
STATUTORY INSTRUMENTS

1991 No. 450

EDUCATION, ENGLAND AND WALES

The Education (Approval of Special Schools) (Amendment) Regulations 1991

<i>Made</i>	- - - -	<i>6th March 1991</i>
<i>Laid before Parliament</i>		<i>11th March 1991</i>
<i>Coming into force</i>	- -	<i>1st April 1991</i>

In exercise of the powers conferred by sections 12 and 19 of the Education Act 1981(1), the Secretary of State for Education and Science, as respects England, and the Secretary of State for Wales, as respects Wales, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Education (Approval of Special Schools) (Amendment) Regulations 1991 and shall come into force on 1st April 1991.

Amendment of the principal Regulations

2. In regulation 2 of the Education (Approval of Special Schools) Regulations 1983(2) (“the principal Regulations”), immediately after the definition of “the Act of 1981” there shall be inserted—

““the Act of 1988” means the Education Reform Act 1988(3);”.

3. In regulation 7 of the principal Regulations, for paragraph (1) there shall be substituted the following—

“(1) Subject to paragraph (2), the Secretary of State may withdraw his approval of a school on the ground that, in the case of that school, there has been a failure to comply with any requirement applicable to the school and contained in—

(a) these Regulations;

(1) 1981 c. 60; subsection (4) of section 12 was substituted by paragraph 9 of Schedule 1 to the Education Reform Act 1988 (c. 40). For in matters to be prescribed, see section 21(2) of the Education Act 1981 and section 114(1) of the Education Act 1944 (c. 31) and for the transfer of functions to the Secretary of State see S.I.1964/490, 1970/1536 and 1978/274.
(2) S.I. 1983/1499.
(3) 1988 c. 40.

- (b) the Regulations(4) from time to time in force under section 218 of the Act of 1988;
- (c) the Regulations(5) made under section 27 of the Act of 1980 to the extent that they continue to have effect on the repeal of that section and the coming into force section 218 of the Act of 1988 on 1st April 1989, or
- (d) the Regulations(6) from time to time in force under section 10 of the Act of 1944.”.

4. In Schedule 2 to the principal Regulations—

- (a) after paragraph 2 there shall be inserted the following:

“Welfare of Pupils

2A. In the case of a non-maintained school, the governing body shall make such arrangements for safeguarding and promoting the welfare of the pupils at the school as shall have been approved by the Secretary of State.”,

- (b) for paragraph 9 there shall be substituted the following:

“9. Arrangements shall be made to secure that, so far as practicable, every pupil attending the school will attend daily religious worship and receive religious education, or will be withdrawn from attendance at such worship or from receiving such education, in accordance with the wishes of his parent.”,

- (c) in paragraph 10—

- (i) for sub-paragraph (1)(b) there shall be substituted the following:

“(b) shall ensure, in relation to a day pupil whose parents are in receipt of income support or who is himself in receipt of it, that such provision is made for him in the middle of the day, by way of milk, a meal or other refreshment, as appears to them to be requisite.”;

- (ii) for sub-paragraph (3) there shall be substituted the following:

“(3) Subject to sub-paragraph (2), the governing body must charge for anything provided by them to day pupils by way of milk, a meal or other refreshment and must charge every pupil the same price for the same quantity of the same item.”, and

- (d) in sub-paragraph (2)(a) of paragraph 13, for the words “regulations from time to time in force under section 27 of the Act of 1980” there shall be substituted “Regulations(7) from time to time in force under section 218 of the Act of 1988”.

5. In Schedule 3 to the principal Regulations—

- (a) for paragraph 5 there shall be substituted the following:

“5.—(1) Particulars of the school curriculum including, in particular—

- (a) of the curricula for different age groups;
- (b) of the subject choices, if any, available (including the arrangements for the making by parents and pupils of such choices);

(4) The relevant Regulations currently in force are the Education (Schools and Further and Higher Education) Regulations 1989 (S.I. 1989/351) and the Education (Teachers) Regulations 1989 (S.I. 1989/1319), amended by S.I. 1989/1541 and 1990/1561.

(5) The Education (Schools and Further Education) Regulations 1981 (S.I. 1981/1086), amended by S.I. 1983/262, 1987/879, 1988/2154, 1989/351 and 1990/2259.

(6) The Regulations currently in force are the Education (School Premises) Regulations 1981 (S.I. 1981/909), amended by S.I. 1990/2351.

(7) The relevant Regulations currently in force are regulations 7, 8, 9 and 10 of the Education (Teachers) Regulations 1989 (S.I. 1989/1319) and paragraph 2 of Schedule 1 to those Regulations, as substituted by S.I. 1989/1541.

- (c) of the manner and context in which education as respects sexual matters is given; and
 - (d) of the careers education provided.
- (2) Particulars relating to the school curriculum including, in particular—
- (a) a list of the external qualifications for which courses of study are provided for pupils of compulsory school age at the school and which are for the time being approved by the Secretary of State or by a designated body under section 5 of the Act of 1988;
 - (b) the titles of the syllabuses associated with the qualifications referred to in sub-paragraph (a), or where criteria for determining a syllabus have been so approved, a statement to that effect;
 - (c) a list of the external qualifications, and the names of the syllabuses associated with them, which are offered to pupils over compulsory school age; and
 - (d) the arrangements for the inspection and (where applicable) the obtaining of copies of any documents which are for the time being required to be made available by or under the Education (School Curriculum and Related Information) Regulations 1989⁽⁸⁾.”;
- (b) in paragraph 11 the words “including, in particular, the practice of the school as respects corporal punishment” shall be omitted.

6th March 1991

Kenneth Clarke
Secretary of State for Education and Science

6th March 1991

David Hunt
Secretary of State for Wales

⁽⁸⁾ S.I. 1989/954, amended by S.I. 1989/1136 and 1990/1109.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Approval of Special Schools) Regulations 1983 (“the principal Regulations”). In addition to minor and drafting amendments, they make the following changes of substance. They amend regulation 7 of, and paragraph 13(2)(a) of Part II of Schedule 2 to, the principal Regulations in order to take account of the power in section 218 of the Education Reform Act 1988 to make Regulations relating to the employment of teachers (regulations 3 and 4(d)). They introduce, in Part I of that Schedule, a new condition of approval and continuing requirement relating to the welfare of pupils (regulation 4(a)); They clarify the provision in paragraph 9 of that Schedule relating to religious worship and instruction (regulation 4(b)). They amend paragraph 10 of that Schedule, relating to the provision of milk meals and refreshment, in order to take account of the receipt by parents of income support which has replaced supplementary benefit and family income supplement (regulation 4(c)). They amend paragraph 5 of Schedule 3 to the principal Regulations by adding to the information of the school curriculum, to be published by the governing body of a non-maintained special school, information relating to the school curriculum including certain specified particulars (regulation 5(a)). They also amend paragraph 11 of that Schedule by excluding from the information to be so published about the general arrangements as to school discipline the practice regarding corporal punishment (regulation 5(b)).