
STATUTORY INSTRUMENTS

2004 No. 657

**The Blackburn with Darwen (Maintained
Nursery School Governance) Order 2004**

Modification

3. The following provisions shall, in respect of the authority and their responsibilities towards the nursery schools, be modified to the extent provided:

- (a) sections 317(1), 317A(1) and 329A(13)(a) of the 1996 Act **(1)** (special educational needs) as if the amendments made by paragraphs 39(2), 40 and 44 of Schedule 21 to the Act were not made;
- (b) sections 11, 15, 16, 17, 18, and 21 of, and paragraph 1 of Schedule 3 to, the School Inspections Act 1996 **(2)** (school inspections) as if the amendments made by paragraphs 60, 61, 62, 63(a), 64, 65 and 67 of Schedule 21 to the Act were not made;
- (c) section 45(1A) **(3)** of the 1998 Act (definition of “maintained school” for purposes of budget share), as if paragraph (c) of that subsection were omitted;
- (d) sections 61 and 62 of the 1998 Act (school discipline) as if the amendments made by paragraphs 102 and 103 of Schedule 21 to the Act were not made;
- (e) section 21(1) of the Act (general conduct of the school) as if the reference to the “school’s governing body” were a reference to the authority;
- (f) section 21(2) of the Act (conduct of the school with view to promoting high standards) as if the reference to the “governing body” were a reference to the authority;
- (g) section 32(1)(b) of the Act (times of school sessions), as if the reference to the “governing body” were a reference to the authority;
- (h) section 52(5)(a) of the Act (pupil exclusion), as if the words “such person or body as may be appointed for that purpose by the authority” were substituted for the words “governing body of the school”;
- (i) section 90(3) of the Act (development work and experiments) —
 - (i) as if the words “with the agreement of the governing body” were omitted from paragraph (b), and
 - (ii) as if the words “both” and “and the governing body” were omitted from paragraph (c);
- (j) section 95 of the Act (appeals against direction for temporary exceptions for individual pupils) as if references to the “governing body” in each place where they occur were references to the authority;
- (k) the Education (Pupil Exclusions and Appeals) (Maintained Schools) (England) Regulations 2002 **(4)**, as if the words “such person or body as may be appointed for that

(1) Part IV of the 1996 Act was amended by the 1998 Act and the Special Educational Needs and Disability Act 2001.

(2) 1996 c. 57

(3) Section 45(1A) of the 1998 Act was inserted by paragraph 99 of Schedule 21 to the 2002 Act.

(4) S.I. 2002/ 3178

purpose by the local education authority” were substituted for the words “governing body” in each place where they occur;

- (l) the LEA Budget, Schools Budget and Individual Schools Budget (England) Regulations 2003 **(5)**:
 - (i) as if paragraph 2(2) of Schedule 2 was omitted, and
 - (ii) as if the words “which will cease to be maintained on or before 31st August 2004” were omitted from paragraph 25 of Schedule 3; and
- (m) the Financing of Maintained Schools (England) (No. 2) Regulations 2003 **(6)**, to omit the words “or a maintained nursery school” from regulation 1(3)(p).