

SCHEDULES

SCHEDULE 19

MINOR AND CONSEQUENTIAL AMENDMENTS

The Education Reform Act 1988 (c. 40)

- 112 The Education Reform Act 1988 is amended as follows.
- 113 In section 3(3) (foundation subjects and key stages)—
- (a) for “and (5)” there is substituted “(5) and (5A)”, and
 - (b) in paragraph (d) for the words from “majority”, in the second place in which it occurs, to the end there is substituted “expiry of the school year in which the majority of pupils in his class cease to be of compulsory school age”.
- 114 In section 8(2) (religious education required in the basic curriculum) for “84 to 86 of this Act” there is substituted “138 to 140 of the Education Act 1993”.
- 115 In section 9(7) (parent of boarder at maintained school requesting access to particular worship or religious education) after “particular” there is inserted “religion or”.
- 116 In section 11 (standing advisory councils on religious education)—
- (a) in subsection (4)(a) for “and other religious denominations” there is substituted “denominations and other religions and denominations of such religions”, and
 - (b) at the end of that section there is added—
 - “(13) The council shall send a copy of each report published by them under subsection (9) above—
 - (a) in the case of a council for an area in England, to the School Curriculum and Assessment Authority, and
 - (b) in the case of a council for an area in Wales, to the Curriculum Council for Wales.”
- 117 In section 13 (advisory councils: supplementary provisions) in subsections (1), (2) and (7)(b) before “denomination”, in each place, there is inserted “religion”.
- 118 Section 14 (establishment of curriculum and assessment councils) is amended as follows—
- (a) in subsection (2) for “Each” there is substituted “The”,
 - (b) in subsection (3) for the words from “Curriculum Council, that” to “shall be” there is substituted “Council, in relation to Wales, shall be, so far as relevant for the purposes of advancing education”, and at the end of paragraph (c) there is inserted—
 - “(ca) to advise the Secretary of State on such other matters connected with the provision of education in maintained schools in Wales, or in non-maintained special schools there, as the Secretary of State may specify by order;”.

Status: This is the original version (as it was originally enacted).

- (c) in subsection (5) for “a” there is substituted “the”,
 - (d) in subsection (6) for “each” there is substituted “the”, and
 - (e) in subsection (7) for “each” there is substituted “the”.
- 119 In section 16 (development work and experiments)—
- (a) in subsection (3)(a) and (b) for “Curriculum Council” there is substituted “appropriate curriculum authority”, and
 - (b) at the end there is added—
 - “(6) In subsection (3) above, “appropriate curriculum authority” means, in relation to England, the School Curriculum and Assessment Authority and, in relation to Wales, the Curriculum Council for Wales.”.
- 120 In section 18 (pupils with statements of special educational needs) for “7 of the 1981 Act” there is substituted “168 of the Education Act 1993”.
- 121 In section 19 (temporary exceptions for individual pupils)—
- (a) in subsection (4)(c)(ii) for “7 of the 1981 Act” there is substituted “168 of the Education Act 1993”, and
 - (b) in subsection (6) for “5 of the 1981 Act” there is substituted “167 of the Education Act 1993”.
- 122 (1) Section 20 (procedure for making certain orders: England) is amended as follows.
- (2) In subsection (2), for “National Curriculum Council” there is substituted “School Curriculum and Assessment Authority”.
 - (3) For “the Council”, in each place where it occurs, there is substituted “the Authority”.
- 123 In section 22(3) (provision of information) for “section 58(5)(j) of this Act” there is substituted “paragraph 8 of Schedule 6 to the Education Act 1993”.
- 124 In section 24(2) (extension of certain provisions) for “14(4) of this Act” there is substituted “245(1) of the Education Act 1993”.
- 125 In section 36 (delegation to governing body of management of school’s budget share)—
- (a) in subsection (4) after “of this Act” there is inserted “and section 1(4A) of the Education (Grants and Awards) Act 1984 (grants for education support and training)”, and
 - (b) after subsection (5A) there is inserted—
 - “(5B) Any such governing body shall not exercise their powers under subsection (5) above to pay to governors any allowances other than travelling and subsistence allowances.”
- 126 Chapter IV of Part I is omitted except for section 100(2) and (4) (provision of benefits and services for pupils by local education authorities).
- 127 In section 106 (prohibition of charges, etc. in maintained schools) for “57(5) of this Act” there is substituted, in each place, “68(8) of the Education Act 1993”.
- 128 In section 110(1) (charges and remissions policies) for “57(5) of this Act” there is substituted “68(8) of the Education Act 1993”.
- 129 In section 111 (charges for board and lodging at boarding schools)—

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- (a) in subsection (1), for the words from “at the expense of” to the end there is substituted “there shall be payable in respect of the board and lodging by the parent of the pupil concerned (in the case of a school maintained by a local education authority) to the authority and (in the case of a grant-maintained school) to the governing body charges not exceeding the cost to the authority or governing body of providing the board and lodging”,
- (b) in subsection (2), for paragraph (b) and the words following it there is substituted—

- “(b) the local education authority for his area are of the opinion that education suitable to his age, ability and aptitude and to any special educational needs he may have cannot otherwise be provided for him,

then, where the school is maintained by the local education authority for his area, that authority shall remit the whole of the charges payable under this section and, in any other case, that authority shall pay the whole of the charges payable under this section to the authority which maintain the school”,

- (c) for subsection (3)(b) there is substituted—
 - “(b) the local education authority for his area are of the opinion that education suitable to his age, ability and aptitude and to any special educational needs he may have cannot otherwise be provided for him”,
- (d) subsection (4) is omitted, and
- (e) in subsection (5)—
 - (i) for “a local education authority” there is substituted “the local education authority for the pupil’s area”, and
 - (ii) in paragraph (b), after “payable” there is inserted “to another local education authority or” and “provided under arrangements made by the authority” is omitted.

- 130 In section 119(2) (interpretation of Part I) “52(4), 89 or 92” is omitted.
- 131 In section 163(1) (new education authorities for inner London) for “1988” there is substituted “1993”.
- 132 In section 166(5) (responsibility for schools) for “1988” there is substituted “1993”.
- 133 In section 197(6) (Education Assets Board to comply with directions) for “1992” there is substituted “1993”.
- 134 In section 198 (transfers under Parts I and II)—
 - (a) in subsection (1)—
 - (i) “74” is omitted, and
 - (ii) after “of this Act” there is inserted “or section 38 of the Education Act 1993”, and
 - (b) in subsection (4) after “under this Act” in each place there is inserted “or under the Education Act 1993”.
- 135 Section 200 (grant-maintained schools: school property) is omitted.
- 136 In section 218(7) (school etc. regulations) after “approval” there is inserted “or, in such cases as may be prescribed, the approval of the funding authority”.
- 137 In section 230 (stamp duty) the following are omitted—

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- (a) in subsection (1) the words from “section 74” to “96(2)”, and
 - (b) subsections (2), (3) and (4)(b).
- 138 In section 232 (orders and regulations)—
- (a) in subsection (2) for “35(6)” there is substituted “35(4)”, and
 - (b) the following are omitted—
 - (i) in subsection (2) “53(2), 58(2), 59(1), 91, 94, 102”, and
 - (ii) in subsection (4)(b) “52(7)”.
- 139 In section 235 (general interpretation) the following are omitted—
- (a) in subsection (1)—
 - (i) the definition of “the 1981 Act”, and
 - (ii) in the definition of “transfer date”, “74(9)”,
 - (b) in subsection (3)(b) “subject to section 75(2) of this Act”, and
 - (c) in subsection (5) “74”.
- 140 Paragraph 9 of Schedule 1 is omitted.
- 141 In Schedule 2 (curriculum and assessment councils) in paragraph 8(1) (payments for members) for paragraph (b) there is substituted—
- “(b) shall, as regards any member of the Council in whose case the Secretary of State may so determine, pay, or make provision for the payment of, such sums by way of pension, allowances and gratuities to or in respect of him as the Secretary of State may determine.”
- 142 For paragraph 10(b) of Schedule 3 (appointment etc. of staff during financial delegation) there is substituted—
- “(b) less than 50 per cent. of the person’s remuneration will be, or is, met from the school’s delegated budget.”
- 143 Schedule 5 is omitted.
- 144 In Schedule 10 (supplementary provisions with respect to transfers)—
- (a) in paragraph 1(4)(a)(i) (division and apportionment of property etc.) after “under this Act” there is inserted “or under the Education Act 1993”,
 - (b) in paragraph 2(1)(b) (identification of property, etc.) after “this Act” there is inserted “or of the Education Act 1993”,
 - (c) in paragraph 5 (proof of title by certificate) after “of this Act” there is inserted “or of the Education Act 1993”,
 - (d) in paragraph 7 (construction of agreements) after “of this Act” in each place there is inserted “or of the Education Act 1993”, and
 - (e) in paragraph 9(6)(b) (third parties affected by vesting provisions) after “of this Act” there is inserted “or of the Education Act 1993”.
- 145 In Schedule 12 (minor and consequential amendments) paragraphs 26 to 28, 33 and 83 to 85 are omitted.