

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)(1).	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 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)(2)	Section 5(1) and (3) (provision of clothing)	

- (1) 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.
- (2) 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.

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Enactment	Provision	Modification
Local Authorities (Goods and Services) Act 1970 (c. 39)(3)	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)(4)	Section 134(1) and (2) (use of school room etc. in parish or community)	
Education (Work Experience) Act 1973 (c. 23)(5)	Section 1(1) (Work experience in last year of compulsory schooling)	
Local Government Act 1974 (c. 7)(6)	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)(7)	Sections 22 (discrimination by bodies in charge of educational establishments) and 25 (general duty in public sector of education)	
Race Relations Act 1976 (c. 74)(8)	Sections 17 (discrimination by bodies in charge of educational establishments) and 19 (general duty in public sector of education)	

(3) The amendments made to this Act are not material to its application under this Schedule.

(4) Sections 134(1) and (2) were amended by Schedule 12 to the Education Reform Act 1988.

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

(6) 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.

(7) 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.

(8) 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.

Enactment	Provision	Modification
National Health Service Act 1977 (c. 49)(9)	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)(10)	Section 29(1) (time off for public duties)	
Education Act 1980 (c. 20)(11)	Section 22 (3A) and 3B (provision of milk, meals and other refreshment)	
Local Government (Miscellaneous Provisions) Act 1982 (c. 30)(12)	Section 40 (nuisance and disturbance on educational premises)	
Education (No. 2) Act 1986 (c. 61)(13)	Sections 46A (application of provisions relating to politics and sex education) and 62 (access to documents and information)	
Education Reform Act 1988 (c. 40)(14)	Sections 106 to 111 (charges and recovery of examination 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	For the references in sections 106 and 110 to section 68(8) 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

(9) 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.

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

(11) 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.

(12) 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.

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

(14) 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
	221 (avoidance of certain contractual terms).	
Children Act 1989 (c. 41)(15)	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)(16)	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)(17)	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 their permanent exclusion from schools conducted by education associations;”
Charities Act 1993 (c. 10).	Schedule 2 (exempt charities)	
Education Act 1993 (c. 35).	Chapter VI of Part II (funding of grant-maintained schools) (other than section 83(3) to (5)), sections 128 (provision	For the reference in section 130(2) to section 68(7) (b) of the Act there is substituted a reference

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

(16) 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.

(17) 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
	<p>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).</p>	<p>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 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.</p>

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.

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The Education (School Teacher Appraisal)
Regulations 1991**(18)**

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**(19)**

(18) S.I. 1991/1511.

(19) S.I. 1993/1987.