

SCHEDULES

SCHEDULE 39

TRANSITIONAL PROVISIONS AND SAVINGS

PART III

MISCELLANEOUS SAVINGS ETC.

Handicapped children

- 46 The repeal by this Act of the Education (Handicapped Children) Act 1970 shall not affect the operation of any order made under section 1 of that Act so far as in force immediately before the commencement of this Act or of any statement of terms and conditions of employment given in connection with any such order.

Byelaws under Children and Young Persons Act 1933

- 47 Despite the repeal by this Act of section 120(5) of the Education Act 1944—
- (a) references to a “child” in any byelaws made under Part II of the Children and Young Persons Act 1933 (employment of children) shall continue to be construed as references to a child within the meaning of that Part of that Act; and
 - (b) any such byelaws made before 1st April 1945 which were continued in force by section 120(5) shall, if in force immediately before the commencement of this Act, continue in force as if made by the local education authority for the area in question and may be varied or revoked accordingly.

Disputes as to property transferred by virtue of 1944 Act

- 48 Any question which, if it had arisen before the commencement of this Act, would have fallen to be determined by the Secretary of State in accordance with section 96(2) of the Education Act 1944 (questions relating to property etc. transferred to LEAs) shall be determined by him despite the repeal of that provision by this Act.

Modifications of deeds made prior to Education Act 1973

- 49 Without prejudice to the generality of paragraph 6(2) above, any order to which paragraph 3 of Schedule 1 to the Education Act 1973 (saving on repeals made by that Act) applied immediately before the commencement of this Act shall continue in force despite the repeal by this Act of that paragraph; and section 570 of this Act shall apply to any such order as if it had been made under this Act.

Status: This is the original version (as it was originally enacted).

Instruments made prior to Local Government Act 1972

- 50 The repeal by this Act of section 192(5) and (6) of the Local Government Act 1972 (transitional provisions about instruments made by old LEAs) shall not affect the continued operation of those provisions in relation to any instrument in relation to which they applied or were applicable immediately before the commencement of this Act.