

1989 No. 1135

EDUCATION, ENGLAND AND WALES

**The Education (Inner London Education Authority)
(Transitional and Supplementary Provisions) (No. 2)
Order 1989**

<i>Made</i> - - - -	<i>6th July 1989</i>
<i>Laid before Parliament</i>	<i>7th July 1989</i>
<i>Coming into force</i> - <i>for the purpose of</i> <i>articles 3(1)(b) and</i> <i>(d) and 6, and</i> <i>Schedules 2 and 4</i>	<i>1st August 1989</i>
<i>For all other purposes</i>	<i>1st September 1989</i>

The Secretary of State for Education and Science, in exercise of the powers conferred on him by section 231(2) to (5) of the Education Reform Act 1988(a) hereby makes the following Order—

Citation and commencement

1. This Order may be cited as the Education (Inner London Education Authority) (Transitional and Supplementary Provisions) (No. 2) Order 1989 and shall come into force—

for the purpose of articles 3(1)(b) and (d) and 6, and Schedules 2 and 4, on 1st August 1989; and

for all other purposes, on 1st September 1989.

Interpretation

2.—(1) In this Order—

“the Act” means the Education Reform Act 1988;

“ILEA” means the Inner London Education Authority;

“institution of further or higher education” means any institution which provides further education or higher education (or both) and is maintained by a local education authority;

“LEA functions” has the meaning assigned to it by section 165(1)(a) of the Act; and references to a school or institution of further or higher education which is to be maintained by an inner London council are references to a school or institution which is to be maintained by that council in the performance of its LEA functions after the abolition of ILEA.

(2) Any reference in this Order to a numbered Schedule is a reference to the Schedule bearing that number to this Order.

Preparatory application of certain provisions

3.—(1) In preparation for the exercise of the powers to be transferred to the inner London councils on 1st April 1990—

- (a) in relation to courses commencing on or after that date;
- (b) in relation to the expression of parental preference, and appeals against any decision, as to the school at which, on or after that date, education is to be provided for a child;
- (c) in relation to the determination on or after 1st September 1989 of arrangements for the admission of pupils to any county or voluntary school;
- (d) in relation to the appointment of staff to teaching and non-teaching posts intended to be taken up on or after that date at schools; and
- (e) in relation to applications for grants falling to be paid after that date

the provisions listed in column 1 of Schedules 1 to 5 respectively (which relate to the matters mentioned in column 2 of those Schedules) shall apply to each inner London council as if that council and not ILEA were the local education authority for its area.

(2) It shall be for each inner London council, and not ILEA, to exercise any functions of a local education authority in relation to the appointment of staff to teaching and non-teaching posts intended to be taken up on or after 1st April 1990 at institutions of further or higher education to be maintained by them.

(3) The duty imposed on local education authorities by section 8(5) of the Education Act 1980(a) and by regulations 4 and 6 of, and paragraph 4 of Schedule 2 to, the Education (School Information) Regulations 1981(b) to publish information relating to the curriculum at schools maintained by them shall cease to apply to ILEA on the 1st September 1989 and shall thereafter apply to each inner London council in relation to schools to be maintained by them as if that council were the local education authority for its area.

Education Committees

4.—(1) No action taken or thing done by an inner London council in the exercise or purported exercise of the powers conferred on it by this Order or by the Education (Inner London Education Authority) (Transitional and Supplementary Provisions) Order 1989(c) shall be invalidated by reason of such a council not having established an education committee before 1st April 1990 in accordance with arrangements approved by the Secretary of State, or not having considered a report from such a committee.

(2) Notwithstanding that the inner London councils do not become the local education authorities for their areas until 1st April 1990 the Secretary of State may at any time after 1st September 1989 approve arrangements made by any such council for the establishment from 1st April 1990 of an education committee under Part II of Schedule 1 to the Education Act 1944(d).

Instruments and Articles of Government

5.—(1) Sections 1 and 2 of the Education (No. 2) Act 1986(e) (which contain provisions relating to instruments and articles of government for county, voluntary and maintained special schools) shall have effect from 1st September 1989 as if each inner London council, and not ILEA, were the local education authority for its area.

(2) In relation to any powers, duties or functions transferred by this Order, any reference in the instrument and articles of government of any school or institution of further or higher education to ILEA shall be construed as a reference to the inner London council by whom that school or institution is to be maintained.

(a) 1980 c.20.

(b) S.I. 1981/630; relevant amending instruments are S.I. 1989/398 and 954.

(c) S.I. 1989/46.

(d) 1944 c.31; Part II of Schedule 1 was amended by Schedule 30 to the Local Government Act 1972 (c.70).

(e) 1986 c.61.

Schemes for financing county and voluntary schools and locally funded further and higher education

6.—(1) Notwithstanding that the inner London councils do not become the local education authorities for their areas until 1st April 1990, they may prepare, and the Secretary of State may at any time after 1st August 1989 approve, schemes for financing county and voluntary schools or for financing locally funded further and higher education in accordance with Chapter III of Part I or Chapter III of Part II of the Act, as the case may be.

(2)(a) Section 42 of the Act (which provides for financial statements relating to schemes) and any regulations made thereunder shall apply to each inner London council in respect of which the Secretary of State has approved a scheme by virtue of paragraph (1) from the date of that approval; and

(b) the requirement to prepare a statement imposed by section 50(1) of the Act shall apply to each inner London council in relation to the financial year commencing 1st April 1990 as if it and not ILEA were the local education authority for its area, and as if references to schools maintained by a local education authority were references to schools to be maintained by that inner London council.

SCHEDULE 1

Article 3(1)(a)

<i>Provisions</i>	<i>Subject matter of the provisions</i>
Sections 1, 2 and 4 of, and Schedule 1 to, the Education Act 1962(a)	Local education authority awards for designated courses; local education authority awards for other courses; supplementary provisions; and meaning of "ordinarily resident".
Parts I and III of, and Schedules 3 and 4 to, the Education (Fees and Awards) Regulations 1983(b)	Rules of eligibility for discretionary awards made by local education authorities under section 1(6) or 2 of the Education Act 1962.

SCHEDULE 2

Article 3(1)(b)

<i>Provisions</i>	<i>Subject matter of the provisions</i>
Sections 6, 7 and 8(1), (3), (4) and (7) of, and Schedule 2 to, the Education Act 1980(c)	Parental preferences, appeals against admission decisions and constitution of appeal committees, and information relating to admissions arrangements.
Regulation 5 of and Schedule 1 to the Education (School Information) Regulations 1981(d).	Information relating to admissions arrangements.

- (a) 1962 c.12; sections 1, 2 and 4 and Schedule 1 were substituted by section 19 of, and Schedule 5 to, the Education Act 1980 (c.20); section 1(3)(d) was amended by section 4 of the Education (Grants and Awards) Act 1984 (c.11).
- (b) S.I. 1983/973; relevant amending instruments are S.I. 1984/1201, 1985/1219, 1987/1364 and 1988/1391.
- (c) 1980 c.20; section 6 was amended by section 30 of the Education Reform Act 1988; section 8(3) will be amended (in so far as it relates to secondary schools) by section 31(2) of that Act with effect from 1st September 1989.
- (d) S.I. 1981/630; Schedule 1 was amended by S.I. 1989/398.

SCHEDULE 3

Article 3(1)(c)

<i>Provisions</i>	<i>Subject matter of the provisions</i>
Section 33 of the Education (No. 2) Act 1986(a).	Admission of pupils to county and voluntary schools.
Sections 26 to 32 of the Education Reform Act 1988	

SCHEDULE 4

Article 3(1)(d)

<i>Provisions</i>	<i>Subject matter of the provisions</i>
Section 24 of the Education Act 1944(b)	Appointment and dismissal of teachers in county schools and in voluntary schools.
Sections 34 to 40 of the Education (No. 2) Act 1986	Determination of staff complement for schools, appointment of head teacher and other members of staff, and appointment of clerk to the governing body.

SCHEDULE 5

Article 3(1)(e)

<i>Provisions</i>	<i>Subject matter of the provisions</i>
The Education Support Grants Regulations 1984(c)	Payment of grants by the Secretary of State to local education authorities in respect of expenditure for particular educational purposes.
The Education (Training Grants) Regulations 1987(d)	Payment of grants by the Secretary of State to local education authorities in respect of the training of staff connected with education.

6th July 1989

Kenneth Baker
Secretary of State for Education and Science

- (a) 1986 c.61.
 (b) 1944 c.31; subsection (1) was repealed by Schedule 6 to the Education (No. 2) Act 1986 (c.61), subsection (2) amended by paragraph 8 of Schedule 1 to the Education Act 1980 (c.20), and subsection (3) repealed by Schedule 6 to the Sex Discrimination Act 1975 (c.65).
 (c) S.I. 1984/1098; amended by S.I. 1987/1960 and 1988/2037.
 (d) S.I. 1987/96, amended by S.I. 1988/355.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes further transitional and supplementary provisions to facilitate the transfer of education responsibilities from the Inner London Education Authority ("ILEA") to the inner London councils on 1st April 1990, in addition to those made by the Education (Inner London Education Authority) (Transitional and Supplementary Provisions) Order 1989 (SI 1989/46—"the first Order"). Different provisions in the Order come into force on different dates.

Article 3 provides that—

- (i) in relation to courses commencing on or after 1st April 1990, the inner London councils (as defined in section 163(2) of the Education Reform Act 1988) shall have responsibility for mandatory and discretionary local education authority awards;
- (ii) the inner London councils shall be responsible for making arrangements for allowing parents to express preferences and to make appeals relating to admissions on or after 1st April 1990 to schools which they are to maintain after the abolition of ILEA;
- (iii) the inner London councils shall be responsible for the determination on or after 1st September 1989 of arrangements for the admission of pupils to county and voluntary schools which they are to maintain;
- (iv) the inner London councils shall be responsible for appointment of staff to teaching and non-teaching posts at such schools intended to be taken up on or after 1st April 1990;
- (v) the inner London councils may apply to the Secretary of State for various grants relating to expenditure on educational services after 1st April 1990;
- (vi) the inner London councils are to have responsibility for the appointment of staff to teaching and non-teaching posts intended to be taken up on or after 1st April 1990 at institutions of higher or further education which they are to maintain; and
- (vii) the inner London councils are to be responsible for providing information from 1st September 1989 about the curriculum at schools which they are to maintain after the abolition of ILEA.

Article 4 provides that nothing done before 1st April 1990 by the inner London councils under this Order or the first Order shall be rendered invalid because the councils do not have an education committee established in accordance with arrangements approved by the Secretary of State, or did not receive a report from such a committee, and enables the Secretary of State to approve in advance such arrangements to come into force on that date.

Article 5 modifies sections 1 and 2 of the Education (No. 2) Act 1986 to give the inner London councils responsibility for instruments and articles of government for schools they will maintain after the abolition of ILEA, and provides that references to ILEA in instruments and articles of government of schools and institutions of further and higher education are to be construed as references to the relevant inner London council by whom the school or institution is to be maintained.

Finally, inner London councils are permitted to prepare and submit to the Secretary of State for approval schemes for financial delegation to county and voluntary schools or institutions of higher or further education which they will maintain after the abolition of ILEA, and provisions as to financial statements concerning such schemes are modified accordingly.