

## SCHEDULES

### SCHEDULE 2

Section 27.

#### TRANSITIONAL EXEMPTION ORDERS FOR EDUCATIONAL ADMISSIONS

##### *Public sector (England and Wales)*

- 1 Where under section 13 of the Education Act 1944 (as set out in Schedule 3 to the Education Act 1968) a responsible body submits to the Secretary of State, in accordance with subsection (1) or (2) of that section, proposals for an alteration in its admissions arrangements such as is mentioned in section 27(1) of this Act the submission of those proposals shall be treated as an application for the making by the Secretary of State of a transitional exemption order, and if he thinks fit the Secretary of State may make the order accordingly.
- 2 Regulations under section 33 of the Education Act 1944 may provide for the submission to the Secretary of State of an application for the making by him of a transitional exemption order in relation to a special school, and for the making by him of the order.
- 3 Regulations under section 100 of the Education Act 1944 may provide for the submission to the Secretary of State of an application for the making by him of a transitional exemption order in relation to an establishment—
  - (a) which is designated under section 24(1), and
  - (b) in respect of which grants are payable under subsection (1)(b) of the said section 100,and for the making by him of the order.
- 4 Regulations under section 5(2) of the Local Government Act 1974 may provide for the submission to the Secretary of State of an application for the making by him of a transitional exemption order in relation to any educational establishment maintained by a local education authority and not falling within paragraphs 1 to 3, and for the making by him of the order.

##### *Private sector (England and Wales)*

- 5 (1) In the case of an establishment in England or Wales not falling within paragraphs 1 to 4 the responsible body may submit to the Equal Opportunities Commission set up under Part VI an application for the making by the Commission of a transitional exemption order in relation to the establishment, and if they think fit the Commission may make the order accordingly.
- (2) An application under this paragraph shall specify the transitional period proposed by the responsible body to be provided for in the order, the stages by which within that period the body proposes to move to the position where section 22(6) is complied with, and any other matters relevant to the terms and operation of the order applied for.

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*Status: This is the original version (as it was originally enacted).*

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- (3) The Commission shall not make an order on an application under this paragraph unless they are satisfied that the terms of the application are reasonable having regard to the nature of the premises at which the establishment is carried on, the accommodation, equipment and facilities available, and the financial resources of the responsible body.

*Public and private sectors (Scotland)*

- 6 Any application for a transitional exemption order made by the responsible body in relation to an establishment falling within paragraph 6 or 7 of the Table in section 22 shall be made to the Secretary of State, and in relation to an establishment falling within paragraphs 8, 9 and 10 of that Table shall be made to the Equal Opportunities Commission.
- 7 An application under paragraph 6 shall specify the transitional period proposed by the responsible body to be provided for in the order, the stages by which within that period the body proposes to move to the position where section 22(6) is complied with, and any other matters relevant to the terms and operation of the order applied for.
- 8 The Secretary of State on any application under paragraph 6 may make a transitional exemption order on such terms and conditions as he may think fit.
- 9 The Commission on any application under paragraph 6 may if they think fit make a transitional exemption order, but shall not make such an order unless they are satisfied that the terms of the application are reasonable having regard to the nature of the premises at which the establishment is carried on, the accommodation, equipment and facilities available, and the financial resources of the responsible body.