

SCHEDULES

SCHEDULE 19

MINOR AND CONSEQUENTIAL AMENDMENTS

The Sex Discrimination Act 1975 (c. 65)

56 In section 23(1) of the Sex Discrimination Act 1975 (other discrimination by local education authorities) for “1981” there is substituted “1993”.

57 After section 23B of that Act (discrimination by Scottish Further and Higher Education Funding Councils) there is inserted—

“23C Discrimination by Funding Agency for Schools or Schools Funding Council for Wales.

It is unlawful for the Funding Agency for Schools or the Schools Funding Council for Wales in carrying out their functions by or under the Education Acts 1944 to 1993 to do any act which constitutes sex discrimination.”

58 In section 24(2)(d) of that Act (designated establishments) after “school age” there is inserted “(construed in accordance with section 277 of the Education Act 1993)”.

59 In section 25 of that Act (general duty in public sector of education)—

(a) in subsections (2) and (4) for “and 23” there is substituted “23, 23A and 23C”, and

(b) after subsection (6)(d) there is added—

“(e) the Funding Agency for Schools and the Schools Funding Council for Wales.”.

60 In section 82(1) of that Act (general interpretation) the definition of “upper limit of compulsory school age” is omitted.

61 In paragraph 1 of Schedule 2 to that Act (transitional exemption orders for educational admissions) for “89 of the Education Reform Act 1988” there is substituted “96 of the Education Act 1993”.

62 (1) Where under section 183(2)(b) of this Act a local education authority serve notice of proposals for a maintained special school to cease to be an establishment which admits pupils of one sex only, the responsible body shall be treated as having applied for the making by the Secretary of State of a transitional exemption order, and the Secretary of State may make such an order accordingly.

(2) Where under section 96 of this Act the governing body of a grant-maintained school publish proposals for the school to cease to be an establishment which admits pupils of one sex only and Part II of this Act has effect with the modifications in section 101(2) to (7) of this Act in relation to the proposals, then—

(a) paragraph 1 of Schedule 2 to the 1975 Act shall not apply unless the proposals require the approval of the Secretary of State, and

Status: This is the original version (as it was originally enacted).

- (b) in any other case, the governing body shall be treated as having applied for the making by the funding authority of a transitional exemption order, and the funding authority may make such an order accordingly.
- (3) Where under section 97 of this Act the funding authority submit to the Secretary of State a copy of proposals for a school to cease to be an establishment which admits pupils of one sex only, then—
- (a) if the proposals require the approval of the Secretary of State, the governing body shall be treated as having applied for the making by him of a transitional exemption order, and
- (b) in any other case, the governing body shall be treated as having applied for the making by the funding authority of such an order,
- and the Secretary of State or, as the case may be, the funding authority may make such an order accordingly.
- (4) Where proposals made by the Secretary of State under section 234 of this Act—
- (a) are for a school to cease to be an establishment which admits pupils of one sex only, and
- (b) have effect as mentioned in section 236(3) of this Act,
- the responsible body shall be treated as having applied for the making by the Secretary of State of a transitional exemption order, and the Secretary of State may make such an order accordingly.
- (5) Where—
- (a) by reason of section 273(4)(b) of this Act any proposals for a school to cease to be an establishment which admits pupils of one sex only may not be determined until the Secretary of State has made his determination with respect to any proposals for acquisition of grant-maintained status, and
- (b) the proposals for acquisition of grant-maintained status and the proposals for the school to cease to be such an establishment are approved (with or without modification),
- paragraph 1 of Schedule 2 to the 1975 Act shall not apply but the new governing body shall be treated as having applied for the making by the Secretary of State of a transitional exemption order, and he may make such an order accordingly.
- (6) In this paragraph—
- “responsible body” has the same meaning as in section 22 of the 1975 Act,
- “the 1975 Act” means the Sex Discrimination Act 1975, and
- “transitional exemption order” has the same meaning as in section 27 of the 1975 Act,
- and references to proposals for a school to cease to be an establishment which admits pupils of one sex only are references to proposals which are or include proposals for such an alteration in a school’s admissions arrangements as is mentioned in section 27(1) of the 1975 Act (single-sex establishments turning co-educational).