

## SCHEDULE 1

### ENACTMENTS APPLYING (WITH OR WITHOUT MODIFICATIONS) IN RELATION TO UNITS

#### PART 1

##### Primary Legislation

###### **Education Act 1996**

1. Section 404 of the Education Act 1996(1) applies in relation to the teacher in charge of a unit as it applies in relation to the governing body of a maintained school, but only in relation to pupils who are provided with secondary education at the unit.

2. Section 405 of that Act applies in relation to units as it applies in relation to maintained schools with the modification that the words “, except so far as such education is comprised in the National Curriculum,” are omitted.

3. Section 559 of that Act(2) applies in relation to a child who is a registered pupil at a unit as it applies in relation to a child who is a registered pupil at a community, foundation, voluntary or special school.

###### **School Standards and Framework Act 1998**

4.—(1) Section 19 of the School Standards and Framework Act 1998(3) applies in relation to units as it applies in relation to maintained schools with the following modifications.

(2) Subsection (1) applies if at any time the circumstances set out in section 15(6) of that Act apply in relation to a unit.

(3) In subsection (2) the reference to the governing body in paragraph (a) is omitted, and paragraphs (b), (c) and (ca) are omitted.

(4) In subsection (3) the reference to the governing body is omitted.

5. Section 61 of that Act(4) applies in relation to units as it applies in relation to maintained schools with the modification that for references to the governing body there are substituted references to the management committee of the unit or, in the case of a unit not having a management committee, the local education authority.

6. Subsections (1), (2) and (4) of section 62 of that Act apply in relation to a unit as they apply in relation to a maintained school as if—

(a) the reference in subsection (2)(b) to the governing body was a reference to the teacher in charge of the unit, and

(b) the reference in subsection (4) to the governing body was omitted.(5)

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(1) Section 404 was amended by paragraph 103 of Schedule 30, and Schedule 31 to, the School Standards and Framework Act 1998 (c. 31), and section 148(1) and (6) of the Learning and Skills Act 2000 (c. 21).

(2) Section 559 was amended by paragraph 171 of Schedule 30 to the School Standards and Framework Act 1998.

(3) 1998 c. 31; section 19 was amended by section 45 of the Education Act 2005 (c. 18).

(4) Section 61 was amended by paragraph 102 of Schedule 21 to the Education Act 2002.

(5) Paragraph 2 of Schedule 1 to the Education Act 1996 provides that references in any enactment to the head teacher of a school shall be read, in relation to a pupil referral unit, as references to the teacher in charge of the unit (whether known as the head teacher or not).

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

## **Education Act 2002**

7. Section 29(3) of the Education Act 2002(6) applies in relation to units as it applies in relation to maintained schools.

8. Section 30(4) of that Act applies in relation to units as it applies in relation to maintained schools with the modification that the words “the governing body or (as the case may be)” and “the governing body or” are omitted.

9. Section 32 of that Act applies in relation to units as it applies in relation to community, voluntary controlled or community special schools or maintained nursery schools with the modification that in section 32(1)(b), in the case of a unit having a management committee, the local education authority together with the management committee shall determine the times of the school sessions.(7)

10. Section 80(1)(d) of that Act applies in relation to units as it applies in relation to special schools.

## **Education Act 2005**

11.—(1) Part 1 of the Education Act 2005(8) applies in relation to units as if they were schools to which section 5 of that Act applies, and as if they were maintained schools, with the following modifications.

(2) In section 6(3) the “appropriate authority” in relation to a unit means the local education authority.

(3) In subsection 14(2) paragraphs (b) and (c) are omitted.

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(6) [2002 c. 32.](#)

(7) Paragraph 1 of Schedule 1 to the Education Act 1996 provides that references in any enactment to the proprietor or governing body of a school shall be read, in relation to a pupil referral unit, as reference to the local education authority.

(8) [2005 c. 18.](#)