

## SCHEDULE 1

Regulation 2

### MODIFICATIONS OF ENACTMENTS

#### PART I

#### PRIMARY LEGISLATION

##### **Local Government Act 1974 (c. 7)**

1. In section 25(5) of the Local Government Act 1974(1) (certain appeal committees to be subject to investigation by Local Commissioner) for the words “or for the purposes of paragraph 5 of Schedule 6 to the Education Act 1993” there are substituted the words “or articles of government having effect by virtue of section 223 of the Education Act 1993 for the purpose of determining appeals against decisions refusing persons admission as pupils to schools conducted by education associations or not to reinstate pupils following their permanent exclusion from such schools”.

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

2. In sections 106 and 110 of the Education Reform Act 1988(2) (charges in maintained schools) for the references to section 68(8) of the Education Act 1993, and in section 109(3) of the 1988 Act for the reference to section 57(5) of that Act, there are substituted references to section 222(4) of the Education Act 1993.

##### **Education (Schools) Act 1992 (c. 38)**

3. In paragraph 15(2) of Schedule 2 to the Education (Schools) Act 1992 (distribution of additional action plans following inspections of religious education) for the reference to the person who appoints the school’s foundation governors there is substituted a reference, in the case of a Church school, to the appropriate diocesan authority; and for the purposes of this paragraph a “Church school” means a Church in Wales school, a Church of England school or a Roman Catholic Church school (as defined in section 305(1) of the Education Act 1993) and “appropriate diocesan authority” shall be construed accordingly.

4. In paragraph 15(5)(b) of that Schedule (meaning of “governors report—”) for the reference to the report referred to in section 58(5)(j) of the 1988 Act there is substituted a reference to the report required by the school’s articles of government to be prepared once in every school year.

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

5. In paragraph 15 of Schedule 1 to the Tribunals and Inquiries Act 1992 (tribunals under direct supervision of Council on Tribunals) for sub-paragraph (c)(3) there is substituted—

“(c) appeal committees constituted in accordance with articles of government having effect by virtue of section 223 of the Education Act 1993 for the purpose of determining appeals against decisions refusing persons admission as pupils to schools conducted by education associations or not to reinstate pupils following their permanent exclusion from such schools;”.

(1) Section 25(5) was added by section 7(7) of the Education Act 1980 (c. 20) and was amended by section 269 of the Education Act 1993.

(2) Sections 106 and 110 were amended by paragraphs 127 and 128 of Schedule 19 to the Education Act 1993.

(3) Paragraph 15(c) is amended by paragraph 174 of Schedule 19 to the Education Act 1993.

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

## **Education Act 1993 (c. 35)**

6. Section 8 of the Education Act 1993 (value-for-money studies of grant-maintained schools) is omitted.

7. In section 12 of the Act (responsibility for providing sufficient school places), after subsection (5), there is inserted the following subsection—

“(5A) For the purposes of subsection (4) above, section 221(4) of this Act shall not apply.”.

8. In section 161(5) of the Act (annual reports to contain information about implementation of governing body’s policy for pupils with special educational needs), for the reference to the report prepared under the articles of government for the school in accordance with section 30 of the Education (No.2) Act 1986(4) or paragraph 8 of Schedule 6 to the Act there is substituted a reference to the report required by the school’s articles of government to be prepared once in every school year.

9. In section 187 of the Act(5) (power to provide for grant-maintained special schools to form group conducted by single governing body), after subsection (3), there is added the following subsection—

“(4) For the purposes of this section, section 221(4) of this Act shall not apply.”.

10. In section 261(3)(b)(ii) of the Act(6) (restriction on power to exclude pupils from school) the words “a committee of—” are omitted.

11. In section 268(1)(b) of the Act (indemnity for legal costs and expenses of members of appeal committees) for the reference to an appeal committee constituted for the purposes of paragraph 5(1) of Schedule 6 to the Act there is substituted a reference to an appeal committee constituted in accordance with the school’s articles of government.

12. In section 273(2) of the Act (prohibition on proposals to alter or discontinue schools approved for grant-maintained status) for the reference to proposals for grant-maintained status which have been approved there is substituted a reference to an order under section 220 of the Act which has been made; and for the words “where the procedure for acquisition of grant-maintained status is pending (within the meaning of Chapter III of Part II of the Act)” there are substituted the words “during the period referred to in section 41(1) of this Act—”.

## **PART II**

### **SUBORDINATE LEGISLATION**

#### **The Education (School Hours and Policies) (Information) Regulations 1989(7)**

13. In regulation 2(1) of the Education (School Hours and Policies) (Information) Regulations 1989, in the definition of “governors— report”, for the words “section 58(5)(j) of the Act” there are substituted the words “required by the school’s articles of government to be prepared once in every school year”.

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(4) 1986 c. 61.

(5) Sections 187 and 261 of the Act are not in force at the date of these Regulations.

(6) Section 41(1) of the Act is modified by Schedule 3 to the principal Regulations.

(7) S.I.1989/398.

### **The Education (School Curriculum and Related Information) Regulations 1989(8)**

14. In regulation 4(1) of the Education (School Curriculum and Related Information) Regulations 1989 for the words “section 58(5)(j) of the 1988 Act” there are substituted the words “required by the school’s articles of government to be prepared once in every school year”.

### **The Education (School Teacher Appraisal) Regulations 1991(9)**

15. In regulation 4(1) of the Education (School Teacher Appraisal) Regulations 1991 after “and” there are inserted words “he or the appraising body”, and after the words “existing appraiser” there are inserted the words “appointed by him, and the appraising body may appoint a new appraiser in place of an existing appraiser appointed by them,”.

16. In regulation 11(2) of those Regulations after th words “or where the appraiser is the head teacher” there are inserted the words “or the appraiser appointed by them,”.

### **The Education (School Curriculum and Related Information) (Wales) Regulations 1991(10)**

17. In regulation 8(1) of the Education (School Curriculum and Related Information)(Wales) Regulations 1991 for the words “section 58(5)(j) of the 1988 Act” there are substituted the words “required by the school’s articles of government to be prepared once in every school year”, and in regulation 9(1) for the words “made under section 58(2) of the Education Reform Act 1988” there are substituted the words “having effect by virtue of section 223 of the Education Act 1993”.

### **The Education (School Performance Information)(Wales) Regulations 1993(11)**

18. In regulation 10 of the Education (School Performance Information) (Wales) Regulations 1993 for the words “pursuant to section 58(5)(j) of the 1988 Act” there are substituted the words “in their annual report prepared pursuant to the school’s articles of government”.

4. In Schedule 3 to the principal Regulations, after the reference to section 102(2), there is inserted the following—

“Section 130(2) (transfer ofFor the reference to section 68(7)(b) of premises to trustees) the Act there is substituted a reference to paragraph 1(3)(b) of Schedule 12 to the Act.”.

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(8) [S.I.1989/954](#), to which there are amendments not relevant to these Regulations.Regulation 4 was substituted by regulation 5 of the Education (Pupils' Attendance Records) Regulations 1991, S.I. [1991/1582](#).

(9) S.I. [1991/1511](#).

(10) S.I. [1991/1658](#), amended by S.I. [1991/1813](#) and [1993/998](#).

(11) S.I. [1993/2194](#).