

## SCHEDULE

Article 4

### TRANSITIONAL AND SAVING PROVISIONS

#### PART I

##### THE FINANCING OF MAINTAINED SCHOOLS

1. Section 41(1) shall have effect in the period ending immediately before 1st April 2003 only for the purposes of the financing of schools in any financial year beginning on and after that date.

2. Despite the coming into force of the repeal of section 46 of the 1998 Act and of the consequential amendments to sections 49(4) and 143 of that Act and to section 7 of the Learning and Skills Act 2000<sup>(1)</sup> (made by section 41(3) of, paragraphs 100(1) and (2), 113 and 124 of Schedule 21 to, and Part 3 of Schedule 22 to, the 2002 Act)—

- (a) the repeal of section 46 of the 1998 Act,
- (b) the substitution of “LEA budget or schools budget” for “local schools budget” in section 49(4) of the 1998 Act,
- (c) the substitution of “section 45A(3)” for “section 46(2)” in the entry beginning “individual schools budget” in section 143 of the 1998 Act,
- (d) the repeal of the entry relating to local schools budget in section 143 of the 1998 Act, and
- (e) the substitution of “schools budget” and “Schools budget” for “local schools budget” and “Local schools budget” in subsections (1)(a) and (3) of section 7 of the Learning and Skills Act 2000

shall not have effect in relation to any financial year beginning on or before 1st April 2002.

#### PART 2

##### THE DETERMINATION OF ADMISSION ARRANGEMENTS AND ADMISSION OF CHILDREN TO MAINTAINED SCHOOLS

#### **Interpretation**

3. In this Part of this Schedule—

“school year”, in the context of references to the admission of a child to a school in any particular year, means the school year in which he would first take up a place there in consequence of a decision to admit him.

#### **Parental preferences**

4. Despite the coming into force of section 47(1) of, and paragraph 3 of Schedule 4 to, the 2002 Act, the amendments to section 86 of the 1998 Act shall not have effect in relation to the admission of a child to a maintained school in any school year earlier than the 2004–5 school year.

#### **Determination of admission arrangements (including admission numbers)**

5.—(1) Despite the coming into force of the repeals of—

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(1) 2000 c. 21.

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- (a) sections 84(6) and 143 of the 1998 Act, insofar as those provisions apply to the definition of “the relevant standard number”,
- (b) section 93 of, and Schedule 23 to, the 1998 Act, and
- (c) paragraph 5(4)(e) of Schedule 4 to the 1998 Act,

those provisions shall continue to have effect in relation to any school year earlier than the 2004–5 school year.

(2) Despite the coming into force of section 47(2) of, and paragraph 5 of Schedule 4 to, the 2002 Act, neither section 89A of the 1998 Act nor the amendments to section 89 of that Act shall have effect in relation to the determination of a maintained school’s admission arrangements for any school year earlier than the 2004–5 school year.

#### **Objections to admission arrangements**

6. Despite the coming into force of paragraph 6 of Schedule 4 to the 2002 Act, the amendments to section 90 of the 1998 Act shall not have effect in relation to a maintained school’s admission arrangements for any school year earlier than the 2004–5 school year.

#### **Repeal of power to make special arrangements for preserving religious character**

7. Despite the coming into force of section 49 of the 2002 Act, and without prejudice to section 16(1)(c) of the Interpretation Act 1978<sup>(2)</sup>, section 91 of the 1998 Act (special arrangements to preserve religious character of foundation or voluntary aided school) shall continue to have effect in relation to a maintained school’s admission arrangements for any school year earlier than 2004–5.

#### **Direction to admit a pupil to a specified school**

8. Despite the coming into force of paragraphs 10 and 11 of Schedule 4 to the 2002 Act, the amendments to sections 96 and 97 of the 1998 Act shall not have effect in relation to any decision made by a local education authority before 1st October 2002 to direct a specified school to admit a pupil.

#### **Amendment of the Diocesan Boards of Education Measure 1991**

9.—(1) Despite the coming into force of paragraph 13 of Schedule 4 to the 2002 Act, the amendment to section 3(1) of the Diocesan Boards of Education Measure 1991 shall not have effect in relation to a church school’s admission arrangements for any school year earlier than the 2004–5 school year.

(2) In this paragraph “church school” means foundation or voluntary school which is a Church of England school as defined by section 142 (1) of the 1998 Act.

#### **Amendment of the Education Act 1996**

10. Despite the coming into force of paragraph 14 of Schedule 4 to the 2002 Act, the amendments to section 439(2) of the Education Act 1996<sup>(3)</sup> shall not have effect in relation to any school attendance order made under section 437 of that Act during any school year earlier than the 2004–5 school year.

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(2) 1978 c. 30.  
(3) 1996 c. 56.

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