
STATUTORY INSTRUMENTS

1994 No. 2093

EDUCATION, ENGLAND AND WALES

**The Education (Exclusions from Schools)
(Prescribed Periods) Regulations 1994**

<i>Made</i>	- - - -	<i>4th August 1994</i>
<i>Laid before Parliament</i>		<i>8th August 1994</i>
<i>Coming into force</i>	- -	<i>1st September 1994</i>

In exercise of the powers conferred upon the Secretary of State by section 301(6) of, and paragraph 99 of Schedule 19 to, the Education Act 1993(1), the Secretary of State for Education 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 (Exclusions from Schools) (Prescribed Periods) Regulations 1994 and shall come into force on 1st September 1994.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Education (No. 2) Act 1986(2) and references to sections are to sections of the Act;

“authority” means a local education authority; and

“school day” has the meaning assigned to it in section 65(1) of the Act.

(a) (2) (a) In Schedule 1 to these Regulations “governing body” means a governing body to which section 24 applies (the governing body of a county, controlled or maintained special school); and

(b) in Schedule 2 to these Regulations “governing body” means a governing body to which section 25 applies (the governing body of an aided or special agreement school).

(3) Where a thing is required to be done under these Regulations within a period after a step is taken, the day on which that step was taken shall not be counted in the calculation of that period.

(1) 1993 c. 35; for matters to be prescribed see section 305(1) of this Act.

(2) 1986 c. 61.

Performance of duties under section 24

3. Where an authority or the governing body of a school is required under section 24 to take a step referred to in the first column of Schedule 1 to these Regulations, such duty shall be performed within the period specified in relation to the performance of that duty in the second column opposite thereto.

Performance of duties under section 25

4. Where an authority or the governing body of a school is required under section 25 to take a step referred to in the first column of Schedule 2 to these Regulations, such duty shall be performed within the period specified in relation to the performance of that duty in the second column opposite thereto.

Transitional provision

5. These Regulations shall not apply where on or before 1st September 1994 the head teacher informed the authority (in the case of exclusions to which Schedule 1 applies) or the governing body (in the case of exclusions to which Schedule 2 applies) of a permanent exclusion.

SCHEDULE 1

Regulation 3

Prescribed periods for duties under section 24 in relation to the reinstatement of pupils at county, controlled and maintained special schools

The duty of an authority under section 24(a)(i)(3) to give the governing body the opportunity to express their views.	15 school days from the day on which the head teacher informed the authority of a permanent exclusion under section 23(b).
The duty of an authority under section 24(a)(ii) (duty to give a direction where they consider a pupil should be reinstated).	20 school days from the day on which the head teacher informed the authority of a permanent exclusion under section 23(b).
The duty of an authority under section 24(a)(iii) (duty where the authority do not consider a pupil should be reinstated to inform the pupil or his parent of their decision).	20 school days from the day on which the head teacher informed the authority of a permanent exclusion under section 23(b).
The duty of an authority and a governing body under section 24(h) (duty to inform each other and the pupil or his parent of a direction).	1 school day from the day on which the authority or the governing body gave a direction to which section 24(h) applies.

SCHEDULE 2

Regulation 4

Prescribed periods for duties under section 25 in relation to the reinstatement of pupils at aided and special agreement schools

The duty of a governing body under section 25(a)(ii) (duty where the governing body consider a pupil should be reinstated to give a direction).	15 school days from the day on which the head teacher informed the governing body of a permanent exclusion under section 23(b).
The duty of a governing body under section 25(a)(iii) (duty where the governing body consider a pupil should not be reinstated to inform the authority and the pupil or his parent).	15 school days from the day on which the head teacher informed the governing body of a permanent exclusion under section 23(b).
The duty of an authority and a governing body under section 25(h) (duty to inform each other and the pupil or his parent of a direction).	1 school day from the day on which the authority or the governing body gave a direction to which section 25(h) applies.

1st August 1994

Eric Forth
Minister of State
Department for Education

(3) Section 24(a)(i) was amended by paragraph 97(a) 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.

4th August 1994

John Redwood
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations specify the periods within which certain procedural steps relating to the reinstatement of excluded pupils at county, voluntary and maintained special schools must be performed. The steps to which the prescribed periods relate are steps that local education authorities and governing bodies are required to take under articles of government made under sections 24 and 25 of the Education (No. 2) Act 1986.