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**Changes to legislation:** Education Act 1996, Cross Heading: Construction of pre-1944 Act references is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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## SCHEDULES

### SCHEDULE 39

#### TRANSITIONAL PROVISIONS AND SAVINGS

##### PART I

##### GENERAL

###### *Construction of pre-1944 Act references*

- 3 Where immediately before the commencement of this Act any reference in any enactment, instrument or document had effect as if it were a reference to the Secretary of State or the Department for Education and Employment by virtue of the operation of section 2(1) of the <sup>M1</sup>Education Act 1944 and any order made under the Ministers of the <sup>M2</sup>Crown Act 1975, it shall continue to do so despite the repeal of that provision by this Act.

#### Marginal Citations

- M1** 1944 c. 31.  
**M2** 1975 c. 26.

- 4 (1) This paragraph applies to enactments passed before 1st April 1945.
- (2) Unless the context otherwise requires any such enactment shall be construed as if—
- (a) any reference to an elementary school or to a public elementary school (whether or not any reference is made there to the payment of parliamentary grants in respect of the school) were a reference to a county school or voluntary school, as the context may require;
  - (b) any reference to a school certified by the Board of Education, in accordance with the provisions of Part V of the <sup>M3</sup>Education Act 1921, as suitable for providing education for blind, deaf, defective or epileptic children were a reference to a special school;
  - (c) any reference to the managers of a school, in relation to a county school or voluntary school, were a reference to the governors (or, if the context so requires, the governing body) of the school;
  - (d) any reference to elementary education or to higher education were a reference to such education as may be provided by a [<sup>F1</sup>local authority] in the exercise of their functions under sections 13 to 15 of this Act; and
  - (e) any reference to a [<sup>F1</sup>local authority], to a [<sup>F1</sup>local authority] for elementary education or to a [<sup>F1</sup>local authority] for higher education were a reference to a [<sup>F1</sup>local authority] within the meaning of this Act.

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#### **Textual Amendments**

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))
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#### **Marginal Citations**

- M3** 1921 c. 51.

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(2)(ba) substituted for s. 13(2)(aa)(b) by [2022 asc 1 Sch. 4 para. 8\(2\)](#)
- s. 15A(3A) inserted by [2022 asc 1 Sch. 4 para. 8\(3\)](#)
- s. 15B(3)(c) inserted by [2022 asc 1 Sch. 4 para. 8\(4\)](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/1012 art. 12\(1\)Sch. 2 para. 3](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/863 Sch. 2 para. 4](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/865 Sch. 2 para. 3](#)
- s. 17A functions made exercisable concurrently by [S.I. 2016/653 Sch. 3 para. 3](#)
- s. 17A-17D inserted by [2009 c. 22 s. 45](#)
- s. 17B-17D applied by [2009 c. 22 s. 86\(8\)](#)
- s. 457(4)(i)-(iia) repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 457(4)(iii) words repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 508(4) inserted by [2022 asc 1 Sch. 4 para. 8\(7\)](#)
- s. 537AA inserted by [2008 c. 25 Sch. 1 para. 8](#)
- s. 548(7A)(7B) inserted by [2008 c. 25 Sch. 1 para. 9\(5\)](#)
- s. 578(1) words repealed by [2005 c. 18 Sch. 19 Pt. 1](#)