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STATUTORY INSTRUMENTS

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**1994 No. 1084**

**EDUCATION, ENGLAND AND WALES**

**The Education (Special Schools Conducted  
by Education Associations) Regulations 1994**

<i>Made</i>	- - - -	<i>13th April 1994</i>
<i>Laid before Parliament</i>		<i>18th April 1994</i>
<i>Coming into force</i>	- -	<i>9th May 1994</i>

In exercise of the powers conferred by sections 228(2) and (3)(a) and 301(6) of the Education Act 1993<sup>(1)</sup>, the Secretary of State for Education, as respects England, and the Secretary of State for Wales, as respects Wales, hereby make the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Education (Special Schools Conducted by Education Associations) Regulations 1994 and shall come into force on 9th May 1994.

(2) In these Regulations—

“the Act” means the Education Act 1993; and

“the relevant provisions of Chapter III of Part II of the Act” means sections 38, 39, 41 (other than subsection (5)), 42, 43 (other than subsections (4), (7) and (9)), 44, 45 (other than subsection (3)), 46 (other than subsection (6)) and 47 of the Act.

**Application of sections 220 to 227 of the Act to maintained special schools**

2.—(1) Sections 220 to 227 of the Act shall have effect in relation to maintained special schools as they have effect in relation to county schools with the following modifications.

(2) In section 221—

(a) in subsection (2)(a) for the reference to a grant-maintained school there is substituted a reference to a grant-maintained special school;

(b) in subsection (4) for the reference to grant-maintained schools there is substituted a reference to grant-maintained special schools and for the reference to schools conducted by education associations there is substituted a reference to special schools so conducted; and

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(1) 1993 c. 35; for the meaning of “regulations”, see section 305(1).

(c) subsections (5) and (6) are omitted.

(3) In section 222(3) for the words “in the character or premises of” there is substituted the word “to” and for the references to Chapter VII of Part II of the Act there are substituted references to sections 183 to 185 of the Act.

(4) In section 226(2)(a) for the reference to a grant-maintained school there is substituted a reference to a grant-maintained special school.

### **Transfer to education associations of responsibility for conduct of maintained special schools**

3. Section 35 and the relevant provisions of Chapter III of Part II of the Act shall have effect in relation to the transfer to an education association under section 220 of the Act of responsibility for the conduct of a maintained special school as they have effect in relation to the transfer to a governing body incorporated under Chapter II of that Part of responsibility for the conduct of a county school with the modifications made by Schedule 1 to these Regulations, save that, in the case of a transfer to an education association of a maintained special school which is established in a hospital, section 38 of the Act shall have effect with the additional modification that the words “used or” in subsection (2)(a) are omitted.

4. The Education (Acquisition of Grant-maintained Status) (Transitional Functions) Regulations 1993(2) shall have effect in relation to the exercise by an education association named in an order made under section 220 of the Act in respect of a maintained special school of the functions conferred on them under Schedule 4 to the Act during the period beginning when the order is made and ending immediately before the transfer date as they have effect in relation to the exercise by a new governing body incorporated under section 34(1) of the Act of their functions under that Schedule, with the following modifications—

- (a) in regulation 3(1), for the reference to the implementation date there is substituted a reference to the transfer date;
- (b) regulations 3(2) and 4(4) are omitted;
- (c) for regulation 4(5) and (6) there is substituted the following—
  - “(5) The education association shall—
    - (a) interview such applicants for the post as they think fit; and
    - (b) where they consider that it is appropriate to do so, appoint one of the applicants interviewed by them.
  - (6) If the education association do not appoint any of the applicants interviewed by them, they—
    - (a) may, if they think fit, re-advertise the vacancy in the manner required by paragraph (3) above; and
    - (b) whether or not they re-advertise the vacancy, may repeat the steps mentioned in paragraph (5) above.”;
- (d) in regulation 5(3), for the reference to the implementation date there is substituted a reference to the transfer date; and
- (e) in regulation 7(1)(d), for the reference to the school becoming grant-maintained there is substituted a reference to the school beginning to be conducted by the education association.

5. Where—

- (a) proposals for a prescribed alteration of a maintained special school have been approved under section 184 of the Act, and
- (b) the school begins to be conducted by an education association before the proposals are implemented,—

the proposals shall be treated for the purposes of Part III of the Act as if notice of them had been given by the education association under section 183(6) and they had been approved under section 184, and they shall be implemented in accordance with any particulars approved under section 185.

6. No proposals under section 183(2)(b) or (c) of the Act shall be made in respect of a school in relation to which an order under section 220 of the Act has been made.

### **Conduct of special schools by education associations**

7. Notwithstanding regulation 2(2)(b) above, sections 183(3)(b) and (c), (4)(b) and (5)(c), 187 and 188(7) of, and Schedule 11 to, the Act and any regulations made under section 186 (other than under that section as it applies by virtue of section 228(4) of the Act in relation to a former maintained special school being conducted by an education association) of, or Schedule 11 to, the Act shall not apply in relation to the conduct of a special school by an education association.

8.—(1) The enactments mentioned in Schedule 2 to these Regulations shall have effect in relation to the conduct of a special school by an education association as they have effect in relation to the conduct of a grant-maintained school with the modifications made by that Schedule.

(2) For the purposes of the Education (School Premises) Regulations 1981(3) a special school conducted by an education association shall be regarded as a special school, save that regulation 3(3) of those Regulations shall apply in relation to a special school so conducted as it does in relation to a grant-maintained school.

(3) For the purposes of the School Teachers' Pay and Conditions Document 1993(4), given effect by the the Education (School Teachers' Pay and Conditions) (No. 2) Order 1993(5), references in that Document to a grant-maintained school shall include a special school conducted by an education association; and such a school shall be regarded as a special school for the purposes of that Document.

9. Chapter I of Part I of the Education Reform Act 1988(6) (other than sections 2(1)(a), 6, 9(3) to (10) and 10(1)), sections 241(5) and 245 of the Act and the instruments mentioned in Schedule 3 to these Regulations shall have effect in relation to the conduct of a special school which is not established in a hospital and which is conducted by an education association as they have effect in relation to the conduct of a grant-maintained school with, in the case of those instruments, the modifications made by that Schedule.

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(3) S.I. 1981/909, amended by S.I. 1989/1277, 1990/2351 and 1993/559.

(4) ISBN 0 11 270843 9.

(5) S.I. 1993/1755.

(6) 1988 c. 40. Chapter I of Part I has been amended in ways not relevant to these Regulations. Section 2(1) and (2)(c) is amended by sections 241(1) and 240(1) of the Education Act 1993 respectively (not yet in force), section 3(2) was amended by the Education (National Curriculum) (Foundation Subjects at Key Stage 4) Order 1992, S.I. 1992/1548, section 3(3) is amended by paragraph 113 of Schedule 19 to the Education Act 1993 (paragraph 113(b) is not yet in force), section 3(5A) is inserted by section 240(2) of that Act (not yet in force), section 3(6) is amended by section 240(3) of that Act (not yet in force), section 9(1A) was inserted by section 12(4) of the Further and Higher Education Act 1992 (c. 13), section 16 was amended by paragraph 119 of Schedule 19 to the Education Act 1993, section 17A is inserted by section 241(3) of that Act (not yet in force), sections 18 and 19 are amended by paragraphs 120 and 121 of that Schedule respectively (not yet in force), section 22 was amended by paragraph 6 of Schedule 4 to the Education (Schools) Act 1992 (c. 38) and paragraph 123 of Schedule 19 to the Education Act 1993, and section 24 was amended by paragraph 28 of Schedule 8 to the Further and Higher Education Act 1992 and paragraph 124 of Schedule 19 to the Education Act 1993.

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## SCHEDULE 1

Regulation 3

## MODIFICATIONS OF PROVISIONS OF PART II OF THE ACT

Provision of Part II of the Act	Modifications
Section 35 (transitional powers)	For the reference to the period after approval and before the date of implementation (of proposals) there is substituted a reference to the period after the making of an order under section 220 of the Act and before the transfer date, and for the reference to proposals which are approved under section 33 of the Act there is substituted a reference to an order which is made under section 220 of the Act.
Section 38 (transfer of property etc.)	For the reference in subsection (1) to proposals for acquisition of grant-maintained status which are approved there is substituted a reference to an order under section 220 of the Act which is made, for the reference in subsection (4) to the first governors of the school there is substituted a reference to the education association by which the school is conducted, and for the references to the date of implementation of the proposals and the new governing body there are substituted references to the transfer date and the education association named in the order under section 220 of the Act respectively.
Section 39 (transfer of staff)	For the reference in subsection (1) to proposals for acquisition of grant-maintained status which have been approved there is substituted a reference to an order under section 220 of the Act which has been made, and for the references to the date of implementation of the proposals there are substituted references to the transfer date.
Section 41(1) (control of disposals of land)	For the reference to any period when the procedure for acquisition of grant-maintained status is pending in relation to a school there is substituted a reference to the period beginning when the local education authority by whom a school in respect of which an order under section 220 of the Act has been made is maintained receive notice under section 220(3) of the Act of the order and ending immediately before the transfer date, and for the reference to a local authority there is substituted a reference to the local education authority.
Section 41(2) (disapplication of section 41(1))	For the reference to the initiation of the procedure for acquisition of grant-maintained status there is substituted a reference to the

Provision of Part II of the Act	Modifications
	receipt by the local education authority of the notice referred to in subsection (1).
Section 41(3) (extension of period in section 41(1))	The words “Where proposals for acquisition of grant-maintained status are approved” are omitted, and for the reference to not treating the procedure for acquisition of grant-maintained status as terminated there is substituted a reference to not treating the period referred to in subsection (1) as ended.
Section 41(4) (required consent to disposals)	The words “In the case of a disposal made or contract entered into after proposals for acquisition of grant-maintained status have been approved” are omitted, and for the references to the new governing body there are substituted references to the education association named in the order made under section 220 of the Act.
Section 42(1) (wrongful disposals of land)	Subsection (a) is omitted.
Section 42(4) (effect of repudiation)	For the reference to the date of implementation of the proposals there is substituted a reference to the transfer date.
Section 43(1) (control of contracts)	For the words “the procedure for acquisition of grant-maintained status is pending” there are substituted the words “the period referred to in section 41(1) of this Act has begun”, and for the words “if the proposals for acquisition of grant-maintained status were implemented” there are substituted the words “after the end of that period”.
Section 43(3) (appropriate consent to contracts)	The words “In the case of a contract entered into after the proposals have been approved by the Secretary of State” are omitted, and for the reference to the new governing body there is substituted a reference to the education association named in the order under section 220 of the Act.
Section 44(1) (wrongful contracts)	Paragraph (a) is omitted.
Section 44(3) (effect of repudiation)	For the reference to the date of implementation of the proposals there is substituted a reference to the transfer date.
Section 45(1) (restriction on change of purpose for which property is used or held)	For the reference to any period when the procedure for acquisition of grant-maintained status is pending in relation to a school there is substituted a reference to the period referred to in section 41(1) of the Act.
Section 45(2) (required consent)	The words “In the case of anything done after proposals for acquisition of grant-maintained

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Provision of Part II of the Act	Modifications
Section 45(4) (effect of contravention of section 45(1))	<p>status have been approved” are omitted, and for the reference to the new governing body there is substituted a reference to the education association named in the order under section 220 of the Act.</p> <p>Subsection (a) is omitted, for the reference to the date of implementation of the proposals there is substituted a reference to the transfer date, and for the reference to the initiation of the procedure for acquisition of grant-maintained status there is substituted a reference to the beginning of the period referred to in section 41(1) of the Act.</p>
Section 46(1) (restriction on staff changes)	<p>For the reference to any period when the procedure for acquisition of grant-maintained status is pending in relation to a school there is substituted a reference to the period referred to in section 41(1) of the Act.</p>
Section 46(5) (required consent)	<p>The words “In the case of anything done after proposals for acquisition of grant-maintained status have been approved” are omitted, and for the reference to the new governing body there is substituted a reference to the education association named in the order under section 220 of the Act.</p>
Section 47 (supplementary provisions about transfers)	<p>For the references in subsections (3)(a) and (4) to the date of implementation of proposals for acquisition of grant-maintained status there are substituted references to the transfer date, and for the words in subsection (3)(b) “at a time when the procedure for acquisition of grant-maintained status is pending section 41 of this Act” there are substituted the words “during the period referred to in section 41(1) of this Act that section”.</p>
Schedule 4 (transitional powers)	<p>For the references in paragraphs 1 to 5 and 6(2) to the new governing body, and for the references in paragraphs 6(1) and 7 to the new governing body of a school and the new governing body of the school respectively there are substituted references to the education association named in the order under section 220 of the Act; for the references in paragraphs 1 and 6 to the period beginning with the incorporation date and ending immediately before the date of implementation of the proposals there are substituted references to the period beginning with the making of the order under section 220 of the Act and</p>

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Provision of Part II of the Act	Modifications
	ending immediately before the transfer date; for the reference in paragraph 1(b) to the date of implementation of the proposals there is substituted a reference to the transfer date; and for the reference in paragraph 5(1) to transition to grant-maintained status there is substituted a reference to transition to conduct by an education association.

SCHEDULE 2

Regulation 8(1)

ENACTMENTS APPLYING TO SPECIAL SCHOOLS  
CONDUCTED BY EDUCATION ASSOCIATIONS

PART I —

PRIMARY LEGISLATION

The provisions listed in the second column below of the enactments mentioned in the first column have effect in relation to the conduct of special schools by education associations as they have effect in relation to the conduct of grant-maintained schools with the modifications mentioned in the third column.

Enactment	Provision	Modification
Education Act 1944 (c. 31)(7).	Sections 10 (school premises), 48(4) (medical and dental inspection and treatment), 54 (power to ensure cleanliness), 55(4) (non-discriminatory provision of transport and other facilities), 62(1) (duty of Secretary of State as to the training of teachers), 67(4) (determination of questions), 68 (as applied by section 219(2) of the Education Reform Act 1988) (power to prevent unreasonable	

(7) References to grant-maintained schools were inserted by Schedule 12 to the Education Reform Act 1988 (c. 40) in sections 10, 48(4), 62(1), 67(4) and 80(1), and in section 54 by paragraph 14 of Schedule 19 to the Education Act 1993 (c. 35). Section 55(4) was substituted by Schedule 8 to the Further and Higher Education Act 1992 (c. 13). In addition, section 10 was amended by section 7(1) of the Education (Miscellaneous Provisions) Act 1948 (c. 40) and section 3(3) of the Education Act 1968 (c. 17). Section 48(4) was amended by Schedule 4 to the National Health Service Reorganisation Act 1973 (c. 32) and Schedule 15 to the National Health Service Act 1977 (c. 49). Section 54 was amended by section 179(3) of the Local Government Act 1972 (c. 70), section 37(1) of the Criminal Justice Act 1982 (c. 48) and Schedule 13 to the Education Reform Act 1988. Section 62(1) was amended by Schedule 8 to the Further and Higher Education Act 1992. Section 67(4) was substituted by Schedule 1 to the Education Act 1968. Section 68 was amended by Schedule 2 to the Education Act 1946 (c. 50), Schedule 30 to the Local Government Act 1972 and Schedule 1 to the Education Act 1980 (c. 20). Section 80(1) was amended by Schedule 2 to the Education (Miscellaneous Provisions) Act 1948 and Schedule 1 to the Education Act 1980. Section 99(1) and (2) was amended by Schedule 1 to the Education Act 1980.

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Enactment	Provision	Modification
	exercise of functions), 80(1) (registration of pupils), and 99(1) and (2) (as applied by section 219(3) of the Education Reform Act 1988) (powers of Secretary of State in default of governors).	
Education (Miscellaneous Provisions) Act 1948 (c. 40)(8)	Section 5(1) and (3) (provision of clothing)	
Local Authorities (Goods and Services) Act 1970 (c. 39)(9)	The whole Act (supply of goods and services by local authorities to public bodies) as extended by paragraph 11 of Schedule 12 to the Education Reform Act 1988	The extension of these provisions to the governing bodies of special schools conducted by education associations shall have effect as if made by an order under section 1(5) of the Local Authorities (Goods and Services) Act 1970
Local Government Act 1972 (c. 70)(10)	Section 134(1) and (2) (use of school room etc. in parish or community)	
Education (Work Experience) Act 1973 (c. 23)(11)	Section 1(1) (Work experience in last year of compulsory schooling)	
Local Government Act 1974 (c. 7)(12)	Section 25(5)	For the words “or for the purposes of paragraph 5 of Schedule 6 to the Education Act 1993” there are substituted the words “or articles of government having effect by virtue of section 223 of the Education Act 1993 for the purpose of determining appeals against decisions not to reinstate pupils following their permanent exclusion from schools conducted by education associations”.
Sex Discrimination Act 1975 (c. 75)(13)	Sections 22 (discrimination by bodies in charge of educational	

- (8) Sections 5(1) and (3) have been amended by Schedule 1 to the Education (Miscellaneous Provisions) Act 1953 (c. 33), section 29 of the Education Act 1980, Schedule 3 to the Education Act 1981 (c. 60), section 100(4) of and Schedule 12 to the Education Reform Act 1988 and Schedule 8 to the Further and Higher Education Act 1992.
- (9) The amendments made to this Act are not material to its application under this Schedule.
- (10) Sections 134(1) and (2) were amended by Schedule 12 to the Education Reform Act 1988.
- (11) Section 1(1) was amended by Schedule 12 to the Education Reform Act 1988.
- (12) Section 25(5) was added by section 7(7) of the Education Act 1980 and was amended by section 269 of the Education Act 1993.
- (13) In section 22 paragraph 3A of the Table, and in section 25 a reference to that paragraph, were inserted by Schedule 12 to the Education Reform Act 1988.



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Enactment	Provision	Modification
	establishments) and 25 (general duty in public sector of education)	
Race Relations Act 1976 (c. 74)(14)	Sections 17 (discrimination by bodies in charge of educational establishments) and 19 (general duty in public sector of education)	
National Health Service Act 1977 (c. 49)(15)	Sections 5(1) to (1B), paragraph 3 of Schedule 1 (medical and dental inspection and treatment of pupils) and paragraph 1(1) of Schedule 8 (care of mothers and young children)	
Employment Protection (Consolidation) Act 1978 (c. 44)(16)	Section 29(1) (time off for public duties)	
Education Act 1980 (c. 20)(17)	Section 22 (3A) and 3B (provision of milk, meals and other refreshment)	
Local Government (Miscellaneous Provisions) Act 1982 (c. 30)(18)	Section 40 (nuisance and disturbance on educational premises)	
Education (No. 2) Act 1986 (c. 61)(19)	Sections 46A (application of provisions relating to politics and sex education) and 62 (access to documents and information)	
Education Reform Act 1988 (c. 40)(20)	Sections 106 to 111 (charges and recovery of examination	For the references in sections 106 and 110 to section 68(8)

(14) In section 17 paragraph 3A of the Table, and in section 19 a reference to that paragraph, were inserted by Schedule 12 to the Education Reform Act 1988.

(15) Section 5(1) was amended, and subsections (1A) and (1B) inserted, by section 10(1) of and Schedule 3 to the Health and Medicines Act 1988 (c. 49) and Schedule 12 to the Education Reform Act 1988, which also amended paragraph 3 of Schedule 1 and paragraph 1(1) of Schedule 8.

(16) Section 29(1) was amended by Schedule 12 to the Education Reform Act 1988.

(17) Section 22(3A) and (3B) were inserted by Schedule 12 to the Education Reform Act 1988 and Schedule 8 to the Further and Higher Education Act 1992.

(18) Section 40 was amended by section 37(3) of the Criminal Justice Act 1982 (c. 48) and Schedule 12 to the Education Reform Act 1988.

(19) Section 46A was inserted and section 62 amended by Schedule 12 to the Education Reform Act 1988.

(20) Sections 2 and 117 were amended by section 240 of the Education Act 1993. Section 9 (1A) was inserted by section 12 of the Further and Higher Education Act 1992. Sections 14(3) and 16 were amended by Schedule 15 to the Education Act 1993 and section 16 by Schedule 19 to that Act. Section 17A is inserted by section 241 of that Act, which was not in force at the date of making these Regulations. Section 19 is amended by paragraph 121 of Schedule 19 to the Education Act 1993, which was not in force at the date of making these Regulations. Section 22 was amended by paragraph 123 of that Schedule. Section 25 was amended by Schedule 21 to the Education Act 1993. Sections 106, 110 and 111 were amended by Schedules 19 and 21 to that Act. Section 197(7) was amended by section 47(5) of that Act. Section 211 was amended by Schedule 8 to the Further and Higher Education Act 1992 and section 11 of the Local Government Act 1966 (c. 42) was substituted by the Local Government (Amendment) Act 1993 (c. 27). An amendment is made to section 220 by section 10(4) of the Education Act 1993.

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Enactment	Provision	Modification
	fees), 117 (entry for prescribed examinations), 118 (charges: supplementary), 197(7) (information for Education Assets Board), 211 (grants under section 11, Local Government Act 1966), 220 (extension of functions of Audit Commission), and 221 (avoidance of certain contractual terms).	of the Education Act 1993 and for the reference in section 109(3) to section 57(5) of the Education Reform Act 1988 there are substituted references to section 222(4) of the Education Act 1993
Children Act 1989 (c. 41)(21)	Paragraph 3 of Schedule 9 (exemption from registration under section 71 (child minding and day care))	
Environmental Protection Act 1990 (c. 43)	Section 98(2) (litter— definition of “educational institution”)	
School Teachers' Pay and Conditions Act 1991 (c. 49)(22)	The whole Act	
Further and Higher Education Act 1992 (c. 13)	Sections 5(4) (exclusion of certain grants for provision of further education to persons with learning difficulties), 16(2) (grant-maintained schools which may be conducted by a further education corporation), and 54(1) (duty to give information to further education funding council)	
Education (Schools) Act 1992 (c. 38)	Section 16(7) (provision of information)	
Tribunals and Inquiries Act 1992 (c. 53)(23)	Paragraph 15(c) of Schedule 1 (tribunals under direct supervision of Council on Tribunals).	For paragraph 15(c) there is substituted “(c) appeal committees constituted in accordance with articles of government having effect by virtue of section 223 of the Education Act 1993 for the purpose of determining appeals against decisions not to reinstate pupils following

(21) Paragraph 3 of Schedule 9 was amended by paragraph 153 of Schedule 19 to the Education Act 1993.

(22) Section 2 was amended by paragraph 161 of Schedule 19 to the Education Act 1993 and section 3A inserted by section 289 of that Act.

(23) Paragraph 15(c) of Schedule 1 was amended by paragraph 174 of Schedule 19 to the Education Act 1993.

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Enactment	Provision	Modification
Charities Act 1993 (c. 10). Education Act 1993 (c. 35).	Schedule 2 (exempt charities) Chapter VI of Part II (funding of grant-maintained schools) (other than section 83(3) to (5)), sections 128 (provision of further education in grant-maintained schools), 129 (provision of benefits and services by local education authority), 131(1) (disposal of premises on transfer of school to new site), 132 (disposal of premises transferred to school), 134(1) (disposal of premises provided by funding authority), 135 (interpretation), 136 (modification of trust deeds etc.), 143(2) to (4) (discrimination on grounds of religious opinions of staff etc.), 152 to 155 (manner of notification to governing body, provision of information by them, inspection of accounts and reports to Parliament), 161(5) (annual report to about governing body's policy for pupils with special educational needs), 192(5) and (6) (notification of governing body and duty to admit child where school named in school attendance order), 203 (exemption from school attendance where child attains 5 years during term), 261 (restriction on power to exclude pupils) and 268 (indemnity for legal expenses of members of appeal committees) and Schedule 2, paragraphs 1(2), 5(3) and (4), 6(3), 11(1) and (3), 12(1) and 13(2) (charges for board and lodging for pupils where order made under section 12).	their permanent exclusion from schools conducted by education associations;”  For the reference in section 130(2) to section 68(7) (b) of the Act there is substituted a reference to paragraph 1(3)(b) of Schedule 12 to the Act; for the reference in section 131(1) (a) to Chapter VII there is substituted a reference to section 184 of the Act; for the reference in section 161(5) to the report prepared under the articles of government for the school in accordance with section 30 of the Education (No. 2) Act 1986 or paragraph 8 of Schedule 6 to the Act there is substituted a reference to the report required by the school's articles of government to be prepared once in every school year; in section 261(3)(b)(ii) the words “a committee of” are omitted; for the reference in section 268(1)(b) to an appeal committee constituted for the purposes of paragraph 5(1) of Schedule 6 to the Act there is substituted a reference to an appeal committee constituted in accordance with the school's articles of government.

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## PART II—

### SUBORDINATE LEGISLATION

The Regulations mentioned in the left-hand column below have effect in relation to the conduct of special schools conducted by education associations as they have effect in relation to the conduct of grant-maintained schools with the modifications mentioned in the right-hand column.

The Education (School Teacher Appraisal) Regulations 1991 <b>(24)</b>	In regulation 8(5), after “and”, there are inserted the words “he or the appraising body”, and after “existing appraiser”, there are inserted the words “appointed by him, and the appraising body may appoint a new appraiser in place of an existing appraiser appointed by them,”; and in regulation 11(2), after the words “or where the appraiser is the head teacher”, there are inserted the words “or the appraising body so decide”.
The Education (Further Education in Schools) Regulations 1993 <b>(25)</b>	

### SCHEDULE 3

Regulation 9

#### MODIFICATIONS OF INSTRUMENTS APPLYING TO SPECIAL SCHOOLS NOT ESTABLISHED IN HOSPITALS AND CONDUCTED BY EDUCATION ASSOCIATIONS

Instrument	Modifications
Education (School Hours and Policies) (Information) Regulations 1989 <b>(26)</b>	In regulation 2(1), in the definition of “governors' report”, the words “section 58(5) (j) of the Act” there are substituted the words “required by the school’s articles of government to be prepared once in every school year”.
The Education (School) Curriculum and Related Information) Regulations 1989 <b>(27)</b>	In regulation 4(1) for the words “section 58(5) (j) of the 1988 Act” there are substituted the words “required by the school’s articles of government to be prepared once in every school year” and sub-paragraph (c) is omitted.
The Education (National Curriculum) (Temporary Exceptions for Individual Pupils) Regulations 1989 <b>(28)</b>	

(24) [S.I. 1991/1511](#).

(25) [S.I. 1993/1987](#).

(26) [S.I. 1989/398](#).

(27) [S.I. 1989/954](#), to which there are relevant amendments in [S.I. 1991/1582](#) and revocations in [S.I. 1991/1278](#) and [1992/1089](#).

(28) [S.I. 1989/1181](#).

Instrument	Modifications
The Education (School Records) Regulations 1989, regulation 9(a) <b>(29)</b>	
The Education (National Curriculum) (Attainment Targets and Programmes of Study in History) (England) Order 1991 <b>(30)</b>	
The Education (National Curriculum) (Attainment Targets and Programmes of Study in Geography) (Wales) Order 1991 <b>(31)</b>	
The Education (National Curriculum) (Attainment Targets and Programmes of Study in History) (Wales) Order 1991 <b>(32)</b>	
The Education (School Curriculum and Related Information) (Wales) Regulations 1991 <b>(33)</b>	In regulation 8(1) for the words “section 58(5) (j) of the 1988 Act” there are substituted the words “required by the school’s articles of government to be prepared once in every school year”, and sub-paragraph (c) and regulation 9 are omitted.
The Education (National Curriculum) (Attainment Targets and Programmes of Study in Geography) (England) (No. 2) Order 1991 <b>(34)</b>	
The Education (National Curriculum) (Attainment Targets and Programmes of Study in Modern Foreign Languages) Order 1991 <b>(35)</b>	
The Education (National Curriculum) (Exceptions in History and Geography at Key Stage 4) Regulations 1992 <b>(36)</b>	
The Education (National Curriculum) (Attainment Targets and Programmes of Study in Music) (England) Order 1992 <b>(37)</b>	
The Education (National Curriculum) (Attainment Targets and Programmes of Study in Art) (England) Order 1992 <b>(38)</b>	
The Education (National Curriculum) (Attainment Targets and Programmes of Study in Art) (Wales) Order 1992 <b>(39)</b>	

**(29)** [S.I. 1989/1261](#); regulation 9(a) was substituted in relation to England by [S.I. 1992/1089](#) and in relation to Wales by [S.I. 1992/1205](#).

**(30)** [S.I. 1991/681](#).

**(31)** [S.I. 1991/751](#), amended by [S.I. 1991/2608](#).

**(32)** [S.I. 1991/752](#), amended by [S.I. 1991/1668](#).

**(33)** [S.I. 1991/1658](#), amended by [S.I. 1991/1813](#) and [1993/998](#).

**(34)** [S.I. 1991/2562](#).

**(35)** [S.I. 1991/2563](#).

**(36)** [S.I. 1992/156](#).

**(37)** [S.I. 1992/597](#).

**(38)** [S.I. 1992/598](#).

**(39)** [S.I. 1992/757](#).

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

Instrument	Modifications
The Education (National Curriculum) (Attainment Targets and Programmes of Study in Music (Wales) Order 1992 <b>(40)</b>	
The Education (National Curriculum) (Assessment Arrangements for English, Mathematics, Science, Technology, History and Geography) (Key Stage 1) Order 1992 <b>(41)</b>	
The Education (Individual Pupil's Achievements) (Information) (Wales) Regulations 1993 <b>(42)</b>	
The Education (School Performance Information) (England) (No. 2) Regulations 1993 <b>(43)</b>	
The Education (National Curriculum) (Assessment Arrangements for English, Welsh, Mathematics and Science) (Key Stage 1) (Wales) Order 1993 <b>(44)</b>	
The Education (National Curriculum) (Assessment Arrangements for English, Welsh, Mathematics and Science) (Key Stage 3) (Wales) Order 1993 <b>(45)</b>	
The Education (School Performance Information) (Wales) Regulations 1993 <b>(46)</b>	In regulation 10 for the words "pursuant to section 58(5)(j) of the 1988 Act" there are substituted the words "in their annual report prepared pursuant to the school's articles of government".
The Education (Individual Pupils' Achievements) (Information) Regulations 1993 <b>(47)</b>	

11th April 1994

*Eric Forth*  
Parliamentary under Secretary of State,  
Department for Education

**(40)** S.I. 1992/758.  
**(41)** S.I. 1992/1857.  
**(42)** S.I. 1993/835.  
**(43)** S.I. 1993/2077.  
**(44)** S.I. 1993/2190.  
**(45)** S.I. 1993/2191.  
**(46)** S.I. 1993/2194.  
**(47)** S.I. 1993/3182.

13th April 1994

*John Redwood*  
Secretary of State for Wales

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

By orders made under section 220 of the Education Act 1993 responsibility for the conduct of county and voluntary schools may be transferred to education associations, and sections 221 to 227 of the Act make further provision regarding the subsequent conduct (or discontinuance) of such schools. Under section 228(2) and (3) of the Act regulations may apply these provisions with modifications to maintained special schools and may provide for the transfer to education associations of responsibility for the conduct, and the subsequent conduct, of such schools.

These Regulations—

1. apply sections 220 to 227 of the Act to maintained special schools with the modifications made by regulation 2;

2. apply section 35 of the Act (which provides for the exercise of powers by the governing bodies of schools following the approval of proposals for grant-maintained status but before their implementation), certain provisions of Part II of the Act (which concerns grant-maintained schools) and the Education (Acquisition of Grant-maintained Status) (Transitional Functions) Regulations 1993 to the transfer to an education association of responsibility for the conduct of a maintained special school with the modifications made by regulations 3 and 4 and Schedule 1;

3. provide for the implementation, after the transfer of responsibility for the conduct of a maintained special school to an education association, of proposals to alter such a school approved before the transfer (*regulation 5*) and prohibit the making of proposals to alter or discontinue such a school where an order under section 220 of the 1993 Act has been made in respect of it (*regulation 6*); and

4. provide for the enactments referred to in regulation 8(2) and (3) and Schedule 2 to have effect in relation to the conduct of special schools by education associations with the modifications in that Schedule (*regulation 8*) and apply the provisions of the National Curriculum to such schools when not established in hospitals with the modifications made by Schedule 3 (*regulation 9*).