

*Status: Point in time view as at 01/11/1996.*

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## SCHEDULES

### SCHEDULE 1 U.K.

Sections 1 and 4.

#### HER MAJESTY’S CHIEF INSPECTORS

##### *Chief Inspector’s other staff*

- 1 The Chief Inspector may, with the approval of the Treasury as to numbers and terms and conditions of service, appoint such staff, in addition to Inspectors who are members of his staff by virtue of section 1(3) or (as the case may be) 4(3) of this Act, as he thinks fit.

##### *Additional inspectors*

- 2 (1) The Chief Inspector may arrange for such persons as he thinks fit to assist him in the discharge of any of his functions in relation to a particular case or class of case.
- (2) Any person assisting the Chief Inspector under any such arrangements shall be known as an additional inspector.
- (3) Any arrangements which provide for assistance by persons who are not members of the Chief Inspector’s staff shall be made on terms agreed by him with the Treasury.
- (4) An additional inspector acting within the authority conferred on him by the Chief Inspector shall have all the powers of an Inspector.

##### *Remuneration, pensions etc.*

- 3 (1) There shall be paid to the Chief Inspector such remuneration, and such travelling and other allowances, as the Secretary of State may determine.
- (2) In the case of any such Chief Inspector as may be determined by the Secretary of State, there shall be paid—
- (a) such pension, allowance or gratuity to or in respect of him, or
  - (b) such contributions or payments towards provision for such a pension, allowance or gratuity,
- as may be so determined.
- (3) If, when any person ceases to hold office as Chief Inspector, the Secretary of State determines that there are special circumstances which make it right that he should receive compensation, there may be paid to him such sum by way of compensation as may be determined by the Secretary of State.
- (4) Any determination of the Secretary of State under this paragraph requires the approval of the Minister for the Civil Service.

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- (5) Any determination made under this paragraph with respect to one Chief Inspector may be different from any corresponding determination made with respect to the other Chief Inspector.

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

**C1** Sch. 1 para. 3: transfer of functions (16.2.2000) by S.I. 2000/253, arts. 1(2), 2, Sch. 1

*Official seal*

- 4 The Chief Inspector shall have an official seal for the authentication of documents required for the purposes of his functions.

*Performance of functions*

- 5 (1) Anything authorised or required by or under this Part of this Act or any other enactment to be done by the Chief Inspector for England may be done by—
- (a) any of Her Majesty’s Inspectors of Schools in England,
  - (b) any other member of his staff, or
  - (c) any additional inspector,
- who is authorised generally or specially in that behalf by the Chief Inspector for England.
- (2) Anything authorised or required by or under this Part of this Act or any other enactment to be done by the Chief Inspector for Wales may be done by—
- (a) any of Her Majesty’s Inspectors of Schools in Wales,
  - (b) any other member of his staff, or
  - (c) any additional inspector,
- who is authorised generally or specially in that behalf by the Chief Inspector for Wales.
- (3) Without prejudice to the generality of sub-paragraph (1) or (2), the references to the Chief Inspector in—
- (a) section 2(8) or (9), or
  - (b) section 5(8) or (9),
- include references to any person authorised to act on his behalf in conducting an inspection under section 2(2)(b) or section 5(2)(b) (as the case may be).

*Documentary evidence*

- 6 The <sup>M1</sup>Documentary Evidence Act 1868 shall have effect, in relation to the Chief Inspector for England and in relation to the Chief Inspector for Wales, as if—
- (a) he were included in the first column of the Schedule to that Act;
  - (b) he and any person authorised to act on his behalf were mentioned in the second column of that Schedule, and
  - (c) the regulations referred to in that Act included any document issued by him or by any such person.

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**Marginal Citations**

**M1** 1868 c. 37.

SCHEDULE 2 **E+W**

Section 9.

TRIBUNALS HEARING APPEALS UNDER SECTION 9

*Constitution of tribunals*

- 1 (1) A tribunal constituted to hear an appeal under section 9 of this Act (“a tribunal”) shall consist of—
- (a) a Chairman appointed by the Lord Chancellor; and
  - (b) two other members appointed by the Secretary of State.
- (2) To be qualified for appointment as Chairman of a tribunal, a person must have a 7 year general qualification (within the meaning of section 71 of the <sup>M2</sup>Courts and Legal Services Act 1990).
- (3) A person shall not be appointed after the day on which he attains the age of 70 to be the Chairman of a tribunal.

**Marginal Citations**

**M2** 1990 c. 41.

*Procedure of tribunals*

- 2 (1) The Secretary of State may by regulations make provision with respect to the making of appeals to, and the procedure to be followed by, tribunals.
- (2) The regulations may, in particular, make provision—
- (a) as to the period within which, and manner in which, appeals must be brought;
  - (b) for the holding of hearings in private in prescribed circumstances;
  - (c) as to the persons who may appear on behalf of the parties;
  - (d) for enabling hearings to be conducted even though a member of the tribunal, other than the Chairman, is absent;
  - (e) as to the disclosure by the appellant, and others, of documents and the inspection of documents;
  - (f) requiring persons to attend the proceedings and give evidence;
  - (g) as to the payment of expenses incurred by persons compelled to attend proceedings by regulations made by virtue of paragraph (f);
  - (h) authorising the administration of oaths to witnesses;
  - (i) as to the withdrawal of appeals;
  - (j) as to costs and expenses incurred by any party to the proceedings; and
  - (k) authorising preliminary or incidental matters in relation to an appeal to be dealt with by the Chairman of the tribunal hearing that appeal.

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

- C2** Sch. 2 para. 2 applied (1.10.1998) by 1998 c. 31, s. 122, **Sch. 26 para. 10(2)** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt.I**

*Staff*

- 3 The Secretary of State may, with the consent of the Treasury, make such provision as he thinks fit for—
- (a) the allocation of staff for any tribunal;
  - (b) the remuneration of members of tribunals and the reimbursement of their expenses;
  - (c) defraying any reasonable expenses incurred by any tribunal.

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

- C3** Sch. 2 para. 3 applied (1.10.1998) by 1998 c. 31, s. 122, **Sch. 26 para. 10(2)** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt.I**

SCHEDULE 3 **E+W**

Section 10.

INSPECTIONS UNDER SECTION 10

- 1 In this Schedule—
- “appropriate authority means—
- (a) in the case of a county, voluntary, maintained special or maintained nursery school whose governing body does not have a delegated budget, the local education authority;
  - (b) in the case of a school falling within paragraph (e), (f) or (g) of section 10(3), the proprietor of the school;
  - (c) in any other case, the school’s governing body;
- “inspection means an inspection under section 10.

*Selection of registered inspectors*

- 2 Before entering into any arrangement for an inspection, the Chief Inspector shall, after consulting the appropriate authority for the school concerned as to the tender specification, invite tenders from at least two registered inspectors who can reasonably be expected—
- (a) to wish to tender for the proposed inspection; and
  - (b) to tender at arm’s length from each other.

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### *Inspection teams*

- 3 (1) Every inspection shall be conducted by a registered inspector with the assistance of a team (an “inspection team”) consisting of persons who are fit and proper persons for carrying out the inspection.
- (2) It shall be the duty of the registered inspector to ensure that—
- (a) at least one member of the inspection team is a person—
    - (i) without personal experience in the management of any school or the provision of education in any school (otherwise than as a governor or in any other voluntary capacity); and
    - (ii) whose primary function on the team is not that of providing financial or business expertise; and
  - (b) no member of the inspection team falls within a category of person prescribed for the purposes of this sub-paragraph.
- (3) Otherwise, the composition of the inspection team shall be determined by the registered inspector, subject to his complying with any condition imposed under section 7(5)(c).
- (4) Any experience of a kind mentioned in sub-paragraph (2)(a) which it is reasonable to regard as insignificant, having regard to the purposes of sub-paragraph (2), may be ignored by the registered inspector.
- (5) It shall be the duty of the registered inspector to ensure that no person takes any part in an inspection if he has, or has at any time had, any connection with—
- (a) the school in question,
  - (b) any person who is employed at the school,
  - (c) any person who is a member of the school’s governing body, or
  - (d) the proprietor of the school,
- of a kind which might reasonably be taken to raise doubts about his ability to act impartially in relation to that school.

VALID FROM 01/10/1998

### *[<sup>F1</sup>Enrolment of persons to act as team members]*

#### **Textual Amendments**

- F1** Sch. 3 para. 3A and crossheading inserted (1.10.1998) by 1998 c. 31, s. 135, **Sch. 28 Pt. I para. 4(2)** (with ss. 138(9), 144(6)); S.I. 1998/2212, arts. 2, **Sch. 1 Pt. I** (with Sch. 2 Pt. I para. 5)

- <sup>F2</sup>3A (1) The Chief Inspector shall keep a list of persons who may act as members of an inspection team (“the list”); and no person shall act as a member of an inspection team unless he is enrolled in the list.

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- (2) The Chief Inspector shall not enrol any person in the list unless, having regard to any conditions that he proposes to impose under section 7(5)(c) (as it applies in accordance with sub-paragraph (4) below), it appears to him that that person—
- (a) is a fit and proper person for carrying out an inspection, and
  - (b) will be capable of assisting in an inspection competently and effectively.
- (3) An application for enrolment in the list shall (except in such circumstances as may be prescribed) be accompanied by the prescribed fee.
- (4) Subsections (5) to (9) of section 7 shall apply in relation to the enrolment of a person in the list and to acting as a member of an inspection team as they apply in relation to the registration of a person under subsection (1) or (2) of that section and to acting as a registered inspector.
- (5) Sections 8 and 9 and Schedule 2 shall (with any necessary modifications) apply in relation to enrolment in the list and to a person so enrolled as they apply in relation to registration under section 7(1) or (2) and to a person so registered.
- (6) In its application to an enrolled person in accordance with sub-paragraph (5) above, section 8 shall have effect as if the conditions mentioned in subsection (2) of that section were that—
- (a) that person is no longer a fit and proper person to act as a member of an inspection team;
  - (b) he is no longer capable of assisting in an inspection competently and effectively;
  - (c) there has been a significant failure on his part to comply with any condition imposed under section 7(5)(c) (as it applies in accordance with sub-paragraph (4) above).
- (7) Without prejudice to the generality of paragraph 2(1) of Schedule 2, regulations under that provision may provide that, where a person is appealing simultaneously—
- (a) against a decision of the Chief Inspector relating to that person's registration, and
  - (b) against a decision of the Chief Inspector relating to that person's enrolment in the list,
- both appeals are to be heard at the same time.

#### **Textual Amendments**

- F2** Sch. 3 para. 3A inserted (1.10.1998) by 1998 c. 31, s. 135, **Sch. 28 Pt. I para. 4(2)** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt.I**

#### *Training for inspections*

- 4 (1) No person shall conduct an inspection of a school in England, or act as a member of an inspection team for such a school, unless he has, in the opinion of the Chief Inspector for England, satisfactorily completed a course of training provided by, or complying with arrangements approved by, that Chief Inspector.

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- (2) Where the Chief Inspector for England provides such training he may charge such fees as are reasonable for the purpose of recovering the whole, or part, of the cost of providing it.
- (3) Sub-paragraph (1) shall not apply in such circumstances as may be specified, either generally or in relation to a particular case or class of case, by the Chief Inspector for England.
- 5 (1) No person shall conduct an inspection of a school in Wales, or act as a member of an inspection team for such a school, unless he has, in the opinion of the Chief Inspector for Wales, satisfactorily completed a course of training provided by, or complying with arrangements approved by, that Chief Inspector.
- (2) Where the Chief Inspector for Wales provides such training he may charge such fees as are reasonable for the purpose of recovering the whole, or part, of the cost of providing it.
- (3) Sub-paragraph (1) shall not apply in such circumstances as may be specified, either generally or in relation to a particular case or class of case, by the Chief Inspector for Wales.

#### *Meeting with parents*

- 6 Where an inspection is arranged, the appropriate authority for the school concerned shall—
- (a) take such steps as are reasonably practicable to notify—
- (i) the parents of registered pupils at the school, and
- (ii) such other persons as may be prescribed,
- of the time when the inspection is to take place; and
- (b) arrange a meeting, in accordance with such provisions as may be prescribed, between the inspector conducting the inspection and those parents of registered pupils at the school who wish to attend.

#### *Rights of entry etc.*

- 7 A registered inspector conducting an inspection, and the members of his inspection team, shall have at all reasonable times—
- (a) a right of entry to the premises of the school concerned; and
- (b) a right to inspect, and take copies of, any records kept by the school, and any other documents containing information relating to the school, which he requires for the purposes of the inspection.

#### *Offence of obstructing inspector or inspection team*

- 8 (1) It shall be an offence wilfully to obstruct—
- (a) a registered inspector, or
- (b) a member of an inspection team,
- in the exercise of his functions in relation to an inspection of a school.
- (2) Any person guilty of an offence under sub-paragraph (1) shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

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## SCHEDULE 4 E+W

Section 23.

### INSPECTIONS OF DENOMINATIONAL EDUCATION

#### *Construction*

- 1        In this Schedule—
- “inspection means an inspection of a school under section 23; and
- “inspector means the person conducting the inspection.

#### *Inspectors’ reports*

- 2        (1) An inspection shall be carried out within such period as may be prescribed.
- (2) When an inspection has been completed, the inspector shall, before the end of the prescribed period, prepare in writing a report of the inspection and a summary of the report.
- (3) The inspector shall, without delay, send the report and summary to the governing body for the school concerned.
- (4) The governing body shall—
- (a) make any such report and its accompanying summary available for inspection by members of the public, at such times and at such a place as may be reasonable;
- (b) provide a copy of the report and summary, free of charge or in prescribed cases on payment of such fee as they think fit (not exceeding the cost of supply), to any person who asks for one; and
- (c) take such steps as are reasonably practicable to secure that every parent of a registered pupil at the school—
- (i) for whom the school provides denominational education, or
- (ii) who takes part in acts of collective worship the content of which falls to be inspected under section 23,
- as the case may be, receives a copy of the summary as soon as is reasonably practicable.

#### *Action plans*

- 3        (1) The governing body to whom an inspector has reported under this Schedule shall, before the end of the prescribed period, prepare a written statement (“the action plan”) of the action which they propose to take in the light of his report and the period within which they propose to take it.
- (2) Where an action plan has been prepared by a governing body, they shall, before the end of the prescribed period, send copies of it to the person who appoints the school’s foundation governors and—
- (a) in the case of a voluntary school, to the local education authority, or
- (b) in the case of a grant-maintained school, to the Secretary of State,
- and to such other persons (if any), in such circumstances, as may be prescribed.
- (3) The governing body shall—



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- (a) make any action plan prepared by them available for inspection by members of the public, at such times and at such a place as may be reasonable;
  - (b) provide a copy of the plan, free of charge or in prescribed cases on payment of such fee as they think fit (not exceeding the cost of supply), to any person who asks for one; and
  - (c) take such steps as are reasonably practicable to secure that every parent of a registered pupil at the school—
    - (i) for whom the school provides denominational education, or
    - (ii) who takes part in acts of collective worship the content of which falls to be inspected under section 23,as the case may be, receives a copy of the plan as soon as is reasonably practicable.
- (4) Where the governing body of a school have prepared an action plan, they shall include in their governors' report a statement of the extent to which the proposals set out in the plan have been carried into effect.
- (5) In sub-paragraph (4) "governors' report means—
- (a) in the case of a voluntary school, the report referred to in section 161 of the <sup>M3</sup>Education Act 1996; and
  - (b) in the case of a grant-maintained school, the report referred to in paragraph 7(1) of Schedule 23 to that Act.
- (6) Sub-paragraph (4) applies only in relation to the most recent action plan for the school in question.

#### Marginal Citations

**M3** 1996 c. 56.

## SCHEDULE 5 **E+W**

Section 31.

### EDUCATION ASSOCIATIONS

#### *Supplementary powers*

- 1 (1) Subject to sub-paragraph (2) and to the articles of government of any school they conduct, an education association may do anything which appears to them to be necessary or expedient for the purpose of or in connection with the discharge of their functions, including in particular—
- (a) acquiring and disposing of land and other property,
  - (b) entering into contracts,
  - (c) investing sums not immediately required for the purpose of the discharge of their functions, and
  - (d) accepting gifts of money, land or other property.
- (2) An education association shall not borrow money except money lent under section 255 of the <sup>M4</sup>Education Act 1996.

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- (3) The power to dispose of land mentioned in sub-paragraph (1)(a) above—
- (a) does not include power to grant any mortgage, charge or other security in respect of any land, and
  - (b) may only be exercised with the written consent of the Secretary of State.

#### Marginal Citations

M4 1996 c. 56.

#### *Tenure of members*

- 2 (1) A person shall hold and vacate office as a member of an education association in accordance with the terms of his appointment and shall, on ceasing to be a member, be eligible for re-appointment.
- (2) A person may at any time by notice in writing to the Secretary of State resign his office as a member of an education association.
- 3 If the Secretary of State is satisfied that a member of an education association—
- (a) has been absent from meetings of the association for a period longer than six consecutive months without the permission of the association, or
  - (b) is unable or unfit to discharge the functions of a member,
- the Secretary of State may by notice in writing to that member remove him from office and thereupon the office shall become vacant.

#### *Salaries, allowances and pensions*

- 4 (1) The Secretary of State may—
- (a) pay to the members of an education association such salaries or fees, and such travelling, subsistence or other allowances, as he may determine, and
  - (b) may, as regards any member of the association in whose case the Secretary of State may so determine, pay or make provision for the payment of such sums by way of pension, allowances and gratuities to or in respect of him as the Secretary of State may determine.
- (2) If a person ceases to be a member of an education association and it appears to the Secretary of State that there are special circumstances which make it right that he should receive compensation, the Secretary of State may make to that person a payment of such amount as the Secretary of State may determine.
- (3) Any determination of the Secretary of State under this paragraph requires the approval of the Treasury.

#### *Committees*

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

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- (2) The number of the members of a committee established under this paragraph, and the terms on which they are to hold and vacate office, shall be fixed by the association.
- (3) Such a committee may include persons who are not members of the association.
- (4) The association shall keep under review the structure of committees established by them under this paragraph and the scope of each such committee's activities.

#### *Delegation of functions*

- 6 An education association may authorise the chairman or any committee established by them under paragraph 5 to exercise such of their functions as they may determine.

#### *Proceedings*

- 7 The validity of any proceedings of an education association or of any of their committees shall not be affected by a vacancy amongst the members or by any defect in the appointment of a member.
- 8 Subject to the preceding provisions of this Schedule, an education association may regulate their own procedure and that of any of their committees.

#### *Application of seal and proof of instruments*

- 9 The application of the seal of an education association shall be authenticated by the signature—
  - (a) of the chairman or of some other person authorised either generally or specifically by the association to act for that purpose, and
  - (b) of one other member.
- 10 Every document purporting to be an instrument made or issued by or on behalf of an education association and to be duly executed under their seal, or to be signed or executed by a person authorised by the association 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 6 U.K.

Section 47(1).

### CONSEQUENTIAL AMENDMENTS

#### Extent Information

**E1** Amendments in Sch. 6 are coextensive with the enactments to which they refer.

#### *Parliamentary Commissioner Act 1967 (c.13)*

- 1 Schedule 2 to the <sup>M5</sup>Parliamentary Commissioner Act 1967 shall continue to include the following entries (originally inserted by paragraph 8 of Schedule 1 to the Education (Schools) Act 1992)—

“Office of Her Majesty’s Chief Inspector of Schools in England.”

“Office of Her Majesty’s Chief Inspector of Schools in Wales.”

#### Marginal Citations

**M5** [1992 c. 38.](#)

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

- 2 Part III of Schedule 1 to the <sup>M6</sup>House of Commons Disqualification Act 1975 shall continue to include the following entries (originally inserted by paragraph 9 of Schedule 1 to the Education (Schools) Act 1992)—

“Her Majesty’s Chief Inspector of Schools in England.”

“Her Majesty’s Chief Inspector of Schools in Wales.”

#### Marginal Citations

**M6** [1992 c. 38.](#)

#### *Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

- 3 Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 shall continue to include the same entries as those specified in paragraph 2 above (also originally inserted by paragraph 9 of Schedule 1 to the Education (Schools) Act 1992).

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

- 4 (1) Section 226(2)(b) of the Education Reform Act 1988 (inspection of schools in other member States providing education for British children) shall continue to have effect with the following amendment (originally made by paragraph 7 of Schedule 4 to the Education (Schools) Act 1992).

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- (2) For the words from “school to the end of the paragraph there is substituted “ by, or under the direction of, one or more of Her Majesty’s Inspectors of Schools for England ”.

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

- 5 In Schedule 1 to the Tribunals and Inquiries Act 1992, in paragraph 15 of Part I, in sub-paragraph (d) for “Schedule 3 to the Education (Schools) Act 1992 there is substituted “ Schedule 2 to the School Inspections Act 1996 ”.

*Judicial Pensions and Retirement Act 1993 (c. 8)*

- 6 In section 26(8)(h) of the Judicial Pensions and Retirement Act 1993, for “Schedule 3 to the Education (Schools) Act 1992 there is substituted “ Schedule 2 to the School Inspections Act 1996 ”.

*Nursery Education and Grant-Maintained Schools Act 1996 (c. 50)*

- 7 (1) Schedule 1 to the Nursery Education and Grant-Maintained Schools Act 1996 shall be amended in accordance with sub-paragraphs (2) to (5).
- (2) In paragraph 2(3)(c) for “the Education (Schools) Act 1992 there is substituted “ the School Inspections Act 1996 ”.
- (3) In paragraph 6(2) for “section 9 of the Education (Schools) Act 1992 there is substituted “ section 10 of the School Inspections Act 1996 ”.
- (4) In paragraph 10(2) for “section 12 of the Education (Schools) Act 1992; and paragraph 2 (procedure) and paragraph 3(1) (staff) of Schedule 3 to that Act there is substituted “ section 9 of the School Inspections Act 1996; and paragraph 2 (procedure) and paragraph 3 (staff) of Schedule 2 to that Act ”.
- (5) In paragraph 14—
- (a) for “paragraph (a) of sections 4 and 8 of the Education (Schools) Act 1992 there is substituted “ subsection (7)(a) of sections 2 and 5 of the School Inspections Act 1996 ”; and
- (b) for “paragraph (b) there is substituted “ subsection (7)(b) ”.

SCHEDULE 7 **U.K.**

Section 47(2).

REPEALS

**Extent Information**

**E2** Repeals in Sch. 7 are coextensive with the enactments to which they refer.

Chapter	Short title	Extent of repeal
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1992 c. 38.	Education (Schools) Act 1992.	The whole Act except sections 16, 17 and 21(5) and paragraphs 1 and 4 to 6 of Schedule 4.
1993 c. 8.	Judicial Pensions and Retirement Act 1993.	In Schedule 6, paragraph 67.
1993 c. 35.	Education Act 1993.	Part V. Section 259. Section 299 so far as relating to section 225 or 226 of the Act. In section 306, the entries “appropriate appointing authority (in Part V), “appropriate authority (in Part V), “inspection by a member of the Inspectorate (in Part V), “member of the Inspectorate (in Part V), “section 9 inspection (in Part V), “special measures (in Part V) and “transfer date (in Part V). Schedule 12. In Schedule 19, paragraph 173.

## SCHEDULE 8 **E+W**

Section 47(3).

### TRANSITIONAL PROVISIONS

#### *Continuity of the law*

- 1 (1) The repeal (or revocation) 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 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—
- to any provision of this Act, or
  - to things done or falling to be done under or for the purposes of any provision of this Act,

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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.

(6) Sub-paragraphs (1) to (5) have effect instead of section 17(2) of the <sup>M7</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.

#### **Marginal Citations**

**M7** 1978 c. 30.

#### *New documents referring to repealed enactments*

2 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 to or (as the context may require) including a reference to the corresponding provision of this Act.

#### *Application of sections 2(9) and 5(9)*

3 Sections 2(9) and 5(9) shall not have effect in relation to anything done before they come into force.

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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:—

1992	= Education (Schools) Act 1992 (c.38)
1993	= Education Act 1993 (c.35)

- 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).

Provision	Derivation
1	1992 s.1.
2(1) to (6)	1992 s.2.
(7)	1992 s.4.
(8) to (10)	Law Com. Rec. No.22.
3	1992 s.3.
4	1992 s.5.
5(1) to (6)	1992 s.6.
(7)	1992 s.8.
(8) to (10)	Law Com. Rec. No.22.
6	1992 s.7.
7(1) to (9)	1992 s.10.
(10)	Drafting.
8	1992 s.11.
9	1992 s.12.
10(1), (2)	1992 s.9(1), (2).
(3)	1992 s.9(3); 1993 Sch.19 para.173(1) (a).
(4)	1993 s.227(4).
(5), (6)	1992 s.9(4), (5).
(7)	Drafting.
(8)	1992 s.9(6); 1993 Sch.19 para.173(1) (b).
(9)	1992 s.9(7); 1993 Sch.19 para.173(1) (c).



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11(1)	1992 s.9(7); 1993 s.204(1), (4), Sch.19 para.173(1)(c).
(2)	1993 s.204(1).
(3)	1992 s.9(7); 1993 s.204(4), Sch.19 para.173(1)(c).
(4)	1993 s.204(2).
(5)	1992 Sch.2 para.1.
(6)	1992 Sch.2 para.1; 1993 s.204(2), Sch.19 para.173(3).
12(1), (2)	1992 Sch.2 para.12(1), (2); 1993 s.205(1), (2), Sch.19 para.173(7); Law Com. Rec. No.23.
(3), (4)	1992 Sch.2 para.12(3); 1993 s.205(3), Sch.19 para.173(7); Law Com. Rec. No.23.
13(1) to (8)	1992 Sch.2 para.9; 1993 s.206, Sch.19 para.173(5).
(9)	1992 Sch.2 para.1; 1993 s.204(3), Sch.19 para.173(3).
14	1992 Sch.2 para.9A; 1993 s.207, Sch.19 para.173(5).
15(1), (2)	1992 Sch.2 para.9B(1), (2); 1993 s.208(1), (2), Sch.19 para.173(5).
(3)	1993 s.208(3).
(4)	1992 Sch.2 para.9B(3); 1993 Sch.19 para.173(5).
(5)	1992 Sch.2 para.9B(4); 1993 s.208(4), Sch.19 para.173(5).
16	1993 s.209.
17	1993 s.210.
18	1993 s.211.
19	1993 s.212.
20(1)	1992 Sch.2 para.9C(1), (3); 1993 Sch.19 para.173(5).
(2)	1992 Sch.2 para.9C(2); 1993 Sch.19 para.173(5).
(3), (4)	1992 Sch.2 para.9C(4), (5); 1993 Sch.19 para.173(5).
21	1992 Sch.2 para.10; 1993 Sch.19 para.173(6).

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22	1992 Sch.2 para.11; 1993 Sch.19 para.173(6).
23(1) to (4)	1992 s.13(1) to (3A); 1993 s.259(2).
(5) to (7)	1992 s.13(4) to (6).
(8)	1992 s.13(7); 1993 s.259(3).
(9), (10)	1992 s.13(8), (9).
24	1992 s.14.
25	1992 s.15.
26	1993 s.213.
27(1) to (8)	1993 s.214(1) to (8).
(9)	1993 s.204(2).
(10)	1993 s.214(9).
28	1993 s.215.
29	1993 s.216.
30	1993 s.217.
31	1993 s.218.
32	1993 s.219.
33	1993 s.220.
34	1993 s.221.
35	1993 s.222.
36	1993 s.223.
37	1993 s.224.
38	1993 s.225.
39	1993 s.226.
40	1993 s.227(1) to (3).
41(1), (2)	1993 s.228(1).
(3) to (5)	1993 s.228(2) to (4).
42	1992 s.18(3).
43	1992 s.20(2).
44(1)	1993 s.299(1) to (4).
(2)	1993 s.299(5).
45(1)	1992 s.19(1); 1993 s.301(1), (2).
(2)	1992 s.19(2); 1993 s.301(3).
(3), (4)	1992 s.19(3); 1993 s. 301(6); Law Com. Rec. No.24.

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46(1)	1992 s.18(1); Interpretation Act 1978 (c. 30) s. 17(2)(a) (“denominational education); 1992 Sch.2 para.1 (“member of the Inspectorate); 1993 ss.204(2), 305(1), Sch.19 para.173(3).
(2)	Drafting.
(3)	1992 s.18(2).
(4)	1992 s.18(4); 1993 s.305(3).
47	Drafting.
48(1), (2)	Drafting.
(3)	1992 s.21(4); 1993 s.308(4); drafting.
(4)	1992 s.21(6); drafting.
(5)	Drafting.
Sch. 1	
paras.1, 2	1992 Sch.1 paras.1, 2.
para.3	1992 Sch.1 para.3; The Transfer of Functions (Treasury and Minister for the Civil Service) Order 1995 (S.I. 995/269) Art.3, Sch. para.19.
para.4	1992 Sch.1 para.5.
para.5	1992 Sch.1 para.6; Law Com. Rec. No. 22.
para.6	1992 Sch.1 para.7.
Sch. 2	
para.1	1992 Sch.3 para.1; Judicial Pensions and Retirement Act 1993 (c.8) Sch.6 para.67.
para.2	1992 Sch.3 para.2.
para.3	1992 Sch.3 para.3(1).
Sch. 3	
para.1	1992 Sch.2 para.1; 1993 Sch.19 para.173(3).
paras.2, 3	1992 Sch.2 paras. 2, 3; 1993 Sch.19 para.173(4).
para.4(1)	1992 Sch.2 para.4(1); 1993 Sch.19 para.173(4).
(2)	1992 Sch.2para.4(3).
(3)	1992 Sch.2para.4(2).
para.5(1)	1992 Sch.2 para.5(1); 1993 Sch.19 para.173(4).

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(2)	1992 Sch.2 para.5(3).
(3)	1992 Sch.2 para.5(2).
paras.6, 7	1992 Sch.2 paras.6, 7; 1993 Sch.19 para.173(4).
para.8	1992 Sch.2 para.8.
Sch. 4	
para.1	1992 Sch.2 para.13.
para.2	1992 Sch.2 para.14; 1993 Sch.19 para.173(8).
para.3	1992 Sch.2 para.15; Interpretation Act 1978 (c. 30) s. 17(2)(a) (“governors’ report); 1993 Sch.19 para.173(9).
Sch. 5	1993 Sch.12.
Sch. 6	
para.1	1992 Sch.1 para.8.
paras.2, 3	1992 Sch.1 para.9.
paras.4 to 7	Drafting.
Sch. 7	Drafting.
Sch. 8	Drafting.

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