

SCHEDULE 2

Articles 2(2) and 4

TRANSITIONAL PROVISIONS

PART I

1.—(1) In this Part “discipline statement” means the written statement which the governing body of a school are required to make by virtue of, and in accordance with, such of the following provisions of the 1996 Act as is applicable in their case, namely—

- (a) subsection (2) of section 154 (as substituted with effect from 1st April 1998 by section 2 of the 1997 Act), or
- (b) subsection (2) of section 306A (which was inserted with effect from the same date by section 3 of the 1997 Act).

(2) Where the governing body of any school are required to make a discipline statement by virtue of a provision mentioned in sub-paragraph (1), they shall make that statement in the period commencing on 1st April 1998 and ending on 1st September 1998.

(3) Sub-paragraph (2) is without prejudice to the governing body’s duty from time to time to review that statement after the end of the period referred to in that sub-paragraph.

2.—(1) None of the following provisions of the 1996 Act, namely—

- (a) section 154(4), (5) and (7), or (as the case may be)
- (b) section 306A(4), (5) and (7),

shall have effect in relation to the head teacher of a school until the date upon which that school’s governing body first make a discipline statement as required by section 154(2)(a) or 306A(2)(a) of that Act.

(2) However until that date, the following provisions of the school’s articles of government shall continue to have effect, namely—

- (a) in relation to a county, voluntary or maintained special school, the provisions required to be contained in those articles by virtue of subsections (3) to (5) of section 154 of the 1996 Act as it had effect immediately before 1st April 1998; and
- (b) in relation to a grant-maintained or grant-maintained special school, any provisions in the school’s articles which have the same or a similar effect to the provisions mentioned in paragraph (a) of this sub-paragraph.

(3) Sub-paragraph (2) applies notwithstanding the coming into force of section 2, 3 or 57(3) of the 1997 Act.

(4) In this Part—

- (a) any reference to section 154 of the 1996 Act (other than the one in sub-paragraph (2) of this paragraph) shall be construed as a reference to that section as substituted by section 2 of the 1997 Act; and
- (b) any reference to section 306A of the 1996 Act shall include a reference to that section as it has effect in relation to a grant-maintained special school by virtue of paragraph 15 of Schedule 28 to that Act (as amended by section 3(2) of the 1997 Act).

PART II

3. Section 550B of the 1996 Act (inserted by section 5 of the 1997 Act) shall not apply in relation to the detention of a pupil imposed as punishment for misconduct which occurs wholly before 1st September 1998.

4. In relation to a pupil who is excluded from a school for misconduct which occurs wholly before 1st September 1998, the provisions of—

- (a) section 156(2) of the 1996 Act (in relation to a county, voluntary or maintained special school), or
- (b) section 307(1) of that Act (in relation to a grant-maintained or grant-maintained special school),

shall continue to have effect without the amendments made by section 6 of the 1997 Act.

5.—(1) In this paragraph “relevant appeal” means an appeal against a decision or direction relating to the permanent exclusion of a pupil from a school where any such decision or direction is made before 1st September 1998.

(2) In relation to a relevant appeal concerning the exclusion of a pupil from a county, voluntary or maintained special school, Schedule 16 to the 1996 Act shall continue to have effect without the amendments made by section 7 of the 1997 Act.

(3) In relation to a relevant appeal concerning the exclusion of a pupil from a grant-maintained or grant-maintained special school—

- (a) the provisions in that school’s instrument or (as the case may be) articles of government applying immediately before 1st September 1998 which relate to the procedure on an appeal against a decision not to reinstate a pupil permanently excluded from the school, shall continue to have effect; and
- (b) none of the following provisions shall apply—
 - (i) section 307A of the 1996 Act (inserted by section 8(1) of the 1997 Act);
 - (ii) Schedule 25A to the 1996 Act (inserted by section 8(2) of, and Schedule 1 to, the 1997 Act); and
 - (iii) paragraph 16 of Schedule 28 to the 1996 Act (inserted by section 8(3) of the 1997 Act).

6. Paragraphs 4 and 5 apply notwithstanding the coming into force of sections 6 to 8 and 57(3) of the 1997 Act.