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STATUTORY INSTRUMENTS

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**2008 No. 1701**

**EDUCATION, ENGLAND**

**The Education (Hazardous Equipment and Materials in Schools)  
(Removal of Restrictions on Use) (England) Regulations 2008**

<i>Made</i>	- - - -	<i>26th June 2008</i>
<i>Laid before Parliament</i>		<i>4th July 2008</i>
<i>Coming into force</i>	- -	<i>1st September 2008</i>

The Secretary of State for Children, Schools and Families, in exercise of the powers conferred by sections 347(2), 546 and 563 of the Education Act 1996(1), makes the following Regulations:

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Education (Hazardous Equipment and Materials in Schools) (Removal of Restrictions on Use) (England) Regulations 2008 and come into force on 1st September 2008.

(2) These Regulations apply in relation to England only.

**Revocation of Education (Schools and Further and Higher Education) Regulations 1989**

2. The Education (Schools and Further and Higher Education) Regulations 1989(2) are revoked.

**Amendment of Education (Special Educational Needs) (Approval of Independent Schools) Regulations 1994**

3. Paragraph 7 of Schedule 1 to the Education (Special Educational Needs) (Approval of Independent Schools) Regulations 1994(3) is omitted.

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(1) 1996 c.56. See the definition of “regulations” in section 579(1). Section 546 was amended by paragraph 162 of Schedule 30 to the School Standards and Framework Act 1998 (c. 31). Section 563 was amended by paragraph 172 of Schedule 30 to that Act. By virtue of article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) the powers conferred by sections 347, 546 and 563 are exercisable by the Secretary of State only in relation to England: see the entry in Schedule 1 to the Order for the Education Act 1996.

(2) S.I. 1989/351. Regulations 6(1), 8 and 9 were revoked by S.I. 2001/692. Regulations 2, 4 (except for regulation 4(1)(a)), 10, 11, 12 and 13 and Schedules 1 and 2 were revoked by S.I. 2004/571.

(3) S.I. 1994/651.

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**Status:** This is the original version (as it was originally made).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

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26th June 2008

*Andrew Adonis*  
Parliamentary Under Secretary of State  
Department for Children, Schools and Families

## **EXPLANATORY NOTE**

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

This instrument revokes the Education (Schools and Further and Higher Education) Regulations 1989 thereby removing the requirement for maintained schools and non-maintained special schools to obtain the Secretary of State's approval before using for the purposes of instruction certain radioactive substances and certain apparatus in which electrons are accelerated by a potential difference of at least 5 kilovolts (regulation 2). It also removes the requirement for independent schools approved under section 347 of the Education Act 1996 to notify the Secretary of State in writing before using such substances and apparatus for the purposes of instruction (regulation 3).

A full impact assessment has not been produced for this instrument as it has only a negligible impact on the private and voluntary sectors.