

## SCHEDULE

### TRANSITIONAL AND SAVING PROVISIONS

#### **Interpretation**

**1.** In this Schedule—

“the 1996 Act” means the Education Act 1996<sup>(1)</sup>;

“the 1998 Act” means the School Standards and Framework Act 1998<sup>(2)</sup>;

“maintained school” has the meaning given to it by section 84(6) of the 1998 Act;

“maintained nursery school” has the meaning given to it by section 97 of the 2002 Act;

“pupil referral unit” has the meaning given to it by section 19(2) of the 1996 Act;

“school year”, in the context of references to the admission of a child to a maintained school or a maintained nursery school in any particular year, means the school year in which he would first take up a place in consequence of a decision to admit him.

#### **Nursery education, special schools and children with statements**

**2.** Despite the coming into force of paragraph 12 of Schedule 4 to the 2002 Act, in relation to the amendment of section 98 of the 1998 Act,

(a) the amendment made by sub-paragraph (2) shall not have effect in relation to the admission of a child to a maintained school for nursery education for any school year earlier than the 2004-05 school year;

(b) the amendments made by sub-paragraphs (3), (4) and (5) shall not have effect in relation to the admission of a child to—

(i) a maintained school for nursery education, or (as the case may be)

(ii) a maintained nursery school,

for any school year earlier than the 2003-04 school year; and

(c) the amendment made by sub-paragraph (6) shall not have effect in relation to the admission to a maintained school of a child for whom a statement is maintained under section 324 of the 1996 Act for any school year earlier than the 2004-05 school year.

#### **Admission appeals**

**3.—(1)** This sub-paragraph applies in relation to a decision as mentioned in section 94(1) or (2) of the 1998 Act concerning the admission of a child to a maintained school in any school year earlier than 2004-05 where, before 20th January 2003—

(a) notice of appeal against that decision has been given by a parent; but

(b) the appeal has not been determined by an appeal panel constituted in accordance with Schedule 24 to the 1998 Act.

(2) Despite the coming into force of—

(a) section 50 of the 2002 Act,

(b) paragraphs 2 and 8 of Schedule 4 to the 2002 Act, and

(c) the repeal of Schedule 24 to the 1998 Act,

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(1) 1996 c. 56

(2) 1998 c. 31.

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

the following provisions of the 1998 Act as originally enacted, namely—

- (i) section 84(6),
- (ii) section 94, and
- (iii) Schedule 24,

shall continue to have effect in relation to an appeal to which sub-paragraph (1) applies.

(3) This sub-paragraph applies in relation to a decision as mentioned in section 95 of the 1998 Act concerning the admission of a child to a community or voluntary controlled school in any school year earlier than 2004-05 where, before 20th January 2003—

- (a) notice of appeal against that decision has been given by a governing body; but
  - (b) the appeal has not been determined by an appeal panel constituted in accordance with Schedule 25 to the 1998 Act.
- (4) Despite the coming into force of—
- (a) paragraphs 2 and 9 of Schedule 4 to the 2002 Act, and
  - (b) the repeal of Schedule 25 to the 1998 Act,

the following provisions of the 1998 Act as originally enacted, namely—

- (i) section 84(6),
- (ii) section 87,
- (iii) section 95, and
- (iv) Schedule 25,

shall continue to have effect in relation to an appeal to which sub-paragraph (3) applies.

### **Exclusions**

4.—(1) This sub-paragraph applies where a pupil is excluded before 20th January 2003 by the head teacher of a maintained school or (as the case may be) the teacher in charge of a pupil referral unit.

- (2) Despite the coming into force of—
- (a) sections 52(1) to (6) of the 2002 Act, and
  - (b) the repeal of sections 64 to 68 of, and Schedule 18 to, the 1998 Act,

the following provisions, namely—

- (i) sections 64 to 68 of, and Schedule 18 to, the 1998 Act, and
- (ii) the Education (Pupil Referral Units) (Appeals against permanent exclusions) (England ) Regulations 2002(3),

shall continue to have effect, as appropriate, in relation to an exclusion to which sub-paragraph (1) applies.