January 1994 as if the words “or other employee” were omitted, wherever occurring.

*Chairmen of Independent Schools Tribunals*

42 In its application to a person who, immediately before 31st March 1995, was a member of the legal panel appointed under paragraph 1 of Schedule 6 to the Education Act 1944, paragraph 3(2) of Schedule 34 to this Act has effect subject to Schedule 7 to the Judicial Pensions and <sup>M85</sup>Retirement Act 1993 (transitional provisions), as well as to section 26(4) to (6) of that Act.

**Marginal Citations**

**M85** 1993 c. 8.

*Training grants*

43 The <sup>M86</sup>Education (Training Grants) Regulations 1993 shall continue to have effect in so far as they relate to the payment of grant on and after 1st April 1994, or to grant paid before that date, in respect of expenditure incurred before that date.

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**Marginal Citations**

**M86** S.I. 1993/72.

*Education committees etc. and members of those committees*

- 44 (1) Sub-paragraph (2) below applies to—
- (a) any education committee established in accordance with paragraph 1 of Part II of Schedule 1 to the Education Act 1944, and
  - (b) any sub-committee of any such committee appointed in accordance with paragraph 10 of that Part,
- which was in existence immediately before 1st April 1994.
- (2) Any committee or sub-committee to which this sub-paragraph applies shall, for the purposes of any enactment, be treated as if it had been—
- (a) appointed on that date—
    - (i) in the case of a committee, by the local authority, or
    - (ii) in the case of a sub-committee, by the committee appointed by the authority,in accordance with section 102(1) of the <sup>M87</sup>Local Government Act 1972, and
  - (b) so appointed wholly or partly for the purpose of discharging any functions with respect to education conferred on them in their capacity as a local education authority or, as the case may be, the committee's functions with respect to education.
- (3) Sub-paragraph (4) below applies to any person who was immediately before 1st April 1994 a member of an education committee or sub-committee of such a committee appointed for a term of office.
- (4) Any person to whom this sub-paragraph applies shall, for the purposes of any enactment, be treated—
- (a) as if he had been appointed on that date as a member of a committee or sub-committee appointed as mentioned in sub-paragraph (2) above for the residue of that term, and
  - (b) if he was a member of an education committee or sub-committee by virtue of directions given by the Secretary of State under paragraph 5A of Part II of Schedule 1 to the <sup>M88</sup>Education Act 1944, as if he had been appointed on that date as a member of a committee or sub-committee appointed as mentioned in sub-paragraph (2) above by virtue of directions given by the Secretary of State under section 297 of the <sup>M89</sup>Education Act 1993 or, in relation to any time after the commencement of this Act, under section 499 of this Act.

**Marginal Citations**

**M87** 1972 c. 70.

**M88** 1944 c. 31.

**M89** 1993 c. 35.

*Status: Point in time view as at 20/01/2003.*

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*Documents issued by divisional executives*

- 45 Section 566(1) of this Act applies to a document purporting—
- (a) to be a document issued by a divisional executive (within the meaning of Part III of Schedule 1 to the Education Act 1944), and
  - (b) to be signed by the person authorised by the executive to sign it, as it applies to a document falling within paragraph (a) of that provision.

**PART III**

MISCELLANEOUS SAVINGS ETC.

*Handicapped children*

- 46 The repeal by this Act of the <sup>M90</sup>Education (Handicapped Children) Act 1970 shall not affect the operation of any order made under section 1 of that Act so far as in force immediately before the commencement of this Act or of any statement of terms and conditions of employment given in connection with any such order.

**Marginal Citations**

**M90** 1970 c. 52.

*Byelaws under Children and Young Persons Act 1933*

- 47 Despite the repeal by this Act of section 120(5) of the Education Act 1944—
- (a) references to a “child” in any byelaws made under Part II of the <sup>M91</sup>Children and Young Persons Act 1933 (employment of children) shall continue to be construed as references to a child within the meaning of that Part of that Act; and
  - (b) any such byelaws made before 1st April 1945 which were continued in force by section 120(5) shall, if in force immediately before the commencement of this Act, continue in force as if made by the local education authority for the area in question and may be varied or revoked accordingly.

**Marginal Citations**

**M91** 1933 c. 12.

*Disputes as to property transferred by virtue of 1944 Act*

- 48 Any question which, if it had arisen before the commencement of this Act, would have fallen to be determined by the Secretary of State in accordance with section 96(2) of the <sup>M92</sup>Education Act 1944 (questions relating to property etc. transferred to LEAs) shall be determined by him despite the repeal of that provision by this Act.



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**Marginal Citations**

**M92** 1944 c. 31.

*Modifications of deeds made prior to Education Act 1973*

- 49 Without prejudice to the generality of paragraph 6(2) above, any order to which paragraph 3 of Schedule 1 to the <sup>M93</sup>Education Act 1973 (saving on repeals made by that Act) applied immediately before the commencement of this Act shall continue in force despite the repeal by this Act of that paragraph; and section 570 of this Act shall apply to any such order as if it had been made under this Act.

**Marginal Citations**

**M93** 1973 c. 16.

*Instruments made prior to Local Government Act 1972*

- 50 The repeal by this Act of section 192(5) and (6) of the <sup>M94</sup>Local Government Act 1972 (transitional provisions about instruments made by old LEAs) shall not affect the continued operation of those provisions in relation to any instrument in relation to which they applied or were applicable immediately before the commencement of this Act.

**Marginal Citations**

**M94** 1972 c. 70.

**PART IV**

INTERPRETATION

- 51 In this Schedule “repeal” includes (so far as the context permits) revoke or revocation.

<sup>F187</sup>SCHEDULE 40

**Textual Amendments**

**F187** Sch. 40 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(g), Sch. 31 (with ss. 138(9), 144(6)); S. I. 1998/2212, art. 2, Sch. 1 Pt. I

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## TABLE OF DERIVATIONS

### Notes:

- 1 This Table shows the derivation of the provisions of the Bill.
- 2 The following abbreviations are used in the Table:—

### *Acts of Parliament*

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1944	= Education Act 1944 (c.31)
1946	= Education Act 1946 (c.50)
1948	= Education (Miscellaneous Provisions) Act 1948 (c.40)
1953	= Education (Miscellaneous Provisions) Act 1953 (c.33)
1962	= Education Act 1962 (c.12)
1964	= Education Act 1964 (c.82)
1967	= Education Act 1967 (c.3)
1968	= Education Act 1968 (c.17)
1972LG	= Local Government Act 1972 (c.70)
1973EWE	= Education (Work Experience) Act 1973 (c.23)
1973NHSR	= National Health Service Reorganisation Act 1973 (c.32)
1976	= Education Act 1976 (c.81)
1978IA	= Interpretation Act 1978 (c.30)
1980	= Education Act 1980 (c.20)
1981	= Education Act 1981 (c.60)
1982LG(MP)	= Local Government (Miscellaneous Provisions) Act 1982 (c.30)
1984	= Education (Grants and Awards) Act 1984 (c.11)
1986	= Education (No.2) Act 1986 (c.61)
1988	= Education Reform Act 1988 (c.40)
1992FHE	= Further and Higher Education Act 1992 (c.13)
1992(S)	= Education (Schools) Act 1992 (c.38)
1993	= Education Act 1993 (c.35)

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1994LG(W)	= Local Government (Wales) Act 1994 (c. 19)
1994	= Education Act 1994 (c.30)
1995HA	= Health Authorities Act 1995 (c.17)
1996ER	= Employment Rights Act 1996 (c.18)
1996N	= Nursery Education and Grant-Maintained Schools Act 1996 (c.50)

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*Subordinate legislation*

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S.I. 1968/1699	= Secretary of State for Social Services Order 1968
S.I. 1977/293	= Local Authorities etc. (Miscellaneous Provision) Order 1977
S.I. 1991/1890	= Education (Financial Delegation for Primary Schools) Regulations 1991
S.I. 1992/110	= Education (Financial Delegation for Primary Schools) (Amendment) Regulations 1992
S.I. 1992/1548	= Education (National Curriculum) (Foundation Subjects at Key Stage 4) Order 1992
S.I. 1993/1975	= Education Act 1993 (Commencement No. 1 and Transitional Provisions) Order 1993
S.I. 1993/3106	= Education Act 1993 (Commencement No. 2 and Transitional Provisions) 1993
S.I. 1994/507	= Education Act 1993 (Commencement No. 3 and Transitional Provisions) Order 1994
S.I. 1994/1814	= Education (National Curriculum) (Foundation Subjects at Key Stage 4) Order 1994
S.I. 1994/2038	= Education Act 1993 (Commencement No. 5 and Transitional Provisions) Order 1994
S.I. 1994/2092	= Education (No.2) Act 1986 (Amendment) (No.2) Order 1994
S.I. 1996/951	= Deregulation (Length of the School Day) Order 1996

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- 3 The abbreviation “Law Com. Rec. No.” followed by a number refers to a recommendation set out in the paragraph of that number in Appendix 1 to the Report of the Law Commission (Cm.3251).

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- 4 By virtue of the Secretary of State for Education and Science Order 1964 (S.I. 1964/490) all the functions of the Minister of Education were transferred to the Secretary of State for Education and Science. By virtue of further Transfer of Functions Orders (S.Is.1970/1536, 1978/274 and 1995/2986) all the functions so transferred are now exercisable by the Secretary of State at large. The effect of these Orders is not separately acknowledged in the Table against each of the provisions affected.
- 5 The Table also does not separately acknowledge the provisions of general effect contained in the Criminal Law Act 1977 and the Criminal Justice Act 1982 which secure that, where the maximum fine that may be imposed on the commission of a summary offence was originally expressed as a particular amount (or one particular amount on a first conviction and another on subsequent convictions), the amount of the maximum fine is now a particular level on the standard scale.

<b>Provision</b>	<b>Derivation</b>
1(1)	1944 s.7.
(2) to (4)	Drafting.
2(1)	1944 ss.8(1)(a), 114(1) (“primary education”); 1948 s.3(2).
(2)	1944 ss.8(1)(b), 114(1) (“secondary education”); 1992FHE ss.10(1), 14(2), Sch.8 para.13(2).
(3)	1944 ss.41(3), (4), 114(1) (“further education”); 1992FHE s.11, Sch.8 para.13(2).
(4)	1992FHE s.14(1).
(5)	1992FHE s.14(3).
(6)	1944 s.41(5); 1992FHE s.11.
(7)	1992FHE s.14(4).
3(1)	1944 s.114(1) (“pupil”); 1992FHE s.14(6), Sch.8 para.13(2).
(2)	1944 s.114(1) (“junior pupil”; “senior pupil”).
(3)	1992FHE s.14(6).
4(1)	1944 s.114(1) (“school”); 1992FHE s.14(5); 1993 s.304(1).
(2)	Law Com. Rec. No. 2.
(3)	1992FHE s.91(3).
(4)	1992FHE s.91(5).
5(1)	1944 s.114(1) (“primary school”); 1992FHE Sch.8 para.13(2); 1993 s.304(2).

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(2)	1944 s.114(1) (“secondary school”); 1992FHE Sch.8 para.13(2); 1993 Sch.19 para.24(1).
(3)	Drafting.
(4)	1964 s.1(2); 1980 Sch.3 para.12.
(5)	1964 s.1(3); 1993 Sch.19 para.38(3).
6(1)	1944 s.9(4).
(2)	1993 s.182(1).
7	1944 s.36; 1981 s.17.
8	1993 s.277.
9	1944 s.76; 1993 Sch.19 para.20; 1996N Sch.3 para.1.
10	1993 s.1.
11	1993 s.2.
12(1)	1944 ss.6(1), 114(1) (“county”; “local education authority”); 1972LG ss.179(2), 192(1); S.I. 1977/293; 1994LG(W) s.21(2).
(2)	1944 s.114(1) (“local education authority”); 1972LG s.192(1); S.I. 1977/293 art.4; Local Government Changes for England Regulations 1994 (S.I. 1994/867) reg.5(6); Local Government Changes for England (Amendment) Regulations 1996 (S.I. 1996/611) reg.2.
(3)	London Government Act 1963 (c.33) s.30(1)(a); 1988 s.163.
(4)	1988 ss.163, 235(4).
(5)	1944 ss.6(1), 114(1) (“local education authority”); 1972LG s.192(1); S.I. 1977/293; 1994LG(W) s.21(1), (2).
(6)	Drafting.
13(1)	1944 s.7.
(2)	1992FHE s.91(2), (4), Sch.8 para.2.
14(1)	1944 s.8(1); 1992FHE s.10(1).
(2), (3)	1944 s.8(1).
(4)	1980 s.24(2).
(5)	1944 s.8(1A); 1992FHE s.10(2).
(6)	1944 s.8(2); 1981 s.2(1); 1992FHE s.10(3).

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(7)	1944 s.8(2) proviso; 1964 s.1(3).
15(1) to (3)	1944 s.41(1), (2); 1992FHE s.11.
(4)	1944 s.41(6); 1992FHE s.11.
(5)	1944 s.41(7), (8); 1992FHE s.11.
(6), (7)	1944 s.41(9), (10); 1992FHE s.11.
(8)	1944 s.41(2), (11); 1992FHE s.11.
16(1)	1944 s.9(1); 1992FHE Sch.8 para.4.
(2)	1944 s.9(6).
(3)	1944 s.9(7); 1992FHE s.12(1).
17(1)	1980 s.24(1).
(2)	1980 s.24(2).
18	1953 s.6(1).
19(1) to (4)	1993 s.298(1) to (4).
(5) to (7)	1993 s.298(6) to (8).
20	1993 s.3.
21	1993 s.4.
22	Drafting.
23	1993 s.8.
24	1993 s.9.
25	1993 s.6.
26	1993 s.5.
27	1993 s.12.
28	1993 s.20.
29(1)	1944 s.92.
(2)	1993 s.7(3).
(3), (4)	1993 s.21(2), (3).
(5)	1980 s.8(5B), (7); 1992(S) Sch.4 para.4.
(6)	1980 s.9(1).
30(1), (2)	1993 s.7(1), (2).
(3)	1993 s.7(4).
(4)	1993 s.21(1).
(5)	1993 s.21(3).
31(1), (2)	1944 s.9(2).
(3)	1944 s.9(2); 1993 s.298(5).
32(1)	1944 s.15(1).

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(2)	1944 s.15(2); 1986 Sch.4 para.1.
(3), (4)	Drafting.
(5)	1944 s.114(1), Sch.3 para.11.
(6)	Drafting.
33	Drafting.
34(1)	1944 s.114(1) (“maintain”), (2); 1993 s.305(1) (“local education authority”); drafting.
(2)	1944 s.114(2).
(3)	1944 s.114(2); 1946 Sch.1 para.1.
(4)	1944 s.114(2); 1946 Sch.1 para.1.
(5)	Rating and Valuation Act 1961 (c.45) s.12(6).
35(1)	1980 s.12(1); 1993 s.229(1).
(2)	1980 s.16(1A); 1993 Sch.19 para.78; Law Com. Rec. No. 3.
(3)	1980 s.12(2).
(4)	1980 s.12(2A); 1988 s.31(4).
(5)	1980 s.12(1A); 1993 s.229(1).
(6)	1992FHE s.59(3), (4).
(7)	1993 ss.272(6), 273(1).
(8)	1993 s.273(2).
36(1)	1980 s.12(3); 1993 s.229(2).
(2)	1980 s.12(3).
(3)	1993 s.229(3).
(4)	1980 s.12(3).
(5), (6)	1980 s.16(3A), (3B); 1988 Sch.12 para.81.
37(1)	1980 s.12(4), (5); 1993 s.273(4).
(2)	1980 s.12(4).
(3)	1980 s.12(5).
(4)	1993 s.273(3).
(5)	1980 s.12(6).
(6)	1980 s.12(4).
(7)	1993 s.273(4).
(8)	1993 s.273(5).
(9)	1993 s.273(6).

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38(1), (2)	1980 s.12(7).
(3)	1980 s.12(8).
39(1), (2)	1980 s.14(1).
(3)	Drafting.
40(1)	1980 s.12(9).
(2)	1980 s.14(3).
(3)	1980 s.12(9).
(4), (5)	1980 s.16(1).
41(1)	1980 s.13(1).
(2)	1980 s.13(1); 1993 s.230(1).
(3)	1980 s.16(1A); 1993 Sch.19 para.78; Law Com. Rec. No. 3.
(4)	1980 s.13(1A); 1992FHE s.12(2).
(5), (6)	1980 s.13(2); 1988 s.31(5).
(7)	1980 s.13(1B); 1993 s.230(1).
(8)	1992FHE s.59(3), (4).
(9)	1993 s.273(2).
42(1)	1980 s.13(3); 1993 s.230(2).
(2)	1980 s.13(3).
(3)	1980 s.13(3A); 1993 s.230(3).
(4)	1993 s.230(6).
(5), (6)	1980 s.16(3A), (3B); 1988 Sch.12 para.81.
43(1), (2)	1980 s.13(4).
(3) to (6)	1993 s.273(3) to (6).
(7)	Law Com. Rec. No. 4.
44(1)	1980 s.14(1); 1993 Sch.19 para.77.
(2)	1980 s.14(1).
(3), (4)	1980 s.14(2); Law Com. Rec. No. 4.
45(1)	1980 s.13(5); Law Com. Rec. No. 4.
(2)	1980 s.13(6); 1993 s.230(4).
(3)	1980 s.14(3).
(4)	1980 s.13(7).
(5), (6)	1980 s.16(1).
(7)	1980 s.13(8); 1993 s.230(5).
46(1)	1944 s.16(2); 1980 Sch.3 para.1.



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(2)	1944 s.16(2).
(3)	1944 s.16(2).
(4)	1944 s.16(3).
(5)	1944 s.16(3).
47(1)	1944 s.16(1).
(2)	1946 Sch.1 para.2(1); Law Com. Rec. No. 5.
(3), (4)	1944 s.16(3).
48(1)	1944 s.15(2); 1986 Sch.4 para.1.
(2)	1944 s.15(2); 1993 Sch.19 para.7.
(3)	1944 s.105(3).
(4)	1944 s.105(3); 1993 Sch.19 para.23(b).
49	1964 s.1(1); 1968 s.2; 1980 Sch.3 para.11.
50(1)	1946 s.2(1).
(2)	1946 s.2(1), (7).
(3)	1946 s.2(7).
(4)	1946 s.2(2); 1980 Sch.3 para.7.
(5)	1946 s.16(1) (“department”).
51(1)	1946 ss.2(1).
(2), (3)	1946 s.2(3), (4).
(4)	1946 s.2(1), (7).
(5)	1946 s.2(7).
(6)	1946 s.2(2); 1980 Sch.3 para.7.
(7)	1946 s.2(8).
(8)	1946 s.16(1) (“department”).
52(1)	1986 s.54(3).
(2)	1986 s.54(4).
(3)	1986 s.54(3).
53(1), (2)	1986 s.54(5).
(3), (4)	1986 s.54(13), (14); 1988 Sch.12 para.102.
54(1)	1986 s.54(1).
(2)	1986 s.54(2); Law Com. Rec. No. 6.
(3)	1986 s.54(7).
(4)	1986 s.54(6).

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(5), (6)	1986 s.54(12).
55	1986 s.54(8) to (11).
56(1)	1986 s.55(1), (2).
(2)	1986 s.55(2).
(3)	1986 s.55(1).
(4), (5)	1986 s.55(3), (4).
57(1)	1944 s.15(4); 1946 s.2(5), Sch.1 para.2(1).
(2)	1944 s.15(4); 1946 Sch.1 para.2(1).
(3)	1944 s.15(4A); 1946 Sch.1 para.2(2); 1993 s.282(2), (4).
(4)	1944 s.15(4); 1946 s.2(5), Sch.1 para.2(1); drafting.
58(1)	1944 s.15(5).
(2)	1944 s.15(5); 1993 Sch.19 para.7.
(3)	Drafting.
59(1)	1944 s.15(3).
(2)	1944 s.15(3); 1946 Sch.2 Pt.II.
(3)	1944 s.15(3); 1946 Sch.2 Pt.II.
(4)	1944 s.15(3); 1946 Sch.2 Pt.II.
(5)	1946 Sch.1 para.2(1).
60(1)	1946 Sch.1 para.1; 1980 Sch.3 para.8.
(2), (3)	1946 Sch.1 para.6.
(4) to (6)	1946 Sch.1 para.7.
(7)	Reverter of Sites Act 1987 (c.15) s.8(1).
61(1)	1946 Sch.1 para.1; 1980 Sch.3 para.8.
(2), (3)	1946 Sch.1 para.6.
(4)	1946 Sch.1 para.3.
(5)	1946 Sch.1 para.4.
(6)	1946 Sch.1 para.5.
62(1)	1946 s.16(1) (“site”).
(2), (3)	1946 Sch.1 para.8.
(4)	1946 Sch.1 para.9; 1992FHE Sch.8 para.14.
63(1)	1953 s.2; 1980 Sch.3 para.9.
(2)	1953 s.2.

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(3)	1953 s.2; 1988 s.114, Sch.12 para.8.
64(1)	1946 s.1(1); 1953 s.3; 1968 Sch.1 para.6; 1980 Sch.3 para.6.
(2)	1946 s.1(1).
(3)	1946 s.1(1); 1953 s.3; 1967 s.2.
65	1993 s.281.
66	1988 s.212.
67(1), (2)	1944 s.105(1).
(3)	1944 s.105(2); 1968 Sch.1 para.4(2); 1993 Sch.19 para.23(a).
(4)	1944 s.105(2); 1993 Sch.19 para.23(a).
68	1993 s.282(1).
69	1993 s.283.
70	1993 s.284.
71	1944 s.99(3).
72	1944 s.65.
73	1946 s.4(1).
74	1946 s.6.
75	1993 s.285.
76(1)	1986 s.1(1).
(2)	1986 s.1(2).
(3), (4)	1986 s.1(3), (5).
(5)	1986 s.1(6).
77(1) to (7)	1986 s.2.
(8)	Drafting.
78(1)	1986 s.65(1) (“co-opted governor”).
(2)	1944 s.114(1) (“foundation governors”); 1980 Sch.1 para.13(a).
(3)	1986 s.65(1) (“parent governor”).
(4)	1986 s.65(1) (“teacher governor”).
(5)	1986 s.65(1) (“parent governor”; “teacher governor”).
79(1), (2)	1986 s.3(1) to (5).
(3), (4)	1986 s.3(6), (7).
80(1)	1986 s.7(1).

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(2)	1986 s.7(2); National Health Service and Community Care Act 1990 (c.19) Sch.9 para.31; 1995HA Sch.1 para.112.
(3) to (5)	1986 s.7(3) to (5).
(6)	1986 s.7(6).
(7)	1986 s.7(6).
(8)	1986 s.7(6).
(9)	1986 s.7(7).
81(1)	1986 s.5(1).
(2)	1986 s.5(3).
(3)	1986 s.5(2).
(4), (5)	1986 s.5(4).
82(1)	1986 s.11(1).
(2)	1986 s.11(2).
(3)	1986 s.11(2); 1993 Sch.19 para.91(a); Law Com. Rec. No. 3.
(4)	1986 s.11(3); 1993 Sch.19 para.91(d); Law Com. Rec. No. 7.
(5), (6)	1986 s.11(4), (5).
(7)	1986 s.11(6); 1993 Sch.19 para.91(d); Law Com. Rec. No. 7.
83	1986 s.14.
84(1)	1986 s.4(1), (2).
(2)	1986 s.4(3).
(3)	1986 s.4(2).
(4) to (6)	1986 s.4(4) to (6).
85	1986 s.4A; 1993 s.271(1).
86	1986 s.13(1) to (3).
87(1)	1986 s.13(4).
(2)	1986 s.13(7), (9).
(3)	1986 s.13(8).
(4)	1986 s.13(5).
(5)	1986 s.13(6), (9).
88(1)	1993 s.238(1), (8); drafting.
(2)	Drafting.
89(1)	1986 s.9(1).
(2)	1986 s.9(1A); 1993 s.271(3)(a).

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(3)	1986 s.9(2).
(4)	1986 s.9(3).
(5), (6)	1986 Sch.1 para.1(1), (2).
90(1), (2)	1986 s.10(1).
(3)	1986 s.10(3).
(4)	1986 s.10(2).
(5)	1986 s.10(4).
(6)	1986 s.10(7).
91(1)	1986 s.10(5).
(2)	1986 s.10(6).
92(1)	1986 Sch.1 para.2(1).
(2)	1986 Sch.1 para.2(1).
(3)	1986 Sch.1 para.2(2).
(4)	1986 Sch.1 para.2(3).
93	1986 Sch.1 para.3.
94(1)	1986 s.9(4).
(2)	1986 s.9(5); 1993 Sch.19 para.90; Law Com. Rec. No. 8.
(3)	1986 s.9(4).
95(1)	1986 s.9(6).
(2)	1986 s.9(7).
(3)	1986 s.9(7); 1993 s.271(3)(b).
(4)	1986 s.9(8).
96(1)	1986 s.12(1); 1993 Sch.19 para.92(a).
(2)	1986 s.12(2); 1993 Sch.19 para.92(b).
(3)	1986 s.12(4); 1993 Sch.19 para.92(d).
(4)	1986 Sch.2 para.5(2); 1993 Sch.19 para.109(c).
(5)	1986 Sch.2 para.5(1).
97(1)	1986 s.12(1), (2), (9).
(2)	1986 s.12(4).
(3)	1986 ss.12(5), (9), 65(1) (“promoters”); Law Com. Rec. No. 9.
(4)	1986 ss.12(6), (9), 65(1) (“promoters”); Law Com. Rec. No. 9.
(5)	1986 ss.12(7), 65(1) (“promoters”); Law Com. Rec. No. 9.

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(6)	1986 s.12(8).
(7)	1986 Sch.2 para.5(2).
(8)	1986 Sch.2 para.5(1).
98	Drafting.
99(1)	1986 Sch.2 para.3(1).
(2)	1986 Sch.2 para.3(7).
(3)	Drafting.
100(1), (2)	Law Com. Rec. No. 10.
(3)	1986 Sch.2 para.3(6).
(4)	1986 Sch.2 para.3(6); drafting.
101(1)	1988 s.51(2)(a)(i); 1993 s.274(4).
(2)	1988 s.51(2)(a)(ii).
(3)	1988 s.33(2), (4); 1992FHE s.12(5).
(4)	1988 s.33(4); 1992FHE s.12(5).
(5)	1988 s.33(5).
(6)	1988 s.51(2)(b).
102	1988 s.33(3).
103	1988 s.33(1), (2).
104(1), (2)	1988 s.34(1), (2).
(3)	1988 s.34(4); 1993 s.274(1).
(4) to (6)	1988 s.34(5) to (7)
105(1)	1988 s.33(4).
(2)	1988 s.33(5).
(3)	1988 ss.33(4), 38(4), 51(1) (“expenditure of a capital nature”).
106(1)	1988 s.38(1).
(2)	1988 s.38(1), (2).
(3)	1988 s.38(2).
(4)	1988 s.38(3).
(5)	1988 s.38(3A); 1992FHE s.12(7).
(6)	1988 s.33(5).
107(1)	1988 s.39(1); S.I. 1991/1890; S.I. 1992/110.
(2)	1988 s.39(4); S.I. 1991/1890; S.I. 1992/110.
108	1988 s.39(10).

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109(1)	1988 s.39(11).
(2)	1988 s.39(12).
(3)	1988 s.39(11).
110(1)	1988 s.40(1).
(2)	1988 s.40(2); 1993 s.274(3).
(3) to (5)	1988 s.40(3) to (5).
111	1988 s.35(1), (2); 1993 s.274(2).
112(1) to (3)	1988 s.35(3); 1993 s.274(2).
(4)	1988 s.35(4); 1993 s.274(2).
113(1), (2)	1988 s.35(5); 1993 s.274(2).
(3), (4)	1988 s.35(6); 1993 s.274(2).
(5)	1988 s.35(4); 1993 s.274(2).
114	1988 s.35(7), (8); 1993 s.274(2).
115	1988 s.33(6)(a), (b).
116(1) to (3)	1988 s.36(1) to (3).
(4)	1988 s.36(4); 1993 Sch.19 para.125(a).
(5)	1988 s.36(5).
(6)	1988 s.36(5A); 1992FHE s.12(6).
(7)	1988 s.36(5B); 1993 Sch.19 para.125(b).
(8)	1988 s.36(6).
117(1)	1988 s.37(1).
(2), (3)	1988 s.37(2).
(4), (5)	1988 s.37(3).
(6)	1988 s.37(4).
118(1) to (3)	1988 s.37(5).
(4), (5)	1988 s.37(6), (7).
119	1988 s.37(8), (9).
120	1988 s.43; 1993 s.276.
121	1988 s.42(1).
122(1), (2)	1988 s.42(2), (3).
(3)	Drafting.
(4)	1988 s.42(4); 1993 s.275(1)(c).
(5)	1988 s.42(7).
(6)	1988 s.42(8); 1993 s.275(1)(d).

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(7)	1988 s.42(9).
123	1988 s.42A; 1993 s.275(2).
124(1)	1988 s.50(2), (5).
(2)	1988 s.50(3)
(3)	Drafting.
(4)	1988 s.50(6).
(5)	1988 s.50(10).
(6) to (8)	1988 s.50(7) to (9).
125(1)	1988 s.49(1).
(2), (3)	1988 s.49(2).
(4)	1988 s.49(3).
126	Drafting.
127(1), (2)	1986 s.1(1), (2).
(3), (4)	1986 s.1(4), (5).
128(1) to (3)	1986 s.2(1) to (3).
(4) to (6)	1986 s.2(5) to (7).
(7)	Drafting.
129(1)	1988 s.51(3).
(2), (3)	1988 s.51(4), (5).
(4)	1988 s.51(4).
(5)	1988 s.51(6).
130	1986 s.16(1).
131	1986 s.16(2).
132	1986 s.16(3); Law Com. Rec. No. 11.
133(1) to (3)	1986 s.34.
(4)	Drafting.
(5)	1986 s.35(1).
(6)	Drafting.
134(1)	1944 s.24(2).
(2), (3)	1944 s.24(2), proviso (a).
(4)	1944 s.24(2), proviso (b).
(5)	1944 s.22(4); 1986 Sch.4 para.2; 1993 Sch.13 para.4(6).
(6)	1944 s.22(5); 1993 Sch.13 para.4(4).
(7)	Drafting.



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135(1) to (4)	1986 s.40(1) to (4).
(5), (6)	1986 s.40(6), (7).
(7)	Drafting.
(8)	1986 s.40(5).
136(1), (2)	1988 s.44(1), (2); Law Com. Rec. No. 12.
(3)	1988 s.44(3), (5).
137(1), (2)	1988 s.45(1), (2).
(3), (4)	1988 s.45(3).
(5)	1988 s.45(9).
(6)	1988 s.45(10).
138(1)	1988 s.45(1), (4).
(2)	1988 s.45(6).
(3)	1988 s.45(5).
(4)	1988 s.45(7).
(5)	1988 s.45(8).
139(1), (2)	1988 s.46(2).
(3) to (6)	1988 s.46(3) to (6).
(7)	1988 s.235(2)(f); 1996ER Sch.1 para.37(5).
140	1988 s.47.
141(1)	1988 ss.44(4), 45(11).
(2)	1988 s.44(4); Law Com. Rec. No. 12.
(3)	1988 s.45(11).
(4)	1988 s.51(6).
142	Drafting.
143(1), (2)	1944 s.27(2).
(3)	1944 s.27(2) proviso.
(4) to (6)	1944 s.27(3) to (5); 1988 Sch.1 para.2(1).
(7)	Drafting.
144(1), (2)	1944 s.28(3), Sch.3 para.7; 1988 Sch.1 para.3(2).
(3)	1944 s.28(4); 1988 Sch.1 para.3(2).
(4)	Drafting.
145	1944 s.28(2); 1988 Sch.1 para.3(2).

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146(1)	1944 s.30.
(2) to (4)	1944 s.30; 1988 Sch.1 para.4(b).
147(1)	1986 s.21(1); 1988 s.115; S.I. 1996/951 art.3(1).
(2)	1986 s.21(4); 1988 s.115.
(3)	1986 s.21(4); 1988 s.115; S.I. 1996/951 art.3(1).
148(1) to (4)	S.I. 1996/951 art.3(2) to (5).
(5)	Drafting.
149(1), (2)	1986 s.42(1), (2); 1993 Sch.13 para.5.
(3), (4)	1986 s.42(3); 1993 Sch.13 para.5.
(5)	1986 s.42(4); 1993 Sch.13 para.5; S.I. 1996/951 art.5.
150(1)	1944 s.22(3); 1993 Sch.13 para.4(2), (6).
(2)	1944 s.22(1).
(3)	1944 s.22(5); 1993 Sch.13 para.4(4).
151(1) to (3)	1944 s.22(3A) to (3C); 1993 Sch.13 para.4(3).
(4), (5)	1944 s.22(3D); 1993 Sch.13 para.4(3).
(6)	1944 s.22(3E); 1993 Sch.13 para.4(3).
(7)	1944 s.22(6); 1978IA s.17(2)(a); 1993 Sch.13 para.4(5).
(8)	Drafting.
152(1), (2)	1944 s.22(1); 1993 Sch.13 para.4(6).
(3), (4)	1944 s.22(2); 1993 Sch.13 para.4(6).
(5)	Drafting.
153	1986 s.21(5); 1988 s.115.
154(1)	1986 s.22.
(2)	1986 s.22(d).
(3)	1986 s.22(a); 1993 Sch.19 para.95.
(4)	1986 s.22(b).
(5)	1986 s.22(c).
(6)	1986 s.22(e).
155	1986 s.28.
156(1)	1986 s.22(f).
(2), (3)	1993 s.261(1), (2).

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157(1)	Law Com. Rec. No. 13.
(2)	1986 s.23(a); Law Com. Rec. No. 13.
(3)	1986 s.23(b).
(4)	1986 s.23(a), (b); Law Com. Rec. No. 13.
(5)	1986 s.23(a); Law Com. Rec. No. 13.
158	Drafting.
159(1) to (4)	1986 s.26(1) to (4).
(5), (6)	1986 s.26(5).
(7)	1986 s.26(1), (2).
160	1986 s.27.
161(1)	1986 s.30(1).
(2)	Drafting.
(3)	1986 s.30(3).
(4)	1986 s.30(4).
162(1), (2)	1986 s.31(1), (2).
(3)	Drafting.
163	1986 s.31(7), (8).
164(1)	1986 Sch.1 paras.4, 5.
(2)	1986 Sch.1 para.4(1).
(3)	1986 Sch.1 para.4(2).
(4) to (7)	1986 Sch.1 para.5.
165	1986 s.32.
166	Drafting.
167(1)	1980 s.12(1).
(2)	1980 s.12(2).
(3)	1993 s.273(1).
(4)	1980 s.12(1A); 1993 s.229(1).
(5)	1992FHE s.59(3), (4).
(6)	1993 s.273(2).
168(1)	1980 s.12(3); 1993 s.229(2).
(2)	1980 s.12(3).
(3)	1993 s.229(3).
(4)	1980 s.12(3).
(5), (6)	1980 s.16(3A), (3B); 1988 Sch.12 para.81.

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169(1)	1980 s.12(4), (5); 1993 s.273(4).
(2)	1980 s.12(4).
(3)	1980 s.12(5).
(4)	1993 s.273(3).
(5)	1980 s.12(6).
(6)	1993 s.273(4), (5)(a).
170(1), (2)	1980 s.12(7).
(3)	1980 s.12(8).
171	1980 s.12(9).
172	1980 s.16(1).
173(1)	1944 s.14(1).
(2)	1944 s.14(1), 114(1) (“former authority”); 1946 Sch.2 Pt.II.
(3)	1944 s.14(1); 1946 Sch.2 Pt.II.
(4)	1992FHE s.59(3), (4).
(5)	1993 s.273(2).
(6)	1944 s.14(2).
(7)	1944 s.14(5).
(8)	Drafting.
174(1)	1944 s.14(3).
(2), (3)	1944 s.14(4).
175	1992FHE s.59(1), (2).
176	1986 s.16A; FHE 1992 s.12(3).
177	Drafting.
178	1988 s.222.
179(1)	1973 s.1(2); 1980 Sch.3 para.17; Law Com. Rec. No. 3.
(2)	1973 s.1(2).
180	1980 s.5.
181(1)	1986 Sch.2 para.1 (“new school”); 1988 s.48(2).
(2)	1986 Sch.2 para.1 (“relevant proposal”); 1988 s.48(2).
(3)	1988 s.48(2) (“temporary governing body”); drafting.
182	1986 s.65(2).
183	1993 s.22.

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184	1993 s.23.
185	1993 s.24.
186	1993 s.25.
187	1993 s.26.
188	1993 s.27.
189	1993 s.28.
190(1)	1993 s.29(1).
(2)	1993 s.29(2); Law Com. Rec. No. 14.
(3)	1993 s.29(3).
191	1993 s.30.
192	1993 s.31.
193	1993 s.32.
194	1993 s.33.
195	1993 s.34.
196	1993 s.35.
197	1993 s.36.
198(1) to (5)	1993 s.272(1) to (5).
(6)	1964 s.1(1); 1993 Sch.19 para.38.
199(1) to (3)	1993 s.273(3) to (5).
(4)	1993 s.273(7).
200	1993 s.37.
201(1) to (8)	1993 s.38(1) to (8).
(9)	1993 s.155(8).
(10)	1993 s.38(9).
202	1993 s.39.
203	1993 s.40.
204	1993 s.41.
205	1993 s.42.
206	1993 s.43.
207	1993 s.44.
208	1993 s.45.
209	1993 s.46.
210	1993 s.47(1) to (4).
211	1993 s.48.
212	1993 s.49(1) to (3).

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213	1993 s.50.
214	1993 s.51.
215	1993 s.52.
216	1993 s.53.
217	1993 s.54.
218	1993 s.55.
219(1) to (3)	1993 s.56.
(4)	1993 s.301(5).
220	1993 s.57.
221	1993 s.58.
222	1993 s.59.
223	1993 s.60.
224	1993 s.61.
225	1993 s.62.
226	1993 s.63.
227	1993 s.64.
228	1993 s.65.
229	1993 s.66.
230	1993 s.67.
231(1) to (4)	1993 s.68(1) to (4)
(5) to (7)	1993 s.68(5) to (7); 1996N s.7(2) to (4).
(8)	1993 s.68(8).
232	1993 s.69.
233	1993 s.70.
234	1993 s.71.
235	1993 s.72.
236	1993 s.73.
237	1993 s.74.
238	1993 s.75.
239	1993 s.76.
240	1993 s.77.
241	1993 s.78.
242	1993 s.79.
243	1993 s.80.
244	1993 s.81.

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245	1993 s.82.
246	1993 s.83.
247	1993 s.84.
248	1993 s.85.
249	1993 s.86.
250	1993 s.87.
251	1993 s.88.
252	1993 s.89.
253	1993 s.90.
254	1993 s.91.
255	1993 s.92.
256	1993 s.93(1) to (6).
257	1993 s.94.
258	1993 s.95.
259	1993 s.96; Law Com. Rec. No. 3.
260	1993 s.97; Law Com. Rec. No. 3.
261	1993 s.98.
262	1993 s.99.
263	1993 s.100; Law Com. Rec. No. 3.
264	1993 s.101.
265	1993 s.102.
266	1993 s.103(2), (3).
267	1993 s.104.
268	1993 s.105.
269	1993 s.106.
270	1993 s.107.
271	1993 s.108.
272	1993 s.109.
273	1993 s.110.
274	1993 s.111.
275	1993 s.112.
276	1993 s.113.
277	1993 s.114.
278	1993 s.115.
279	1993 s.116.

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280	1993 s.117.
281	1993 s.118.
282	1993 s.119.
283	1993 s.120.
284	1993 s.121.
285	1993 s.122.
286	1993 s.123.
287	1993 s.124.
288	1993 s.125.
289	1993 s.126.
290(1) to (7)	1993 s.127(1) to (7).
(8), (9)	1993 s.127(8).
(10), (11)	1993 s.127(9), (10).
(12)	1993 s.305(1).
(13)	1993 s.127(11).
291	1964 s.1(1); 1993 Sch.19 para.38.
292(1)	1993 s.231(1); drafting.
(2)	1993 s.232(2).
293	1993 s.128.
294	Drafting.
295	1993 s.129.
296(1)	1993 s.130(1).
(2)	1993 s.130(2); 1996N Sch.3 para.11.
297	1993 s.131.
298	1993 s.132.
299	1993 s.133.
300	1993 s.134.
301	1993 s.135.
302	1993 s.136.
303	1993 s.137.
304	1993 s.143.
305	1993 s.144.
306	1993 s.145.
307(1), (2)	1993 s.261(1), (2).
308(1)	1993 ss.267(1), 268(1).



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(2)	1993 s.267(2).
(3)	1993 s.268(2).
309	1993 s.152.
310	1993 s.154.
311(1)	1993 ss.155(1) (“premises”), 305(1) (“Church in Wales school”; “Church of England school”; “Roman Catholic Church school”).
(2)	1993 s.305(4).
(3)	1993 s.155(2).
(4)	1993 s.155(3).
(5)	1993 s.155(6).
(6)	1993 s.155(7)
(7)	Drafting.
(8)	1993 s.155(11).
312(1) to (4)	1993 s.156(1) to (4).
(5)	1993 ss.156(5), 305(1) (“maintained school”).
313(1) to (4)	1993 s.157.
(5)	Drafting.
314	1993 s.158.
315	1993 s.159.
316	1993 s.160.
317(1) to (5)	1993 s.161(1) to (5).
(6), (7)	1993 s.161(6), (7); Disability Discrimination Act 1995 (c.50) s.29(2).
318(1), (2)	1993 s.162(1), (2)
(3)	1993 s.162(2A); 1996N Sch.3 para.12.
(4)	1993 s.162(3).
319	1993 s.163.
320	1993 s.164.
321	1993 s.165.
322(1)	1993 s.166(1); 1995HA Sch.1 para.124(2).
(2)	1993 s.166(2)
(3)	1993 s.166(3); 1995HA Sch.1 para.124(2).

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(4)	1993 s.166(4).
(5)	1993 s.166(5); 1994LG(W) Sch.16 para.105(1); Local Government Changes for England Regulations 1994 (S.I. 1994/867) reg.5(6); Local Government Changes for England (Amendment) Regulations 1996 (S.I. 1996/611) reg.2.
323	1993 s.167.
324	1993 s.168.
325	1993 s.169.
326	1993 s.170.
327	1993 s.171.
328	1993 s.172.
329	1993 s.173.
330	1993 s.174.
331	1993 s.175.
332	1993 s.176; 1995HA Sch.1 para.124(3).
333	1993 s.177.
334	1993 s.178.
335	1993 s.179.
336	1993 s.180; Arbitration Act 1996 (c.23) Sch.3 para.59.
337(1)	1993 s.182(1).
(2)	Drafting.
(3), (4)	1993 s.182(2), (3).
338(1)	1993 s.183(1).
(2)	Drafting.
339	1993 s.183(2) to (10).
340	1993 s.184.
341	1993 s.185.
342	1993 s.188.
343	1993 s.231.
344(1)	Drafting.
(2)	1993 s.182(4).
345	1993 s.186.
346	1993 s.187.

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347	1993 s.189.
348	1993 s.190
349	1993 s.191.
350(1)	1988 s.25(1) (“maintained school”); 1993 s.245(5).
(2)	1988 s.25(1) (“assess”).
351(1)	1988 s.1(2).
(2) to (5)	1988 s.1(1).
352(1)	1988 ss.2(1), 8(2); 1993 s.241(1), Sch.19 para.114.
(2)	1988 s.2(3).
(3)	1944 s.114(1) (“sex education”); 1993 s.241(2).
353	1988 s.2(2); 1993 ss.240(1), 245(5).
354(1)	1988 s.3(1).
(2)	1988 s.3(2); S.I. 1992/1548 art.2; S.I. 1994/1814 art.2(2) to (4).
(3) to (5)	1988 s.3(2A), (2B); S.I. 1994/1814 art.2(5).
(6)	1988 s.3(4).
(7)	1988 s.3(6) (“school”).
(8)	1988 s.3(7).
355(1)	1988 s.3(3); 1993 Sch.19 para.113.
(2)	1988 s.3(4).
(3)	1988 s.3(5).
(4)	1988 s.3(5A); 1993 s.240(2).
(5)	1988 s.3(6) (“class”; “school year”); 1993 s.240(3).
356(1) to (4)	1988 s.4(1) to (4).
(5) to (8)	1988 s.4(5) to (8); 1993 s.240(4).
(9)	1993 s.241(4).
357(1)	1988 s.10(2).
(2)	1988 s.10(3).
358	1993 s.244.
359(1)	1993 s.245(1).
(2)	1993 s.245(4).
(3)	1993 s.245(3).

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(4)	1993 s.245(2).
(5)	1993 s.245(5).
360(1)	1988 s.14(1); 1993 s.253(1).
(2) to (4)	1988 s.14(2); 1993 Sch.15 para.4(3), Sch.19 para.118(a).
(5)	1988 s.14(7).
361(1)	1988 s.14(3); 1993 Sch.15 para.4(3), Sch.19 para.118(b); Education (School Curriculum and Assessment Authority) (Transfer of Functions) Order 1994 (S.I. 1994/645); Education (School Curriculum and Assessment Authority) (Transfer of Functions) Order 1995 (S.I. 1995/903).
(2)	1988 s.14(5); 1993 Sch.15 para.4(3), Sch.19 para.118(c).
(3), (4)	1988 s.14(6); 1993 Sch.15 para.4(3), Sch.19 para.118(d).
(5)	Drafting.
362(1), (2)	1988 s.16(1), (2).
(3), (4)	1988 s.16(3); 1993 Sch.19 para.119(a).
(5), (6)	1988 s.16(4), (5).
(7)	1988 s.16(6); 1993 Sch.15 para.4(4), Sch.19 para.119(b).
363	1988 s.17.
364	1988 s.18; 1993 Sch.19 para.120.
365(1)	1988 s.19(1).
(2) to (4)	1988 s.19(2).
(5)	1988 s.19(1).
(6)	1988 s.19(10).
366(1)	1988 s.19(3).
(2)	1988 s.19(4).
(3)	1988 s.19(4); 1993 Sch.19 para.121(a); Law Com. Rec. No. 15.
(4)	Law Com. Rec. No. 15.
(5)	1988 s.19(5); Law Com. Rec. No. 15.
(6)	1988 s.19(6); 1993 Sch.19 para.121(b); Law Com. Rec. No. 15.
(7)	Law Com. Rec. No. 15.

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367(1)	1988 s.19(7).
(2), (3)	1988 s.19(8).
(4)	1988 s.19(9).
368(1)	1988 ss.20(1), 21(1).
(2)	1988 ss.20(2), 21(2); 1993 s.243.
(3)	1988 ss.20(3), 21(3); 1993 s.243.
(4), (5)	1988 ss.20(4), 21(3A); 1993 s.243.
(6), (7)	1988 ss.20(5), 21(3B); 1993 s.243.
(8)	1988 ss.20(6), 21(4).
(9)	1993 s.242(1), (3).
(10)	1988 ss.20(2), 21(2); 1993 Sch.15 para.4(5), Sch.19 para.122; drafting.
369	1988 s.227(1).
370(1)	1986 s.17(1)
(2), (3)	1986 s.17(2), (3).
371(1), (2)	1986 s.18(1).
(3)	1986 s.18(2).
(4)	1986 s.18(3).
(5)	1986 s.18(7); 1993 Sch.19 para.94.
(6)	1986 s.18(8).
(7)	1986 s.18(7); Law Com. Rec. No. 3.
(8)	Drafting.
372(1)	1986 s.18(5).
(2) to (4)	1986 s.18(6).
(5)	Drafting.
373(1), (2)	1986 s.19.
374	Drafting.
375(1)	Drafting.
(2)	1944 s.114(1) (“agreed syllabus”); 1988 Sch.1 para.6.
(3)	1988 s.8(3).
(4)	1944 s.114(1) (“agreed syllabus”), Sch.5 para.11; 1988 Sch.1 para.6.
(5)	1988 s.8(3).
376(1)	1944 s.26(1); 1988 Sch.1 para.1.
(2)	1944 s.26(2); 1988 Sch.1 para.1.

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(3)	1944 s.26(3), (4); 1988 Sch.1 para.1; 1993 Sch.19 para.9.
377(1)	1944 s.27(6); 1988 Sch.1 para.2(2).
(2)	1944 s.27(1); 1988 Sch.1 para.2(1).
378(1)	1944 s.28(1); 1988 Sch.1 para.3(1).
(2), (3)	1944 s.28(1B); 1988 Sch.1 para.3(1).
(4)	1944 s.28(1C); 1988 Sch.1 para.3(1).
(5)	1944 s.28(1A); 1988 Sch.1 para.3(1).
379(1)	1993 s.138(1).
(2) to (4)	1993 s.138(9) to (11).
380	1993 s.139.
381	1993 s.140.
382	1993 s.142.
383	1993 s.141.
384	1988 s.10(1).
385(1)	1988 s.6(1), (7).
(2)	1988 s.6(2).
(3)	1988 s.6(7).
(4)	1988 s.6(3); 1993 s.138(8); Law Com. Rec. No. 16.
(5)	1988 s.6(4).
(6)	1988 s.6(5); Law Com. Rec. No. 16.
(7)	1988 s.6(6).
386(1)	1988 s.7(1); 1993 s.138(1).
(2)	1988 s.7(1); 1993 s.138(2).
(3)	1988 s.7(2); 1993 s.138(3).
(4)	1988 s.7(3); 1993 s.138(4).
(5)	1988 s.7(4); 1993 s.138(5).
(6)	1988 s.7(5); 1993 s.138(6).
(7)	1993 s.138(12).
387	1988 s.7(6); 1993 s.138(7).
388	1988 s.10(1).
389(1)	1988 s.9(3).
(2)	1988 s.9(9).
(3)	1988 s.9(4).
(4)	1988 s.9(6).

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(5)	1988 s.9(7); 1993 Sch.19 para.115.
(6)	1988 s.9(8).
(7)	1988 s.9(2), (5).
390(1)	1988 s.11(1).
(2)	1988 s.11(3), (4); 1993 s.147(1).
(3)	1988 ss.11(3), 13(4).
(4)	1988 s.11(4); 1993 Sch.19 para.116(a).
(5)	1988 s.11(5).
(6)	1988 s.11(5); 1993 s.255(2).
(7)	1988 s.11(6).
391(1)	1988 s.11(1).
(2)	1988 s.11(2).
(3)	1988 s.11(7).
(4)	1988 s.11(7).
(5)	1988 s.11(8).
(6)	1988 s.11(9).
(7)	1988 s.11(10).
(8), (9)	1988 s.11(11), (12); 1993 s.147(2).
(10)	1988 s.11(13); 1993 Sch.15 para.4(2), Sch.19 para.116(b).
392(1)	1988 s.11(1).
(2)	1988 s.13(1); 1993 Sch.19 para.117.
(3)	1988 s.13(2); 1993 Sch.19 para.117.
(4)	1988 s.13(3).
(5)	1988 s.13(4).
(6)	1988 s.13(5).
(7)	1988 s.13(6).
(8)	1988 s.13(7); 1993 Sch.19 para.117.
393	1993 s.16.
394(1)	1988 ss.11(1), 12(1); 1993 s.148(a).
(2), (3)	1988 s.12(2), (3).
(4)	1988 s.12(4); 1993 s.148(b).
(5)	1988 s.12(1).
(6)	1988 s.12(9); 1993 s.148(c).
(7)	1988 s.12(10).

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(8)	1988 s.12(11); 1993 s.148(d).
395(1)	1988 s.12(5).
(2)	1988 s.12(6).
(3), (4)	1988 s.12(7).
(5)	1988 s.12(8).
(6)	1988 s.12(5), (6).
(7)	1988 s.12(9); 1993 s.148(c).
(8)	1988 s.12(10).
396(1)	1988 s.12A(1), (3); 1993 s.257.
(2)	1988 s.12A(2); 1993 s.257.
397	1993 s.258.
398	1988 s.9(1), 9(1A); 1992FHE s.12(4); 1994 Sch.2 para.8(2).
399	1944 s.67(3); 1988 Sch.1 para.4, Sch.12 para.4.
400(1), (2)	1988 s.5(1).
(3)	1988 s.5(2).
(4)	1988 s.10(2).
(5)	1988 s.5(3).
401(1)	1988 s.24(1); 1992FHE Sch.8 para.28.
(2)	1988 s.24(2); 1993 Sch.19 para.124.
(3), (4)	1988 s.24(3), (4).
(5)	1988 s.235(2)(c).
402(1)	1988 s.117(1).
(2)	1988 s.117(2); 1993 s.240(5).
(3) to (5)	1988 s.117(3) to (5).
(6)	1988 s.118(7), (8).
403(1)	1986 ss.46, 46A; 1988 Sch.12 para.34.
(2)	1986 s.46.
404(1), (2)	1993 s.241(5)
(3)	1993 s.241(6)
405	1988 s.17A; 1993 s.241(3).
406(1), (2)	1986 ss.44(1), (2), 46A; 1988 Sch.12 para.34.
(3)	1986 s.44(1).
407(1)	1986 ss.45, 46A; 1988 Sch.12 para.34.



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(2)	1986 s.45.
408(1)	1988 s.22(1).
(2)	1988 s.22(2); 1992(S) Sch.4 para.6(2).
(3)	1988 s.22(3); 1993 Sch.19 para.123.
(4)	1988 s.22(1); Law Com. Rec. No. 17.
(5)	1988 s.22(4).
(6)	1988 s.22(5); 1992(S) Sch.4 para.6(3), (4).
(7), (8)	1988 s.22(6), (7).
409(1) to (3)	1988 s.23(1).
(4)	1988 s.23(2).
410	1988 s.25(2); Law Com. Rec. No. 17.
411(1), (2)	1980 s.6(1), (2).
(3)	1980 s.6(3); 1988 s.30(2).
(4)	1980 s.6(4).
(5)	1980 s.6(5); 1978IA s.17(2)(a).
(6)	1988 s.26(9).
(7)	1988 s.26(10).
(8)	1980 s.38(4).
412	1986 s.33.
413(1)	1980 s.6(6); 1988 s.30(3).
(2) to (4)	1980 s.6(7) to (9); 1993 s.270.
414(1), (2)	1980 s.8(1), (2).
(3), (4)	1980 s.8(3); 1988 s.31(2).
(5)	1980 s.8(4).
(6) to (8)	1980 s.8(5), (5A), (6); 1992(S) Sch.4 para.4(1).
(9)	1980 s.8(7).
415	Drafting.
416(1)	1988 s.26(1).
(2) to (7)	1988 s.26(3) to (8).
(8)	1988 s.26(1), (3), (4).
417(1)	1988 ss.27(1), (2), 32(4).
(2), (3)	1988 s.27(3).
(4), (5)	1988 s.27(9).

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418(1)	1988 ss.27(1), (2), 32(4); Education Reform Act 1988 (Commencement No.9) Order 1991 (S.I. 1991/409).
(2)	1988 s.27(3).
(3)	1988 s.27(3), (9).
419(1)	1988 s.29(7).
(2) to (5)	1988 s.29(1) to (4).
420(1) to (3)	1988 s.27(4) to (6).
(4), (5)	1988 s.27(7).
421(1)	1988 s.27(8).
(2)	1988 s.32(1).
422(1) to (6)	1986 Sch.2 para.19.
(7)	1986 s.65(1) (“promoters”), Sch.2 para.1; drafting; Law Com. Rec. No. 9.
423(1)	1980 s.7(1); 1993 Sch.19 para.73.
(2), (3)	1980 s.7(2), (3).
(4)	1980 s.7(4).
(5)	1980 s.7(5).
(6)	1980 s.38(4).
424(1)	1980 s.9(1); 1988 s.31(3).
(2)	1980 s.9(1A); 1988 s.31(3).
(3)	1980 s.9(2); 1981 Sch.3 para.14; 1992(S) Sch.4 para.4(2); 1993 Sch.19 para.74.
425	Drafting.
426	1993 s.149(1) to (4).
427	1993 s.150.
428	1993 s.151.
429	Drafting.
430(1) to (8)	1993 s.260.
(9)	1993 s.305(1) (“maintained school”).
431(1) to (6)	1993 s.13(1) to (6).
(7), (8)	1993 ss.13(7), (8), 305(1) (“maintained school”).
432	1993 s.14.
433(1), (2)	1948 s.4(2).
(3)	1948 s.4(3).

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(4)	1948 s.4(3A); 1996N Sch.3 para.2.
(5)	1948 s.4(2).
434(1)	1944 s.80(1).
(2)	1944 s.80(1A); 1988 Sch.12 para.58.
(3)	1948 s.4(6).
(4)	1944 s.80(1); 1993 Sch.19 para.21.
(5)	1944 s.114(1); 1993 s.155(1), Sch.19 para.24(a)(ii).
(6)	1944 s.80(2).
435	1948 s.4(1).
436(1)	1980 s.9(1A); 1988 ss.29(5), 31(3); 1993 s.155(6).
(2)	1988 s.29(5), (6); 1993 s.149(5).
437(1) to (7)	1993 s.192(1) to (7).
(8)	1993 ss.192(8), 197(6), 198(4), 305(1) (“maintained school”).
438	1993 s.193.
439	1993 s.194.
440	1993 s.195.
441	1993 s.196.
442	1993 s.197(1) to (5).
443(1) to (3)	1993 s.198(1) to (3).
(4)	1993 s.201(2).
444(1) to (4)	1993 s.199(1) to (4).
(5)	1993 s.199(5); Units of Measurement Regulations 1995 (S.I. 1995/1804) Reg.3.
(6), (7)	1993 s.199(6), (7).
(8)	1993 s.201(2).
(9)	1993 s.199(8).
445	1993 s.200.
446	1993 s.201(1).
447	1993 s.202.
448	1993 s.203.
449	1988 s.118(7).
450(1)	1988 s.106(1).

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(2)	1988 s.106(1A); 1992FHE s.12(9); 1994 Sch.2 para.8(3).
451(1), (2)	1988 s.106(2).
(3)	1988 s.106(3), (4); 1993 s.280.
(4)	1988 s.106(4).
(5)	1988 s.106(3), (4); 1993 Sch.19 para.127.
452(1) to (4)	1988 s.107(1) to (4).
(5)	1988 s.107(5), (6).
(6)	1988 s.106(9).
453(1)	1988 s.106(5).
(2), (3)	1988 s.108.
454(1)	1988 s.106(6).
(2)	1988 s.118(3).
(3), (4)	1988 s.106(7), (8).
455(1)	1988 s.109(1).
(2)	1988 s.109(2).
(3)	1988 ss.109(2), 110(5).
456(1)	1988 s.109(3); 1978IA s.17(2)(a).
(2) to (8)	1988 s.109(4) to (10).
457(1)	1988 s.110(1); 1993 Sch.19 para.128.
(2), (3)	1988 s.110(2).
(4)	1988 s.110(3); Disability Living Allowance and Disability Working Allowance Act 1991 (c.21) Sch.3 para.12; Jobseekers Act 1995 (c.18) Sch.2 para.17.
(5)	1988 s.110(4).
458(1) to (4)	1988 s.111(1) to (3) and (5); 1993 Sch.19 para.129.
(5)	1988 s.111(6).
459	1988 s.118(5).
460(1), (2)	1988 s.118(1), (2).
(3)	1988 s.118(4).
461	1988 s.118(6).
462(1)	1988 s.118(7)(a), (e).
(2)	1988 s.106(10).

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(3)	1988 s.106(11).
(4)	1988 s.118(7)(d).
(5)	1988 s.118(7)(d), (8).
463	1944 s.114(1) (“independent school”); 1980 s.34(1); 1988 Sch.12 para.7.
464(1) to (3)	1944 s.70(1); Transfer of Functions (Education and Employment) Order 1995 (S.I 1995/2986) art.11(2).
(4)	Drafting.
465(1)	1944 s.70(1).
(2)	1944 s.70(1) proviso (a).
(3)	1944 s.70(1) proviso (b).
(4)	1944 s.114(1) (“provisionally registered school”; “registered school”).
466(1)	1944 s.70(3).
(2)	1944 s.70(3A); 1980 s.34(6).
(3)	1944 s.70(3).
467(1)	1944 s.70(4); 1980 s.34(7).
(2)	1944 s.70(4A); 1993 s.292(2).
(3)	1944 s.70(4); 1980 s.34 (7).
(4)	Drafting.
468	1944 s.71(4); 1993 s.290(1).
469(1)	1944 s.71(1); Children Act 1989 (c.41) Sch.13 para.9; 1993 s.290(2).
(2), (3)	1944 s.71(1).
(4)	1944 s.71(2); 1993 s.290(2).
(5)	1944 s.71(3).
(6)	1944 s.71(5); 1993 s.290(1).
470(1)	1944 s.72(1).
(2)	1944 s.72(2); 1993 s.290(2).
471(1)	1944 s.72(3).
(2)	1944 s.72(3) proviso; 1993 s.290(2).
472	1944 s.72(4); 1993 s.290(2).
473(1)	1944 s.73(2).
(2)	1944 s.73(3); 1993 s.290(2).
474	1944 s.74.
475	1944 s.73(1).

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476(1)	Drafting.
(2), (3)	1944 s.75(1).
(4)	1944 s.75(2); Arbitration Act 1996 (c.23) Sch.3 para.4.
(5)	1944 s.75(3).
477	1944 s.73(5); 1946 Sch.2 Pt.I; 1978IA s.17(2)(a).
478(1)	1944 s.73(4).
(2)	1944 ss.70(3), 73(2), (3); Criminal Justice Act 1982 (c.48) Sch.3.
479(1) to (3)	1980 s.17(1) to (3).
(4)	1980 s.17(2).
(5)	1980 s.17(4), (5).
(6), (7)	1980 s.17(10).
480(1), (2)	1980 s.17(6), (7).
(3)	1980 s.17(9).
(4)	1980 s.17(8), (9).
481	1980 s.18.
482(1)	1988 s.105(1).
(2)	1988 s.105(2).
(3)	1988 s.105(1), (2).
(4)	1988 s.105(3).
(5)	1988 s.218(2B); 1993 s.291; 1994 Sch.2 para.8(4).
483(1), (2)	1988 s.105(4).
(3), (4)	1988 s.105(5), (6).
484(1)	1984 s.1(1), (2); 1993 s.278(2).
(2)	1984 s.1(2), (6).
(3), (4)	1984 s.1(3), (4); 1993 s.278(2).
(5)	1984 s.1(5).
(6)	1984 s.1(7).
(7)	Drafting.
485	1944 s.100(1)(b); 1988 s.213(3).
486	1988 s.213(1); Transfer of Functions (Science) Order 1995 (S.I. 1995/2985) Sch. para.5.
487	1980 s.21(1).

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488	1988 s.210.
489(1)	1944 s.100(3); 1980 s.21(2); 1984 s.1(4); 1988 ss.210(3), 213(2).
(2)	1984 s.1(4A); 1993 s.278(4).
(3), (4)	1973 s.1(2).
490	1988 s.211; 1978IA s.17(2)(a).
491(1)	1944 s.100(1)(c).
(2)	1944 s.100(3).
492(1) to (4)	1986 s.51(1) to (4); 1993 s.279(1).
(5)	1986 s.51(11); 1993 Sch.19 para.103(d).
(6)	1986 s.51(7), (8); 1993 Sch.19 para.103(a).
493(1)	1986 s.52(1); 1992FHE Sch.8 para.25.
(2)	1986 s.52(2); 1993 Sch.19 para.104.
(3)	1986 s.52(3); 1992FHE Sch.8 para.25.
(4)	1986 s.52(4).
494	1993 s.262.
495(1), (2)	1944 s.67(1).
(3)	1944 s.67(2).
496(1)	1944 s.68.
(2)	1944 s.68; 1988 s.219(2).
497(1)	1944 s.99(1).
(2)	1944 s.99(1); 1988 s.219(3).
(3)	1944 s.99(1).
498(1)	1944 s.99(2).
(2)	1944 s.99(2); 1988 s.219(3).
499	1993 s.297.
500	1993 s.232.
501	1993 s.233.
502	1993 s.234.
503(1) to (6)	1993 s.235(1) to (6).
(7)	1993 s.235(8).
504	1993 s.236.
505(1) to (7)	1993 s.237(1) to (7).

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(8)	1993 ss.237(8), 305(1) (“maintained school”)
506	1944 s.69(2); Criminal Justice Act 1967 (c.80) Sch.3; 1978IA s.17(2)(a); Medical Act 1983 (c.54) Sch. 6 para.11.
507(1)	1944 s.93.
(2)	1944 s.93; 1972LG s.272(2); 1993 s.235(7).
508(1)	1944 s.53(1).
(2)	1944 s.53(1); 1948 Sch.1 Pt.I; 1988 Sch.12 para.54.
(3)	1944 s.53(2).
509(1), (2)	1944 s.55(1); 1992FHE Sch.8 para.5.
(3)	1944 s.55(2); 1948 Sch.1 Pt.I; 1988 Sch.12 para.55; 1992FHE Sch.8 para.5.
(4)	1944 s.55(3); 1986 s.53; 1992FHE Sch.8 para.5; 1993 Sch.19 para.15.
(5)	1944 s.55(4); 1992FHE Sch.8 para.5.
(6)	1944 s.55(5); 1992FHE Sch.8 para.5.
510(1)	1948 s.5(1); 1988 s.100(4).
(2)	1948 s.5(1); 1953 Sch.1; 1981 Sch.3 para.7.
(3)	1948 s.5(2); 1988 s.100(4).
(4)	1948 s.5(3); 1980 s.29(1); 1988 s.100(4), Sch.12 para.61; 1992FHE Sch.8 para.16.
(5)	1948 s.5(4); 1988 s.100(4).
(6)	1948 s.5(4).
511(1)	1948 s.5(5).
(2), (3)	1948 s.5(6).
(4)	1948 s.5(6A); 1980 s.29(2).
512(1)	1980 s.22(1); Social Security Act 1986 (c.50) s.77(1).
(2)	1980 s.22(2); Social Security Act 1986 (c.50) s.77(2).
(3)	1980 s.22(3); Social Security Act 1986 (c.50) s.77(2); Jobseekers Act 1995 (c.18) Sch.2 para.3.
(4)	1980 s.22(1).
(5)	1980 s.22(3B); 1992FHE Sch.8 para.17.



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513	1944 s.78(2).
514(1)	1944 s.50(1); 1946 Sch.2 Pt.I; 1981 Sch.3 para.3; 1988 s.100(2).
(2)	1944 s.50(1); 1948 Sch.1 Pt.I; 1981 Sch.3 para.3.
(3)	1944 s.50(2); 1946 Sch.2 Pt.I; 1993 Sch.19 para.12.
(4)	1944 s.52(1).
(5)	1944 s.52(1) proviso; 1981 Sch.3 para.4.
(6)	1944 s.52(2).
(7)	1944 s.52(3).
515(1)	1980 s.26(1).
(2)	1980 s.26(3).
(3)	1980 s.26(4).
(4)	1980 s.26(5); 1978IA s.17(2)(a).
(5)	1980 s.26(6).
516	1993 s.295.
517(1)	1953 s.6(2); 1993 Sch.19 para.31(a).
(2)	1953 s.6(2)(a)(i).
(3)	1953 s.6(2)(a)(ii); 1981 Sch.3 para.8.
(4)	1953 s.6(2)(a)(iii).
(5)	1953 s.6(2)(b); 1981 Sch.3 para.8.
(6)	1993 Sch.19 para.31(b) to (f).
(7)	1993 s.308(3).
518	1944 s.81; 1988 Sch.12 para.6; 1992FHE Sch.8 para.11.
519(1)	1986 s.58(1); 1988 Sch.12 para.103; 1993 Sch.19 para.106.
(2)	1986 s.58(2).
(3)	1986 s.58(5); 1988 Sch.12 para.103.
(4), (5)	1986 s.58(6).
(6)	1986 s.58(7).
520(1), (2)	1944 s.48(4); 1973NHRS Sch.4 para.7; National Health Service Act 1977 (c.49) Sch.15 para.2; 1978IA s.17(2)(a).
(3)	Drafting.
521(1), (2)	1944 s.54(1).

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(3)	1944 s.54(2), (8); Medical Act 1983 (c.54) Sch.6 para.11.
(4)	1944 s.54(1); 1993 Sch.19 para.14(a).
522(1)	1944 s.54(2).
(2) to (4)	1944 s.54(3).
(5)	1944 s.54(5).
523(1), (2)	1944 s.54(4); S.I. 1968/1699 art.5; 1972LG s.179(3).
(3)	1944 s.54(9); 1994LG(W) Sch.16 para.8.
(4)	1944 s.54(8); Medical Act 1983 (c.54) Sch.6 para.11.
524(1), (2)	1944 s.54(7).
(3)	1944 s.54(7); 1993 Sch.19 para.14(c).
525(1)	1944 s.54(6).
(2)	1944 s.54(6).
(3)	1944 s.54(6); 1993 Sch.19 para.14(b).
526	1944 s.82.
527	1944 s.83.
528	1944 s.41(2A), (2B); Disability Discrimination Act 1995 (c.50) s.30(8).
529(1)	1944 s.85(1).
(2), (3)	1944 s.85(2), (3); 1980 Sch.3 para.3.
530(1)	1944 s.90(1); Acquisition of Land (Authorisation Procedure) Act 1946 (c.49) Sch.4; 1948 s.10(1); 1988 Sch.12 para.59.
(2)	1944 s.90(1) proviso; Acquisition of Land (Authorisation Procedure) Act 1946 (c.49) Sch.4.
(3)	1944 s.90(1A); 1993 s.282(3).
531(1)	1948 s.10(2); 1972LG s.272(2); 1988 Sch.12 para.62.
(2)	1948 s.10(3).
532	1944 s.88; 1978IA s.17(2)(a).
533(1), (2)	1980 s.22(4).
(3)	1980 s.22(4A); 1993 Sch.19 para.79.
534(1) to (4)	1980 s.22(3A); 1988 Sch.12 para.24.
(5)	1980 s.22(3B); 1992FHE Sch.8 para.17.

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535(1)	1980 s.26(2).
(2)	1980 s.26(3).
(3)	1980 s.26(4).
(4)	1980 s.26(5); 1978IA s.17(2)(a).
(5)	1980 s.26(6).
536(1), (2)	1944 s.48(4); 1973NHSR Sch.4 para.7; National Health Service Act 1977 (c.49) Sch.15 para.2; 1978IA s.17(2)(a); 1988 Sch.12 para.2.
537(1) to (6)	1992(S) s.16(1) to (6).
(7)	1992(S) s.16(7); 1993 s.263.
(8) to (10)	1992(S) s.16(8) to (10).
(11)	1992(S) s.19(2)
(12), (13)	1992(S) s.16(11), (12).
538	1986 s.56, Sch.2 para.13(2).
539	1993 s.153.
540(1)	1993 s.264(1).
(2)	1993 ss.264(2), 305(1) (“maintained school”).
541(1) to (3)	1993 s.265.
(4)	1993 ss. 265(1), 305(1) (“maintained school”).
542(1)	1944 s.10(1); 1988 Sch.12 para.1.
(2) to (4)	1944 s.10(2); 1988 Sch.12 para.1.
543	1944 s.10(2) proviso; 1948 s.7(1); 1968 s.3(3).
544(1)	1988 s.218(7); 1992FHE Sch.8 para.49; 1993 Sch.19 para.136.
(2)	1988 s.218(7).
(3)	1988 s.218(12).
545(1)	1944 s.63(2); 1993 Sch.19 para.18.
(2)	1988 s.218(8); 1993 Sch.19 para.19.
546(1)	1988 s.218(1)(e).
(2)	1988 s.218(12).
547(1)	1982LG(MP) s.40(1).
(2)	1982LG(MP) s.40(2); 1988 Sch.12 para.29.
(3)	1982LG(MP) s.40(3).

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(4), (5)	1982LG(MP) s.40(4), (5); 1988 Sch.12 para.29.
(6)	1982LG(MP) s.40(6).
(7), (8)	1982LG(MP) s.40(7), (8); 1988 Sch.12 para.29.
548(1)	1986 s.47(1); 1993 s.293(2).
(2)	1986 s.47(1A); 1993 s.293(2).
(3)	1986 s.47(5); 1988 Sch.12 para.35; 1993 s.293(3), Sch.19 para.101(a).
(4)	1986 s.47(6); 1993 Sch.19 para.101(b).
(5)	1986 s.47(7).
(6)	1986 s.47(4).
549(1), (2)	1986 s.47(2), (3).
(3)	1986 s.47(1B); 1993 s.293(2).
(4)	1986 s.47(10).
(5)	1986 s.47(5); 1993 s.293(3).
550	1986 s.47(8).
551(1).	1988 s.218(1)(g).
(2)	1988 s.218(12).
552(1)	1993 Sch.19 para.62(5).
(2), (3)	1993 Sch.19 para.62(2), (3).
(4)	1993 Sch.19 para.62(1).
(5)	1993 Sch.19 para.62(4)
(6)	1993 Sch.19 para.62(6).
553	1988 s.113.
554(1)	1973 s.2(1); 1988 s.112(2).
(2)	1973 s.2(1); 1988 s.112(2); 1993 Sch.19 para.52(a).
(3)	1973 s.2(1A); 1988 s.112(2); 1993 Sch.19 para.52(b).
(4)	1973 s.2(1C); 1988 s.112(2); 1993 Sch.19 para.52(c).
(5)	1973 s.2(1B); 1988 s.112(2).
(6)	1973 s.2(8).
555(1)	1973 s.2(2); 1993 Sch.19 para.52(c).
(2) to (4)	1973 s.2(2).
(5)	1973 s.2(1B); 1988 s.112(2).

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556(1)	1973 s.2(3); 1993 s.288(3)
(2)	1973 s.2(4); 1988 s.112(3); 1993 Sch.19 para.52(c).
(3)	1973 s.2(4); 1993 s.288(2), Sch.19 para.52(c).
(4)	1973 s.2(5).
(5)	1973 s.2(5A); 1993 s.288(4).
(6), (7)	1973 s.2(6), (7).
(8)	1973 s.2(1B); 1988 s.112(2).
557	1993 s.287.
558	1944 s.58.
559(1), (2)	1944 s.59(1), (2).
(3), (4)	1944 s.59(3).
(5)	1944 s.59(4).
(6)	Employment of Children Act 1973 (c.24) s.3(4).
560(1)	1973EWE s.1(1); 1988 Sch.12 para.14.
(2)	1973EWE s.1(4); Employment Act 1990 (c.38) s.14.
(3)	1973EWE s.1(2); Merchant Shipping Act 1995 (c.21) Sch.13 para.48.
(4), (5)	1973EWE s.1(3).
(6)	Drafting.
(7)	1973EWE s.1(4).
561	1944 s.115.
562	1944 s.116; 1948 Sch.1 Pt.I; 1993 Sch.19 para.25.
563(1)	1988 s.218(1)(f); 1992FHE Sch.8 para.49.
(2)	1988 s.218(4).
(3)	1988 s.218(12).
564(1)	1944 s.94(1); S.I. 1968/1699 art.5; Registration of Births, Deaths and Marriages (Fees) Order 1995 (S.I. 1995/3162) Sch.
(2)	1944 s.94(1).
(3)	1944 s.94(2); S.I. 1968/1699 art.5.
(4)	1944 s.94(3); 1978IA s.17(2)(a).

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565(1)	1944 s.95(1).
(2)	1993 s.200(3).
566	1944 s.95(2).
567(1), (2)	1993 s.299(1), (2).
(3)	1993 ss.299(3), 305(1) (“maintained school”)
(4), (5)	1993 s.299(4), (5).
568(1)	1973 s.2(1); 1986 s.63(1); 1988 s.232(1); 1993 s.301(1); Law Com. Rec. No. 19.
(2)	1986 ss.4A(8), 63(1); 1988 s.232(2); 1993 ss.271(1), 301(2).
(3)	1986 s.63(2); 1988 s.232(4); 1993 s.301(3).
(4)	1988 s.232(3).
(5)	1986 s.63(3); 1988 s.232(5); 1993 s.301(6); Law Com. Rec. No. 18.
(6)	1988 s.232(6); Law Com. Rec. No. 18.
569(1)	Statutory Instruments Act 1946 (c.36) s.1(2); 1948 s.12; 1980 s.35(1); 1984 s.3(1); 1986 s.63(1); 1988 s.232(1); 1992(S) s.19(1); 1993 s.301(1); Law Com. Rec. No. 18.
(2)	1944 s.112; Statutory Instruments Act 1946 (c.36) s.5(2); 1948 s.12; 1980 s.35(3); 1984 s.3(3); 1986 s.63(2); 1988 s.232(4); 1992(S) s.19(2); 1993 ss.279(2)(a), 301(3).
(3)	1980 s.35(2); 1986 s.63(2A); 1993 ss.279(2)(b), 301(4).
(4)	1980 s.35(4); 1984 s.3(4); 1986 s.63(3); 1988 s.232(5); 1992(S) s.19(3); 1993 s.301(6), Sch.19 para.107(a); Law Com. Rec. No. 18.
(5)	1944 s.111A; 1980 s.35(5); 1988 ss.229(1), 232(6); Law Com. Rec. No. 18.
(6)	1980 s.35(5).
570(1), (2)	1944 s.111; S.I. 1968/1699 art.5; 1993 s.301(7).
(3)	1944 s.111 proviso.

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571	1980 ss.12(1B), 13(1C); 1988 s.34(3); 1993 ss.229(1), 230(1), 300.
572	1944 s.113; 1946 Sch.2 Pt.I.
573(1)	Drafting.
(2)	1944 s.114(1) (“alterations”); 1968 Sch.1 para.5(a); 1993 s.305(1).
(3)	1944 s.114(1) (“enlargement”); 1968 Sch.1 para.5(b).
(4)	1980 s.16(2); 1993 s.103(1).
(5)	1944 s.114(1) (“significant”); 1968 Sch.1 para.5(c).
(6)	1944 s.67(4); 1968 Sch.1 para.3; 1988 Sch.12 para.4.
574	1968 s.1(1); 1980 Sch.3 para.15; 1993 Sch.19 para.41.
575(1), (2)	1988 s.235(1); 1993 s.305(1); 1996ER Sch.1 paras.37(5), 59.
(3)	1988 s.235(3); 1933 s.155(9), (10).
(4)	1988 s.235(1); 1993 s.305(1) 1996ER Sch.1 paras.37(5), 59.
576(1)	1944 s.114(1D); Children Act 1989 (c.41) Sch.13 para.10.
(2)	1944 s.114(1E); Children Act 1989 (c.41) Sch.13 para.10; 1993 Sch.19 para.24(b).
(3), (4)	1944 s.114(1F); Children Act 1989 (c.41) Sch.13 para.10.
577	1944 s.114 (“minor authority”); 1972LG s.192(4); Local Government Changes for England (Education) (Miscellaneous Provisions) Regulations 1996 (S.I. 1996/710) reg.19.
578	1992FHE s.90(1) (“the Education Acts”); 1993 s.305(1)(“the Education Acts”); 1996N Sch.3 para.8.
579(1)	“boarder”: 1986 s.65(1). “child”: 1944 s.114(1). “clothing”: 1944 s.114(1). “exclude”: 1986 s.65(1). “financial year”: 1984 s.1(6); 1988 s.235(1), Sch.2 para.18; 1993 s.305(1), Sch.14 para.20. “functions”: 1988 s.235(1); 1993 s.305(1). “governing body”; “governor”: 1944 s.114(1); 1980 Sch.1 para.13. “higher education”: 1944

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	s.114(1); 1988 s.120(9). “land”: 1988 s.235(1); 1993 s.306(1). “liability”: 1988 s.235(1); 1993 s.305(1). “local authority”: 1988 s.235; 1993 s.305(1); 1994LG(W) Sch.16 paras.83, 105(2). “the local education authority”: 1944 s.114(1); 1988 s.118(7)(b); 1993 s.305(1). “local government elector”: 1944 s.114(1); 1972LG s.272(2). “medical officer”: 1944 s.114(1); 1973NHSR Sch.4 para.8; Medical Act 1983 (c.54) Sch.6 para.11. “modifications”: 1988 s.235(1); 1993 s.305(1). “premises”: 1944 s.114(1). “prescribed”: 1944 s.114(1); 1993 s.305(1). “proprietor”: 1944 ss.80(1), 114(1); 1988 Sch.12 para.5. “reception class”: 1980 s.38(5A)(b); 1988 ss.31(6), 119(1)(b); 1993 s.155(1). “relevant age group”: 1980 s.16(3); 1988 s.32(2); 1993 s.155(4). “school buildings”: 1946 s.4(2); 1973NHSR Sch.4 para.9; National Health Service Act 1977 (c.49) Sch.15 para.3; 1978IA s.17(2) (a). “school day”: 1986 s.65(1). “trust deed”: 1944 s.114(1). “young person”: 1944 s.114(1).
(2)	1988 s.235(3)(g); 1993 s.305(2).
(3)	1980 s.38(5A); 1988 ss.31(6), 119(1) (a); 1993 s.155(5).
(4)	1980 s.38(5); 1986 s.51(10); 1993 Sch.19 para.103.
(5)	1944 s.114(2)(b).
(6)	1944 s.114(2)(b); 1988 s.234(2)(a), (3) (a).
(7)	1944 s.114(2A); 1988 s.234(2)(b); 1992FHE Sch.8 para.13(4).
580	
581	1944 s.118; S.I. 1977/293 art.4; Law Com. Rec. No. 19.
582	
583	
Sch. 1	1993 Sch.18.
Sch. 2	
para.1	1993 Sch.1 para.16
paras.2 to 8	1993 Sch.1 paras.1 to 7.



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para.9	1993 Sch.19 paras.46 to 48.
paras.10 to 14	1993 Sch.1 paras.8 to 12.
para.15	1993 Sch.1 para.15.
paras.16, 17	1993 Sch.1 paras.13, 14.
Sch. 3	
para.1	1993 s.17; 1996N Sch.3 para.10.
para.2	1993 s.18.
para.3	1993 s.19.
Sch. 4	
para.1	1993 Sch.2 para.1, s.305(1) ("maintained school")
paras.2 to 23	1993 Sch.2 paras.2 to 23.
Sch. 5	
para.1	
para.2	1944 Sch.3 para.8.
para.3	1944 Sch.3 paras.4, 5; 1948 Sch.1,Pt.I; 1980 Sch.3 para.5.
para.4	1944 Sch.3 para.7; drafting.
para.5	1944 Sch.3 para.9.
para.6	1944 Sch.3 para.10.
Sch. 6	1944 Sch.2.
Sch. 7	
para.1	1993 s.238(5) to (7).
para.2	1993 s.239.
para.3	1993 Sch.13 para.2
para.4	1993 Sch.13 para.1
para.5	1993 Sch.13 para.3
paras.6 to 10	1993 Sch.3 paras.8 to 12.
paras.11, 12	1993 Sch.13 paras.14, 15
Sch. 8	
para.1	Drafting.
para.2	1986 ss.6, 15(12), (13); drafting.
para.3	1986 s.15(11).
para.4	1986 s.15(7).
para.5	1986 s.15(1).
para.6	1986 s.15(8).

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para.7	Drafting; 1986 s.15(2) to (6), (15).
para.8	1986 s.15(14).
para.9	1986 s.15(10).
para.10	1986 ss.8(6), (9), 15(9).
para.11	1986 s.8(2), (3); 1993 s.271(2).
para.12	1986 s.8(4).
para.13	1986 s.8(5).
para.14	1986 s.8(1).
para.15	1986 s.8(6), (7), (9); 1988 s.116; drafting.
para.16	1986 s.8(11), (12); Law Com. Rec. Nos. 3, 20.
para.17	1986 s.8(8).
para.18	1986 s.62.
para.19	Drafting.
para.20	1986 s.57.
para.21	1986 s.8(10).
Sch. 9	
para.1	1986 s.65(1) (“promoters”), Sch.2 para.1; Law Com. Rec. No. 9.
para.2	1986 Sch.2 para.2(1), (2); 1993 Sch.19 para.109(a), (b)(i).
para.3	1986 Sch.2 para.6.
para.4	1986 Sch.2 para.7(1).
para.5	1986 Sch.2 para.8(1).
para.6	1986 Sch.2 para.7(2) to (5).
para.7	1986 Sch.2 paras.7(6), (7), 8(2).
para.8	1986 Sch.2 para.9(1), (2); 1993 Sch.19 para.109(e).
para.9	1986 Sch.2 paras.2(3), 11(4), (5).
para.10	1986 Sch.2 para.11(3).
para.11	1986 Sch.2 para.11(6).
para.12	1986 Sch.2 para.11(1), (2).
para.13	1986 Sch.2 para.10(4).
para.14	1986 Sch.2 para.10(2).
para.15	1986 Sch.2 paras.10(1), 26(3).
para.16	1986 Sch.2 para.10(4).

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para.17	1986 Sch.2 para.2(4).
para.18	1986 Sch.2 para.10(3).
para.19	1986 Sch.2 para.27.
para.20	1986 Sch.2 para.28.
para.21	1986 Sch.2 para.30(1).
para.22	1986 Sch.2 para.29.
Sch. 10	
para.1	1986 Sch.2 para.3(4).
para.2	1986 Sch.2 para.3(5).
para.3	1986 Sch.2 para.4.
para.4	1986 Sch.2 para.13(3), (4).
para.5	1986 Sch.2 paras.2(2), 3(2), (3); 1993 Sch.19 para.109(b)(i).
para.6	1986 Sch.2 para.13(3), (5).
Sch. 11	
para.1	Drafting.
para.2	1988 ss.33(6), 42(4)(a) to (d).
para.3	1988 s.42(4)(e), (5)(a).
para.4	1988 s.42(4)(j).
paras.5 to 7	1988 s.50(5); 51(1) (“expenditure of a capital nature”).
para.8	1988 s.50(10).
Sch. 12	
para.1	1988 s.48(2) (“temporary governing body”).
para.2	1988 Sch.4 para.1(2)(a), (b).
para.3	1988 Sch.4 paras.1(1), 2(1).
para.4	1988 Sch.4 para.2(2) to (5).
para.5	1988 Sch.4 para.2(6); S.I. 1991/1890; S.I. 1992/110.
para.6	1988 Sch.4 para.2(8).
para.7	1988 Sch.4 para.2(9).
para.8	1988 Sch.4 para.3.
para.9	1988 Sch.4 para.6.
para.10	1988 Sch.4 para.5.
Sch. 13	

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para.1	1986 s.36(1).
para.2	1986 s.36(2).
para.3	1986 s.37.
para.4	1986 s.39.
para.5	1986 s.38(1), (2).
para.6	1986 s.38(3).
para.7	1986 s.38(4).
para.8	1986 s.38(6).
para.9	1986 s.38(5).
para.10	1986 s.35(2).
para.11(1), (2)	1986 s.41(1)(a).
(3)	1986 s.41(3).
(4) to (7)	1986 s.41(1)(b) to (e).
(8)	1986 s.41(3).
Sch. 14	
para.1	1988 Sch.3 paras.1(1), (2), (6), 2(1), 4(1), 5(1), 6(1), 7(1), 8(1), 10(1), 11(3); 1978IA s.17(2)(a).
para.2	1988 Sch.3 para.1(1).
para.3	1988 Sch.3 para.1(3).
para.4	1988 Sch.3 para.1(4), (5), (12).
para.5	1988 Sch.3 para.1(7).
para.6	1988 Sch.3 para.1(8) to (10).
para.7	1988 Sch.3 para.1(11), (13).
para.8	1988 Sch.3 para.2(1).
para.9	1988 Sch.3 para.2(2), (3).
para.10	1988 Sch.3 para.2(4).
para.11	1988 Sch.3 para.2(5).
para.12	1988 Sch.3 para.2(6), (7).
para.13	1988 Sch.3 para.2(8), (9).
para.14	1988 Sch.3 para.2(10), (11).
para.15	1988 Sch.3 para.2(12).
para.16	1988 Sch.3 para.3(1) to (3).
para.17	1988 Sch.3 para.3(4).
para.18	1988 Sch.3 para.4(1) to (3), (5).
para.19	1988 Sch.3 para.4(4).

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para.20	1988 Sch.3 para.5.
para.21	1988 Sch.3 para.6.
para.22	1988 Sch.3 para.7.
para.23	1988 Sch.3 para.8(1) to (3), (6).
para.24	1988 Sch.3 para.8(4), (5).
para.25	1988 Sch.3 para.8(7), (8).
para.26	1988 Sch.3 para.8(9).
para.27	1988 Sch.3 para.9; 1978IA s.17(2)(a).
para.28	1988 Sch.3 para.10; 1993 Sch.19 para.142.
Sch. 15	
para.1	1986 s.24.
para.2	1986 s.24(a), (h); 1993 Sch.13 para.97.
para.3	1986 s.24(b), (f), (g).
para.4	1986 s.24(h).
para.5	1986 s.24(b), (g).
para.6	1986 s.24(d), (h).
para.7	1986 s.24(h).
para.8	1986 s.25.
para.9	1986 s.25(a), (h).
para.10	1986 s.25(b).
para.11	1986 s.25(b), (g).
para.12	1986 s.25(c), (h); 1993 Sch.19 para.98.
para.13	1986 s.25(h).
para.14	1993 Sch.19 para.99.
para.15	Drafting.
Sch. 16	
para.1	1986 Sch.3 paras.1, 2; S.I. 1994/2092.
para.2	1986 Sch.3 para.3; S.I. 1994/2092.
para.3	1986 Sch.3 para.3A; S.I. 1994/2092.
para.4	1986 Sch.3 para.4; drafting.
para.5	1986 Sch.3 para.16.
para.6	1986 Sch.3 para.6.
para.7	1986 Sch.3 para.6A; S.I. 1994/2092.

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para.8	1986 Sch.3 para.7; Education (No.2) Act 1986 (Amendment) (No.2) Order 1993 (S.I. 1993/2827) art.2.
para.9	1986 Sch.3 para.8; Education (No.2) Act 1986 (Amendment) Order 1993 (S.I. 1993/2709) art.2.
para.10	1986 Sch.3 para.9; S.I. 1994/2092 art.8.
para.11	1986 Sch.3 para.13.
para.12	1986 Sch.3 para.14.
para.13	1986 Sch.3 para.11.
para.14	1986 Sch.3 para.12; S.I. 1994/2092 art.9.
para.15	1986 Sch.3 para.15.
para.16	1986 Sch.3 para.17; S.I. 1994/2092 art.10.
para.17	Drafting.
para.18	1986 Sch.3 para.5.
Sch. 17	
para.1	1986 s.30(2).
para.2	1986 s.30(2)(a).
para.3	1986 s.30(2)(b).
para.4	1986 s.30(2)(c) to (e).
para.5	1986 s.30(2)(g).
para.6	1986 s.30(2)(h); 1988 s.51(9); Education (No.2) Act 1986 (Amendment) Order 1994 (S.I. 1994/692) art.2.
para.7	1986 s.30(2)(i); Education (No.2) Act 1986 (Amendment) (No.3) Order 1994 (S.I. 1994/2732).
para.8	1986 s.30(2)(j).
para.9	1986 s.30(2)(k); 1978IA s.17(2)(a).
para.10	1986 s.30(5); 1992(S) Sch.4 para.5.
Sch. 18	
para.1	1986 s.31(4)(a).
para.2	1986 s.31(4)(b), (9).
para.3	1986 s.31(3).
para.4	1986 s.31(4)(c), (d).
para.5	1986 s.31(5), (6).

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Sch. 19	
para.1	1986 Sch.2 paras.4, 12(1).
para.2	1988 Sch.4 para.7.
para.3	1986 Sch.2 para.12(2).
para.4	1986 Sch.2 para.12(3).
para.5	1986 Sch.2 para.20(5).
para.6	1986 Sch.2 para.21.
para.7	1986 Sch.2 para.22.
para.8	1986 Sch.2 para.23.
para.9	1986 Sch.2 para.25.
para.10	1986 Sch.2 para.24.
para.11	1986 Sch.2 para.26(1), (2).
para.12	1986 Sch.2 para.30(2).
para.13	Drafting.
para.14	1986 Sch.2 para.20(1).
para.15	1986 Sch.2 para.20(2), (3); Law Com. Rec. No. 9.
para.16	1986 Sch.2 paras.20(4), 30(3).
para.17	1986 Sch.2 para.28.
para.18	1988 Sch.4 para.1.
para.19	1988 Sch.4 para.4(1), (4), (5).
para.20	1988 Sch.4 para.4(2).
para.21	1988 Sch.4 para.4(3); Education (Application of Financing Schemes to Special Schools) Regulations 1992 (S.I. 1992/164).
para.22	1988 Sch.4 para.4(7).
para.23	1988 Sch.4 para.4(8).
para.24	1988 Sch.4 para.4(6).
para.25	1986 Sch.2 para.15.
para.26	1986 Sch.2 para.16; 1988 Sch.12 para.106.
para.27	1986 Sch.2 para.17.
para.28	1986 Sch.2 paras.13(1), 14.
para.29	1986 Sch.2 para.18; 1988 Sch.4 para.2(10).
Sch. 20	

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para.1	1993 Sch.3 para.1(1) to (4); drafting.
paras.2 to 12	1993 Sch.3 paras.2 to 12.
Sch. 21	1993 Sch.4.
Sch. 22	
paras.1 to 13	1993 Sch.5 paras.1 to 13.
para.14	1986 s.62; 1988 Sch.12 para.37.
paras.15, 16	1993 Sch.5 paras.14, 15.
Sch. 23	
paras.1 to 3	1993 Sch.6 paras.1 to 3.
para.4	1993 Sch.6 para.7
para.5	1993 Sch.6 paras.4, 6.
para.6	1993 Sch.6 paras.5, 6.
paras.7, 8	1993 Sch.6 paras.8, 9.
Sch. 24	1993 Sch.7.
Sch. 25	1993 Sch.8.
Sch. 26	1993 Sch.9.
Sch. 27	1993 Sch.10.
Sch. 28	
paras.1 to 14	1993 Sch.11, paras.1 to 14.
para.15	1993 s.261(1), (2), (5).
Sch. 29	
paras.1 to 16	1993 Sch.14 paras.1 to 16.
para.17	1993 Sch.14 para.17; 1993 Sch.15 para.6(2).
paras.18 to 22	1993 Sch.14 paras.18 to 22.
Sch. 30	
paras.1 to 5	1988 Sch.2 paras.2 to 6; 1993 Sch.15 para.4(6).
paras.6, 7	1988 Sch.2 para.7; 1993 Sch.15 para.4(6).
para.8	1988 Sch.2 para.8; 1993 Sch.15 para.4(6), Sch.19 para.141.
paras.9, 10	1988 Sch.2 para.10; 1993 Sch.15 para.4(6).
para.11	1988 Sch.2 para.11; 1993 s.249, Sch.15 para.4(6).



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paras.12, 13	1988 Sch.2 paras.12, 13; 1993 Sch.15 para.4(6).
para.14	1988 Sch.2 para.13A; 1993 s.250, Sch.15 para.4(6).
paras.15, 16	1988 Sch.2 paras.14, 15; 1993 Sch.15 para.4(6).
para.17	1988 Sch.2 para.18; 1993 s.251(3), Sch.15 para.4(6).
paras.18, 19	1988 Sch.2 paras.16, 17; 1993 Sch.15 para.4(6).
Sch. 31	
para.1	1944 Sch.5 para.12(1), (3); 1993 s.256(1).
para.2	1944 Sch.5 para.12(4); 1993 s.256(1).
para.3	1988 s.11(8).
para.4	1944 Sch.5 paras.2, 5; 1988 Sch.1 para.7; 1993 s.254(3), Sch.19 para.27.
paras.5, 6	1944 Sch.5 paras.7, 8.
para.7	1944 Sch.5 para.3; 1988 Sch.1 para.7; 1993 Sch.19 para.27.
paras.8, 9	1944 Sch.5 para.4; 1993 Sch.19 para.27.
para.10	1944 Sch.5 para.13; 1988 Sch.1 para.7; 1993 s.256(2).
para.11	1993 s.146.
para.12	1944 Sch.5 paras.10, 13(4); 1988 Sch.1 para.7.
para.13	1944 Sch.5 para.11; 1988 Sch.1 para.7.
para.14	1944 Sch.5 para.11.
para.15	1993 s.15.
Sch. 32	
para.1	1988 s.28(1).
para.2	1988 s.28(2).
para.3	1988 s.28(3), (4).
para.4	1988 s.28(5).
para.5	1988 ss.28(6), (7), 32(1).
para.6	1988 s.28(8).
para.7	1988 s.119(2), (3).
Sch. 33	

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para.1	1980 Sch.2 para.1; 1993 Sch.16 para.2.
para.2	1980 Sch.2 para.2; 1993 Sch.16 para.3.
para.3	1980 Sch.2 para.3.
para.4	1980 Sch.2 para.4; Local Government and Housing Act 1989 (Commencement No.11 and Savings) Order 1991 (S.I. 1991/344) Sch. para.1.
para.5	1980 Sch.2 para.4A; 1993 Sch.16 para.4.
para.6	1993 s.267.
para.7	1993 s.268.
para.8	Drafting.
paras.9 to 11	1980 Sch.2 paras.5 to 7.
para.12	1980 Sch.2 para.10.
para.13	1980 Sch.2 para.8.
para.14	1980 Sch.2 para.9
para.15	1980 Sch.2 para.11.
Sch. 34	
para.1	1944 Sch.6 para.1.
para.2	1944 Sch.6 para.2.
para.3	1944 Sch.6 paras.3, 3A; Judicial Pensions and Retirement Act 1993 (c.8) Sch.6 para.51.
para.4	1944 Sch.6 para.4.
para.5	1976 s.6(1).
Sch. 35	
paras.1 to 3	1980 Sch.4 paras.1 to 3.
para.4	1980 Sch.4 para.4; 1986 s.47(9).
paras.5, 6	1980 Sch.4 paras.5, 6.
Sch. 36	1993 Sch.17.
Schs. 37, 38	
Sch. 39	
para.1	
para.2	1993 s.303.
para.3	1944 s.2(1).
para.4	1944 s.120(1).
paras.5 to 9	

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para.10(1)	
(2)	1980 s.1(4).
para.11	1986 Sch.5 para.1.
paras.12 to 16	
para.17(1)	
(2)	1993 s.274(3).
(3)	1993 s.274(5).
para.18	Law Com. Rec. No.12.
para.19	S.I. 1996/951 art.4.
paras.20 to 23	
para.24	1993 Sch.20 para.1; S.I. 1993/3106 Sch.2 paras.8, 9.
para.25	1993 Sch.20 para.1; S.I. 1993/3106 Sch.2 para.10.
para.26	S.I. 1993/3106 para.11.
para.27	S.I. 1993/3106 Sch.2 para.14.
para.28	1993 Sch.20 para.5.
para.29	1993 Sch.20 para.6.
para.30	S.I. 1993/1975 Sch.2 para.4(2).
para.31	1993 Sch.20 para.2; S.I. 1994/507 Sch.3 para.10.
para.32	S.I. 1994/507 Sch.3 para.11.
para.33	S.I. 1994/507 Sch.3 para.12.
para.34	S.I. 1994/2038 Sch.4 paras.2(7), 4(3).
para.35	S.I. 1994/507 Sch.3 para.5.
paras.36 to 42	
para.43	S.I. 1993/507 Sch.3 para.7.
para.44	1993 Sch.20 para.4.
para.45	1946 s.13(1).
para.46	
para.47	1944 s.120(5).
para.48	
para.49	1973 Sch.1 para.3.
para.50	
Sch. 40	

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Point in time view as at 20/01/2003.

**Changes to legislation:**

Education Act 1996 is up to date with all changes known to be in force on or before 13 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.