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Education Act 1997

1997 CHAPTER 44

PART VIII

MISCELLANEOUS AND GENERAL

General provisions

VALID FROM 01/10/1997

53 Stamp duty.

- (1) Subject to subsection (2), stamp duty shall not be chargeable in respect of any transfer effected by virtue of section 30 or 34.
- (2) No instrument (other than a statutory instrument) made or executed in pursuance of either of the provisions mentioned in subsection (1) shall be treated as duly stamped unless it is stamped with the duty to which it would, but for this section (and, if applicable, section 129 of the ^{M1}Finance Act 1982), be liable or it has, in accordance with the provisions of section 12 of the ^{M2}Stamp Act 1891, been stamped with a particular stamp denoting that it is not chargeable with any duty or that it has been duly stamped.

Marginal Citations

M1 1982 c. 39.

M2 1891 c. 39.

54 Orders and regulations.

- (1) Any power of the Secretary of State to make orders or regulations under this Act, except an order under section 25 or 31, shall be exercised by statutory instrument.

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- (2) A statutory instrument containing any order or regulations under this Act, except an order under section 58, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Any order or regulations under this Act may make different provision for different cases, circumstances or areas and may contain such incidental, supplemental, saving or transitional provisions as the Secretary of State thinks fit.
- (4) Without prejudice to the generality of subsection (3), any order or regulations under this Act may make in relation to Wales provision different from that made in relation to England.

Subordinate Legislation Made

- P1** S. 54(3) power partly exercised (3.4.1997): 4.4.1997 appointed for specified provisions by [S.I. 1997/1153](#)
- s. 54(3) power partly exercised (5.6.1997): different dates appointed for specified provisions by [S.I. 1997/1468](#) (with savings and transitional provisions)
- S. 54(3) power partly exercised (24.2.1998): different dates appointed for specified provisions by [S.I. 1998/386](#) (with savings and transitional provisions)

VALID FROM 14/06/1997

55 Financial provisions.

There shall be paid out of money provided by Parliament—

- (a) any sums required for the payment by the Secretary of State of grants under this Act;
- (b) any administrative expenses incurred by the Secretary of State in consequence of this Act; and
- (c) any increase attributable to this Act in the sums so payable under any other Act.

VALID FROM 14/06/1997

56 Construction.

- (1) In this Act—
 - “prescribed” means prescribed by regulations; and
 - “regulations” means regulations made by the Secretary of State under this Act.
- (2) This Act shall be construed as one with the ^{M3}Education Act 1996.
- (3) Where, however, an expression is given for the purposes of any provision of this Act a meaning different from that given to it for the purposes of that Act, the meaning given for the purposes of that provision shall apply instead of the one given for the purposes of that Act.

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Marginal Citations

M3 1996 c. 56.

57 Minor and consequential amendments, repeals etc.

- (1) The minor and consequential amendments set out in Schedule 7 shall have effect.
- (2) Any reference in any enactment to Part I of Schedule 33 to the ^{M4}Education Act 1996 (appeal committees for hearing admission appeals), or to any provision of that Part of that Schedule, shall (so far as the context permits) be read as including a reference to that Part of that Schedule, or (as the case may be) to that provision of that Part, as applied by paragraph 4 of Schedule 16 or paragraph 3 of Schedule 33A to that Act.
- (3) For the avoidance of doubt, the provisions inserted in the Education Act 1996 by Parts II and III of this Act have effect despite anything in the articles (or, as the case may be, in the instrument or articles) of government of a school to, or in relation to, which those inserted provisions apply or are applied.
- (4) The enactments specified in Schedule 8 are repealed to the extent specified.

Commencement Information

II S. 57 partly in force; S. 57(1) partly in force at Royal Assent see s. 58(4); s. 57(4) in force for certain purposes at 4.4.1997 by S.I. 1997/1153, art. 2; s. 57(1)(4) in force for certain purposes at 14.6.1997, 1.9.1997 and 1.10.1997 and s. 57(2)(3) in force at 1.9.1997 by S.I. 1997/1468, art. 2, Sch. 1, Pts. I, II, III

Marginal Citations

M4 1996 c. 56.

58 Short title, commencement and extent etc.

- (1) This Act may be cited as the Education Act 1997.
- (2) This Act shall be included in the list of Education Acts set out in section 578 of the ^{M5}Education Act 1996.
- (3) Subject to subsection (4), this Act shall come into force on such day as the Secretary of State may by order appoint, and different days may be appointed for different provisions and for different purposes.
- (4) The following provisions come into force on the day on which this Act is passed—
section 50,
section 54,
paragraph 48(2) of Schedule 7 and section 57(1) so far as relating thereto, and
this section.
- (5) Subject to subsections (6) and (7), this Act extends to England and Wales only.
- (6) The following provisions extend to Northern Ireland—
sections 21 and 22,

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section 24(4),
section 26,
sections 34 to 36,
section 53,
section 54,
this section, and
Schedule 4.

(7) The amendment or repeal by this Act of an enactment extending to Scotland or Northern Ireland extends also to Scotland or, as the case may be, Northern Ireland.

Subordinate Legislation Made

- P2** S. 58(3) power partly exercised (3.4.1997): 4.4.1997 appointed for specified provisions by [S.I. 1997/1153](#)
S. 58(3) power partly exercised (5.6.1997): different dates appointed for specified provisions by [S.I. 1997/1468](#) (with savings and transitional provisions)
S. 58(3) power partly exercised (24.2.1998): different dates appointed for specified provisions by [S.I. 1998/386](#) (with savings and transitional provisions)

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- M5** 1996 c. 56.

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