

SCHEDULE

Article 6

TRANSITIONAL AND SAVING PROVISIONS

Communication in schools

1. Despite the coming into force of section 38(2)(b) of the 2002 Act, the academic years in respect of which comparative statistics must be included in a report shall not include any year beginning before 1st August 2002 (so that the report in respect of 1st August 2003 to 31st July 2004 will include comparative statistics in respect of the preceding year only).

Health hazards in FE institutions

2. Despite the repeal of section 218(1)(e) of the Education Reform Act 1988, regulations 4, 5 and 7 of, and Schedule 1 to the Education (Schools and Further and Higher Education) Regulations 1989 (1) shall remain in force.

Teachers' qualifications and health standards

3. Despite the repeal of section 218(5) of the Education Reform Act 1988, regulations 5, 6 and 7 (and regulation 3 to the extent that it relates to those regulations) of the Education (Teachers' Qualifications and Health Standards) (England) Regulations 1999 (2) shall remain in force.

Saving of existing instruments of government

4. Despite the coming into force of section 19(1) of the 2002 Act and the repeal of section 36(1) of and Schedule 9 to the 1998 Act, all instruments of government of maintained schools shall remain in force until replaced by a new instrument of government made in accordance with the School Governance (Constitution) Regulations 2003 (3).

Maintained nursery schools and delegated budgets

5. The application of Chapter 4 of Part 2 of the 1998 Act to maintained nursery schools made by the amendment of section 45 of that Act by paragraph 99 of Schedule 21 to the 2002 Act, shall have effect in the period ending immediately before 1st April 2004 only for the purpose of the financing of maintained nursery schools in any financial year beginning on and after that date.

Independent schools

6. Despite the coming into force of section 165 of the 2002 Act, that section (except for subsections (1), (2), (12) and (13)) shall not apply until 1st September 2005 to any school which was on 31st August 2003 provisionally registered pursuant to section 465(3) of the Education Act 1996.

(1) [SI 1989/351](#)
(2) [SI 1999/2166](#)
(3) [SI 2003/348](#)