

## SCHEDULES

### SCHEDULE 12

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### PART I

##### AMENDMENTS RELATING TO GRANT-MAINTAINED SCHOOLS

##### *The Education Act 1944 (c. 31)*

- 1 (1) Section 10 of the 1944 Act (requirements as to school premises) shall be amended as follows.
- (2) In subsection (1), after the word “authorities” there shall be inserted the words “and of grant-maintained schools”.
- (3) In subsection (2), after the words “maintained by them” there shall be inserted the words “or, in the case of a grant-maintained school, the duty of the governing body of the school to secure that the premises of the school”.
- 2 In section 48(4) of that Act (medical inspection and treatment of pupils)—
- (a) after the words “education authority” there shall be inserted the words “or, in the case of pupils at a grant-maintained school, the duty of the governing body of the school”;
- (b) after the words “the authority” there shall be inserted the words “or, as the case may be, to the governing body”.
- 3 Until the coming into force of paragraph 56 below, section 62(1) of that Act (training of teachers) shall have effect as if after the words “service in” there were inserted the words “grant-maintained schools and”.
- 4 (1) Section 67 of that Act (determination of disputes and questions) shall be amended as follows.
- (2) In subsection (3) (determination of question whether religious education is in accordance with trust deed), after the word “voluntary” there shall be inserted the words “or grant-maintained”.
- (3) In subsection (4) (determination of question whether proposed change in county or voluntary school is significant), for the words “or voluntary” there shall be substituted the words “voluntary or grant-maintained”.
- 5 In section 80(1) of that Act (registration of pupils at schools), after the words “governors thereof” there shall be inserted the words “and in the case of a grant-maintained school the governing body of the school”.

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*Status: This is the original version (as it was originally enacted).*

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- 6        In section 81(a) of that Act (regulations empowering local education authorities to defray expenses of pupils at county, voluntary or special schools), after the words “voluntary schools” there shall be inserted the words “grant-maintained schools”.
- 7        (1) Section 114(1) of that Act (interpretation) shall be amended as follows.
- (2) In the definition of “independent school”, after the words “not being a school maintained by a local education authority” there shall be inserted the words “a grant-maintained school”.
- (3) In the definition of “school”, after the words “being a school maintained by a local education authority” there shall be inserted the words “a grant-maintained school”.

*The Education (Miscellaneous Provisions) Act 1953 (c. 33)*

- 8        In section 2(b) of the Education (Miscellaneous Provisions) Act 1953 (power to require local education authority to defray expenses of establishing controlled school limited to case where accommodation would otherwise have been provided in some other voluntary school), for the words “voluntary school” there shall be substituted the words “school which is or was either—
- (i) a voluntary school; or
- (ii) a grant-maintained school which was or had been a voluntary school immediately before it became a grant-maintained school”.

*The Charities Act 1960 (c. 58)*

- 9        In section 37(7) of the Charities Act 1960 (parochial charities), after the words “Act 1944” there shall be inserted the words “or of any grant-maintained school”.
- 10       A grant-maintained school shall be an exempt charity for the purposes of the Charities Act 1960, and paragraph (e) of Schedule 2 to that Act (institutions connected with institutions which are exempt charities for the purposes of that Act by virtue of the preceding provisions of that Schedule) shall apply in relation to an institution administered by or on behalf of a grant-maintained school as it applies in relation to an institution included in that Schedule above that paragraph.

*The Local Authorities (Goods and Services) Act 1970 (c. 39)*

- 11       (1) Subject to sub-paragraph (2) below, in the Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities to public bodies) “public body” shall include the governing body of any grant-maintained school.
- (2) The provisions of sub-paragraph (1) above shall have effect as if made by an order under section 1(5) of the Local Authorities (Goods and Services) Act 1970 (power to provide that a person or description of persons shall be a public body for the purposes of that Act).
- (3) An order under the said section 1(5) may accordingly vary or revoke the provisions of sub-paragraph (1) above as they apply to the governing body of a grant-maintained school specified in the order.

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*The Tribunals and Inquiries Act 1971 (c. 62)*

- 12 In paragraph 6 of Schedule 1 to the Tribunals and Inquiries Act 1971 (tribunals under direct supervision of the Council on Tribunals), after paragraph (b) there shall be inserted the following paragraph—

“(c) appeal committees constituted for the purposes of section 58(5)(d) of the Education Reform Act 1988.”

*The Local Government Act 1972 (c. 70)*

- 13 In section 134 of the Local Government Act 1972 (use of schoolroom in parish or community), after the word “authority” in subsections (1) and (2) there shall be inserted the words “or of a grant-maintained school”.

*The Education (Work Experience) Act 1973 (c. 23)*

- 14 In section 1 of the Education (Work Experience) Act 1973 (work experience in last year of compulsory schooling), after the word “authority” there shall be inserted the words “or, in the case of a child at a grant-maintained school, by the governing body of the school”.

*The Sex Discrimination Act 1975 (c. 65)*

- 15 In section 22 of the Sex Discrimination Act 1975 (discrimination by bodies in charge of educational establishments), in the Table, after paragraph 3 there shall be inserted the following paragraph—

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“3A. Grant-maintained school.	Governing body.”
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- 16 In section 25(6)(c)(i) of that Act (general duty in public sector of education) after “3”, there shall be inserted “3A”.

- 17 In paragraph 1 of Schedule 2 to that Act (transitional exemption orders for educational admissions) after the words “the Education Act 1980” there shall be inserted the words “or section 89 of the Education Reform Act 1988”.

*The Race Relations Act 1976 (c. 74)*

- 18 In section 17 of the Race Relations Act 1976 (discrimination by bodies in charge of educational establishments), in the Table, after paragraph 3 there shall be inserted the following paragraph—

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“3A. Grant-maintained school.	Governing body.”
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- 19 In section 19(6)(c)(i) of that Act (general duty in public sector of education) after “3”, there shall be inserted “3A”.

*The National Health Service Act 1977 (c. 49)*

- 20 In section 5(1)(a) of the National Health Service Act 1977 (duty of Secretary of State to provide medical and dental services for pupils at schools maintained by local education authorities) after the word “authorities” there shall be inserted the words “or at grant-maintained schools”.

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- 21 In paragraph 3 of Schedule 1 to that Act (duty of persons conducting schools to make accommodation available to Secretary of State for purposes of medical and dental services for pupils) for the words “and of the governors of voluntary schools” there shall be substituted the words “, of the governors of voluntary schools or (as the case may be) of the governing bodies of grant-maintained schools”.
- 22 In paragraph 1(1) of Schedule 8 to that Act (care of mothers and pre-school children), after the words “education authority” there shall be inserted the words “or grant-maintained schools”.

*The Employment Protection (Consolidation) Act 1978 (c. 44)*

- 23 In section 29(1) of the Employment Protection (Consolidation) Act 1978 (persons holding certain offices to be allowed time off for public duties)—
- (a) the word “or” at the end of paragraph (e) shall be omitted; and
  - (b) after that paragraph there shall be inserted the following paragraph—
    - “(ee) a member of the governing body of a grant-maintained school;”.

*The Education Act 1980 (c. 20)*

- 24 In section 22 of the 1980 Act (provision of meals and refreshments for pupils), after subsection (3) there shall be inserted the following subsection—
- “(3A) Subsections (1) to (3) above apply in relation to pupils at a grant-maintained school and the governing body of the school as they apply in relation to pupils at a school maintained by a local education authority and the authority maintaining the school.”
- 25 Section 27 of that Act shall apply to any grant-maintained school; and subsections (2)(c) and (3)(c) of that section shall apply in relation to persons employed, and the employment or further employment of persons, by the governing bodies of grant-maintained schools in such work as is mentioned in subsection (2)(c) of that section as they apply respectively in relation to persons employed, and the employment or further employment of persons, in such work by local education authorities.

*The Education Act 1981 (c. 60)*

- 26 In section 2 of the 1981 Act (which imposes duties in relation to the provision of special education on governors of schools and on local education authorities)—
- (a) in subsections (5) and (6)(a), after the words “voluntary school” there shall be inserted the words “or a grant-maintained school”; and
  - (b) in subsection (7), after the word “authority” there shall be inserted the words “or in a grant-maintained school”.
- 27 In section 15 of that Act (school attendance order relating to child with special educational needs), after subsection (6) there shall be inserted the following subsection—
- “(7) Where the school to be named in the school attendance order in pursuance of a direction given by the Secretary of State under this section is a grant-maintained school, it shall be the duty of the governing body of the school to admit the child to the school.”

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- 28 In section 16 of that Act (amendment and revocation of school attendance order relating to child with special educational needs), after subsection (5) there shall be inserted the following subsection—

“(6) Where, in pursuance of a direction given by the Secretary of State under this section, a school which is to be substituted for that named in the school attendance order is a grant-maintained school, it shall be the duty of the governing body of the school to admit the child to the school.”

*The Local Government (Miscellaneous Provisions) Act 1982 (c. 30)*

- 29 (1) Section 40 of the Local Government (Miscellaneous Provisions) Act 1982 (nuisance and disturbance on educational premises) shall be amended as follows.
- (2) In subsection (2), after paragraph (a) there shall be inserted the following paragraph—
- “(aa) of a grant-maintained school; or”.
- (3) In subsection (4), for the words from “or special” to “governors” there shall be substituted the words “special agreement or grant-maintained school, by a person whom the governing body of the school”.
- (4) In subsection (5), for the words from “school” to the end there shall be substituted the words “or grant-maintained school without first obtaining the consent of the governing body of the school”.
- (5) In subsection (7), for the words from “or special” to “governors” there shall be substituted the words “special agreement or grant-maintained school may be brought by a person whom the governing body of the school”.
- (6) In subsection (8), for the words from “school” to the end there shall be substituted the words “or grant-maintained school without first obtaining the consent of the governing body of the school”.

*The Representation of the People Act 1983 (c. 2)*

- 30 In section 95(2) of the Representation of the People Act 1983 (use of schools for parliamentary election meetings), for the words “and voluntary schools” there shall be substituted the words “voluntary schools and grant-maintained schools”.
- 31 In section 96(2)(a) of that Act (use of schools for local election meetings), for the words “or voluntary” there shall be substituted the words “voluntary or grant-maintained”.
- 32 In paragraph 1(1) of Schedule 5 to that Act (arrangements for use of school room for parliamentary election meetings), after the words “the school” there shall be inserted the words “or, in the case of a room in the premises of a grant-maintained school, with the governing body of the school”.

*The Building Act 1984 (c. 55)*

- 33 In section 4(1)(a) of the Building Act 1984 (exemption from building regulations for buildings required for purposes of school etc.), after the words “of that Act” there shall be inserted the words “or under section 90 of the Education Reform Act 1988”.

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*The Education (No. 2) Act 1986 (c. 61)*

- 34 After sections 44 to 46 of the 1986 Act (which impose on the governing body and head teacher of a county, voluntary or maintained special school duties relating to sex education and the prevention of political indoctrination) there shall be inserted the following section—

**“46A Application of sections 44 to 46 to grant-maintained schools**

Sections 44 to 46 of this Act shall apply in relation to the governing body and head teacher of, and the junior pupils and other pupils at, a grant-maintained school as they apply in relation to the governing body and head teacher of, and the junior pupils and other pupils at, a county, voluntary or maintained special school.”

- 35 In section 47(5)(a) of that Act (abolition of corporal punishment), after sub-paragraph (ii) there shall be inserted the following sub-paragraph—  
     “(ia) at a grant-maintained school; or”.
- 36 In section 49(3) of that Act (appraisal of performance of teachers), after paragraph (b) there shall be inserted the following paragraph—  
     “(ba) at any grant-maintained school;”
- 37 In section 62(1)(a) of that Act (access to papers etc. of governing bodies), after the word “voluntary” there shall be inserted the word “grant-maintained”.

*The Teachers' Pay and Conditions Act 1987 (c. 1)*

- 38 (1) Section 3 of the Teachers' Pay and Conditions Act 1987 (power of Secretary of State to make provision for teachers' remuneration and other conditions of employment by order) shall be amended as follows.
- (2) In subsection (5)(a), after the word “authority” there shall be inserted the words “or, in the case of a grant-maintained school, on the governing body of the school”.
- (3) In subsection (5), after paragraph (g) there shall be inserted the following paragraph—  
     “(h) provide, in the case of grant-maintained schools, that to the extent specified in the order matters may be settled by agreement between, or in a manner agreed between, teachers in such schools and the governing bodies of such schools.”
- (4) In subsection (6)(a), after the word “authorities” there shall be inserted the words “or, in the case of teachers in grant-maintained schools, by the governing bodies of such schools”.
- 39 In section 7(1) of that Act (interpretation), after the word “authority” in paragraph (a) of the definition of “school teacher” there shall be inserted the following paragraph—  
     “(aa) a teacher in a grant-maintained school;”.