

### SCHEDULE 3

#### TRANSITIONAL PROVISIONS

#### PART II

#### TRANSITIONAL PROVISIONS CONSEQUENTIAL ON THE COMMENCEMENT OF OTHER PROVISIONS OF THE ACT ON 1ST APRIL 1994

5.—(1) Where—

- (a) before 1st April 1994 a local education authority apply to the Secretary of State for his approval under section 9(5) of the Education Act 1944<sup>(1)</sup> for a school, proposed to be maintained by them, to be a special school within the meaning of that section; but
- (b) the application is not determined by the Secretary of State before that date, the application shall be treated on and after that date as if made in accordance with section 183(2)(a) and (6) and 184(1) to (3) of the Act; and sections 184(4) to (6) and 185 of the Act shall have effect accordingly.

(2) Where—

- (a) before 1st April 1994 a local education authority apply to the Secretary of State for his approval for the making of a change in the arrangements which are required to apply to a special school maintained by them in accordance with regulations made under section 12(1)(b) and (2) of the 1981 Act<sup>(2)</sup>; but
- (b) the application is not determined by the Secretary of State before that date, the application shall be treated on and after that date as if made in accordance with sections 183(2)(b) and (6) and 184(1) to (3) of the Act; and sections 184(4) to (6) and 185 of the Act shall have effect accordingly.

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(1) 1944 c. 31; section 9(5) was substituted by section 11(1) of the Education Act 1981 (c. 60).

(2) See the Education (Approval of Special Schools) Regulations 1983 (S.I. 1983/1499).