

SCHEDULES

SCHEDULE 19

Section 307.

MINOR AND CONSEQUENTIAL AMENDMENTS

The Children and Young Persons Act 1933 (c. 12)

- 1 Section 10 of the Children and Young Persons Act 1933 (vagrants preventing children from receiving education) is omitted.
- 2 In section 30(1)(a) of that Act (interpretation) for the words from “for the purposes” to the end of paragraph (a) there is substituted “over compulsory school age (construed in accordance with section 277 of the Education Act 1993)”.

The Education Act 1944 (c. 31)

- 3 The Education Act 1944 is amended as follows.
- 4 Section 1(1) (general duty of Secretary of State) is omitted.
- 5 In section 6(1) (local education authorities) the words from “Subject” to “Act” are omitted.
- 6 Section 9(5) (definition of special school) is omitted.
- 7 In section 15 (voluntary schools) for “the maintenance contribution payable by the Minister under this Act”, in subsections (2) and (5), there is substituted “grants under section 281 of the Education Act 1993”.
- 8 In section 16(1) (transfer of schools to new sites, etc), “any county school or” and the words following “the new site” are omitted.
- 9 In section 26(4)(a) (special provisions as to religious education in county schools) after “particular” there is inserted “religion or”.
- 10 Section 35 (compulsory school age) is omitted.
- 11 Sections 37 (school attendance orders), 39 (duty of parents to secure regular attendance of registered pupils) and 40 (enforcement of school attendance) are omitted.
- 12 In section 50 (provision of board and lodging otherwise than at school)—
 - (a) in subsection (1) “by them” is omitted, and
 - (b) in subsection (2) after “with respect to the” there is inserted “religion or”.
- 13 In section 52 (recovery of cost of board and lodging otherwise than at school), in paragraph (a) of the proviso to subsection (1), “by the authority” is omitted.
- 14 In section 54 (power to ensure cleanliness)—
 - (a) in subsection (1) after “by them” there is inserted “and grant-maintained schools within their area”,

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- (b) in subsection (6) after “authority” there is inserted “or at a grant-maintained school”, and
 - (c) in subsection (7)—
 - (i) after “by the authority” there is inserted “or at a grant-maintained school within the area of the authority”, and
 - (ii) for “this Act” there is substituted “Part IV of the Education Act 1993”.
- 15 In section 55 (transport), at end of subsection (3) there is added “and to any wish of his parent for him to be provided with education at a school or institution in which the religious education provided is that of the religion or denomination to which his parent adheres”.
- 16 Section 56 (power to provide education otherwise than at school) is omitted.
- 17 In section 58 (adaptation of enactments relating to employment of children) “for the purposes of this Act” is omitted.
- 18 In section 63(2) (exemption from local Acts and byelaws of buildings approved by the Secretary of State) after “plans for” there is inserted “or particulars in respect of”.
- 19 That subsection shall have effect as if the reference to plans approved by the Secretary of State included particulars given in pursuance of section 151(2)(b) of this Act.
- 20 In section 76 (pupils to be educated in accordance with the wishes of their parents) —
- (a) for “this Act” there is substituted “the Education Acts 1944 to 1993”, and
 - (b) before “and local education authorities” there is inserted “the funding authorities”.
- 21 In section 80(1) (registration of pupils at schools) after “to the Secretary of State” there is inserted “to the funding authorities”.
- 22 Sections 102 and 103 (contributions and grants by Secretary of State to aided and special agreement schools) are omitted.
- 23 In section 105 (power of Secretary of State to make loans to aided and special agreement schools in respect of initial expenditure)—
- (a) in subsection (2)—
 - (i) in paragraph (c)(i) after “premises” there is inserted “or on a transfer of the school to a new site” and for “a maintenance contribution” there is substituted “grants under section 281 of the Education Act 1993”,
 - (ii) in paragraph (c)(iii) for the words from “which” to the end there is substituted “being expenses in respect of which grants under section 281 of the Education Act 1993 may be paid”,
 - (iii) paragraph (d) is omitted, and
 - (iv) in the words following that paragraph, “maintenance contribution” is omitted and for “either of the last two foregoing sections” there is substituted “section 281 of the Education Act 1993”, and
 - (b) in subsection (3) after “representative of any” there is inserted “religion or”.
- 24 In section 114 (interpretation)—
- (a) in subsection (1)—

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- (i) for the definition of “compulsory school age” there is substituted—
 - ““Compulsory school age” shall be construed in accordance with section 277 of the Education Act 1993”,
 - (ii) in the definition of “registered pupil”, for “pupil registered as such” there is substituted “person registered as a pupil”,
 - (iii) in the definition of “secondary school”, “primary or” is omitted, and
 - (iv) in the definition of “special educational needs” and “special educational provision”, for “1 of the Education Act 1981” there is substituted “156 of the Education Act 1993”, and
- (b) for subsection (1E)(b) there is substituted—
“(b) sections 25 to 27, 29, 37, 60, 63 and 65 of the Education Act 1993, paragraph 9 of Schedule 6 to that Act and Schedule 7 to that Act”.
- 25 In section 116 (saving as to persons of unsound mind and persons detained by order of a court) after “this Act” there is inserted “or by or under the Education Act 1993”.
- 26 In the First Schedule (local administration) Part I is omitted.
- 27 In the Fifth Schedule (procedure for preparing and bringing into operation an agreed syllabus of religious education)—
 - (a) in paragraph 2(a) for “and other religious denominations” there is substituted “denominations and other religions and denominations of such religions”,
 - (b) in the proviso to paragraph 2 for “to represent other religious denominations” there is substituted “under sub-paragraph (a) above”,
 - (c) in paragraph 3 before “denomination”, in each place, there is inserted “religion”, and
 - (d) in paragraph 4—
 - (i) for “religious” there is substituted “religion”, and
 - (ii) for the words from “vacancy occurs” to the end there is substituted “person resigns or is withdrawn from the committee the authority shall appoint someone in his place in the same manner as that in which they made the original appointment”.
- 28 In the Eighth Schedule (amendment of enactments), the entry relating to section 10 of the Children and Young Persons Act 1933 is omitted.

The Education Act 1946 (c. 50)

- 29 In the First Schedule to the Education Act 1946 (maintenance of voluntary schools), in paragraph 2, for “section one hundred and three of the principal Act” there is substituted “section 281 of the Education Act 1993”.

The Education (Miscellaneous Provisions) Act 1948 (c. 40)

- 30 Section 9 of the Education (Miscellaneous Provisions) Act 1948 (presumption of age in proceedings to enforce attendance at school) is omitted.

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The Education (Miscellaneous Provisions) Act 1953 (c. 33)

- 31 In section 6(2) of the Education (Miscellaneous Provisions) Act 1953 (payment of tuition and boarding fees for pupils at non-maintained schools)—
- (a) for “the Education Act 1981” there is substituted “Part III of the Education Act 1993”,
 - (b) for “not maintained by them or another local education authority” (in both places) there is substituted “which is not a maintained school”,
 - (c) for “schools maintained by them and schools maintained by other local education authorities” there is substituted “maintained schools”,
 - (d) for “provided by them” in paragraphs (a)(ii) and (b) there is substituted “provided”,
 - (e) paragraph (a)(iii) is omitted, and
 - (f) at the end there is added—

“and in this subsection “maintained school” means any school maintained by a local education authority and any grant-maintained or grant-maintained special school, and paragraph (b) does not apply where section 190(2) of the Education Act 1993 applies”.

- 32 Section 10 of that Act (amendment of procedure for making school attendance orders) is omitted.

The Agriculture (Safety, Health and Welfare Provisions) Act 1956 (c. 49)

- 33 In section 24(1) of the Agriculture (Safety, Health and Welfare Provisions) Act 1956 (interpretation) for “for the purposes of the Education Act 1944” there is substituted “(construed in accordance with section 277 of the Education Act 1993)”.

The Public Records Act 1958 (c. 51)

- 34 In Schedule 1 to the Public Records Act 1958 (definition of public records), in Part II of the Table at the end of paragraph 3 (organisations whose records are public records) there are inserted at the appropriate places—
- “Curriculum Council for Wales”,
 - “Funding Agency for Schools”,
 - “School Curriculum and Assessment Authority”, and
 - “Schools Funding Council for Wales”.

The Church Schools (Assistance by Church Commissioners) Measure 1958 (1958 No. 2)

- 35 In section 2(1) of the Church Schools (Assistance by Church Commissioners) Measure 1958 (interpretation) for “1953” there is substituted “1993”.

The Factories Act 1961 (c. 34)

- 36 In section 176(1) of the Factories Act 1961 (general interpretation) for the definition of “child” there is substituted—

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““child” means any person who is not over compulsory school age (construed in accordance with section 277 of the Education Act 1993) or over school age for the purposes of the Education (Scotland) Act 1946”.

The Education Act 1962 (c. 12)

- 37 Section 9 of the Education Act 1962 (school leaving dates in England and Wales) is omitted.

The Education Act 1964 (c. 82)

- 38 (1) Section 1 of the Education Act 1964 (middle schools) is amended as follows.
- (2) In subsection (1), after “1980” there is inserted “proposals with respect to a grant-maintained school or proposed grant-maintained school are submitted to the Secretary of State under sections 48, 49, 96 or 97 of the Education Act 1993 or proposals with respect to a county school are published under section 272 of that Act”.
- (3) In subsection (3), for “1962” there is substituted “1993”.

The Education Act 1967 (c. 3)

- 39 Section 1 of the Education Act 1967 (extended powers of Secretary of State to make contributions etc.) is omitted.

The Criminal Justice Act 1967 (c. 80)

- 40 In Schedule 3 to the Criminal Justice Act 1967 (increase of fines), the entries relating to section 10 of the Children and Young Persons Act 1933 and section 40(1) of the Education Act 1944 are omitted.

The Education Act 1968 (c. 17)

- 41 In section 1(1) of the Education Act 1968 (changes to character, size or situation of schools) for “1967” there is substituted “1993”.

The Children and Young Persons Act 1969 (c. 54)

- 42 Paragraphs 2 and 13 of Schedule 5 to the Children and Young Persons Act 1969 (minor and consequential amendments of enactments) are omitted.

The Local Authorities (Goods and Services) Act 1970 (c. 39)

- 43 (1) Subject to sub-paragraph (2) below, in the Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities to public bodies) “public body” shall include the School Curriculum and Assessment Authority and the Curriculum Council for Wales.
- (2) The provision in sub-paragraph (1) above shall have effect as if made by an order under section 1(5) of that Act (power to provide that a person shall be a public body for the purposes of the Act).

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The Local Authority Social Services Act 1970 (c. 42)

44 At the end of Schedule 1 to the Local Authority Social Services Act 1970 (enactment conferring functions assigned to social service committee) there is added—

“Education Act 1993.

Help for local education authority in exercising functions under Part III of the Act”.

Section 166.

The Education (Handicapped Children) Act 1970 (c. 52)

45 In section 1(1)(b) of the Education (Handicapped Children) Act 1970 (mentally handicapped children) for the words from “for purposes” to the end of paragraph (b) there is substituted “of compulsory school age (construed in accordance with section 277 of the Education Act 1993)”.

The Superannuation Act 1972 (c. 11)

46 Employment with a funding authority shall be included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 can apply, and accordingly in Schedule 1 to that Act (in which those kinds of employment are listed), at the end of the list of Other Bodies there is inserted—

“The Funding Agency for Schools.

The Schools Funding Council for Wales.”

47 A funding authority shall pay to the Treasury, at such times as the Treasury may direct, such sums as the Treasury may determine in respect of the increase attributable to paragraph 46 above in the sums payable out of money provided by Parliament under the Superannuation Act 1972.

48 Where an employee of a funding authority ceases to be such an employee and becomes a member of the authority and was by reference to his employment by the authority a participant in a scheme under section 1 of that Act, the Treasury may determine that his service as a member shall be treated for the purposes of the scheme as service as an employee of the authority (whether or not any benefits are payable to him by virtue of paragraph 5 of Schedule 1 to this Act).

The Local Government Act 1972 (c. 70)

49 Section 101(9)(a) of the Local Government Act 1972 (arrangements for discharge of functions by local authorities) is omitted.

50 In section 104(2)(a) of that Act (teachers not disqualified for being members of committees) for “for the purposes of the enactments relating to education” there is substituted “wholly or partly for the purpose of discharging any functions with respect to education conferred on them in their capacity as local education authorities”.

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The Education Act 1973 (c. 16)

- 51 Section 1(2)(b) of the Education Act 1973 (general provisions as to educational trusts) is omitted.
- 52 In section 2 of that Act (special powers as to certain trusts for religious education)—
- (a) in subsection (1)(a) after “particular” there is inserted “religion or”,
 - (b) in subsection (1A)(b)—
 - (i) before “denomination” there is inserted “religion or”, and
 - (ii) for “85 or 86 of the Education Reform Act 1988” there is substituted “139 or 140 of the Education Act 1993”,
 - (c) in subsections (1C), (2) and (4) before “denomination”, in each place where it occurs, there is inserted “religion or”, and
 - (d) in subsection (9) for “1971” there is substituted “1993”.

The Matrimonial Causes Act 1973 (c. 18)

- 53 In section 29(2)(a) of the Matrimonial Causes Act 1973 (age limit on making certain orders in favour of children) for the words from “(that is to say” to “that section)” there is substituted “(construed in accordance with section 277 of the Education Act 1993)”.

The Education (Work Experience) Act 1973 (c. 23)

- 54 In section 1(4) of the Education (Work Experience) Act 1973 (interpretation)—
- (a) for “1973” there is substituted “1993”, and
 - (b) for the words from “by virtue of” to the end there is substituted “he would cease to be of compulsory school age”.

The House of Commons Disqualification Act 1975 (c. 24)

- 55 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (disqualifying offices)—
- (a) there are inserted at the appropriate places—
 - “Any member of an education association in receipt of remuneration”,
 - “Any member of the Funding Agency for Schools in receipt of remuneration”, and
 - “Any member of the Schools Funding Council for Wales in receipt of remuneration”, and
 - (b) for the entry relating to the National Curriculum Council there is substituted—
 - “Any member of the School Curriculum and Assessment Authority established under section 244 of the Education Act 1993 in receipt of remuneration”.

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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

(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,

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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).

The Education (School-leaving Dates) Act 1976 (c. 5)

63 The Education (School-leaving Dates) Act 1976 is repealed.

The Race Relations Act 1976 (c. 74)

64 In section 18(1) of the Race Relations Act 1976 (other discrimination by local education authorities) for “1981” there is substituted “1993”.

65 After section 18B of that Act (discrimination by Scottish Further and Higher Education Funding Councils) there is inserted—

“18C 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 racial discrimination.”

66 In section 19 of that Act (general duty in public sector of education)—

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- (a) in subsections (2) and (4) for “and 18” there is substituted “18, 18A and 18C”, and
- (b) after subsection (6)(d) there is added—
 - “(e) the Funding Agency for Schools and the Schools Funding Council for Wales.”.

67 In section 78(1) of that Act (general interpretation) the definition of “upper limit of compulsory school age” is omitted.

The Criminal Law Act 1977 (c. 45)

68 In Schedule 6 to the Criminal Law Act 1977 (increase of fines for certain summary offences) the entry relating to the Education Act 1944 is omitted.

The National Health Service Act 1977 (c. 49)

69 In section 28A(2) of the National Health Service Act 1977 (power to make payments to local education authority) for “1981” there is substituted “1993”.

70 In paragraph 1(a)(ii) of Schedule 1 to that Act (medical and dental inspection and treatment of pupils etc.) for the words from “special arrangements” to “1981” there is substituted “section 163 or 298 of the Education Act 1993”.

The Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22)

71 In section 5(2)(a) of the Domestic Proceedings and Magistrates' Courts Act 1978 (age limit on making certain orders in favour of children) for the words from “(that is to say” to “that section)” there is substituted “(construed in accordance with section 277 of the Education Act 1993)”.

The Education Act 1980 (c. 20)

72 The Education Act 1980 is amended as follows.

73 In section 7 (appeals against admission decisions) after “functions” there is inserted “(other than a decision leading to or embodied in a direction under section 13 of the Education Act 1993)”.

74 In section 9(2) (nursery schools and special schools) for “7 of the Education Act 1981” there is substituted “168 of the Education Act 1993”.

75 Sections 10 (determination of school to be named in school attendance order) and 11 (amendment of school attendance order) are omitted.

76 In section 13(1) (establishment and alteration of voluntary schools) “after consultation with the authority” is omitted.

77 In section 14 (approval of school premises)—

- (a) in subsection (1)(c), after “school” there is inserted “or the transfer of a school to a new site”, and
- (b) subsection (4) is omitted.

78 In section 16 (provisions supplementary to sections 12 to 15), after subsection (1) there is inserted—

“(1A) Subsection (1) above does not apply to the transfer of a school to a new site—

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- (a) if the transfer is authorised by an order under section 16(1) of the Education Act 1944,
- (b) if at the time of transfer the school is intended to return to the existing site within three years, or
- (c) if in the case of a county school the new site is in the same area and the local education authority are satisfied that it is expedient that the school should be transferred to the new site either because it is not reasonably practicable to make to the existing premises of the school the alterations necessary for securing that they conform to the prescribed standards or in consequence of any movement of population or of any action taken or proposed to be taken under the enactments relating to housing or to town and country planning.”

79 In section 22 (school meals) after subsection (4) there is inserted—

“(4A) Where the governing body of a school which has a delegated budget within the meaning of Chapter III of Part I of the Education Reform Act 1988 provide pupils or other persons who receive education at the school with milk, meals or other refreshment, they—

- (a) must charge for anything so provided,
- (b) must charge every pupil the same price for the same quantity of the same item, and
- (c) must charge every person other than a pupil the same price for the same quantity of the same item.”

80 Paragraph 10 of Schedule 1 (school government: consequential amendments) is omitted.

81 In paragraph 1(3) and (4) of Schedule 2 (constitution of appeal committees) “or of any education committee of the authority”, in each place where it occurs, is omitted.

The Education Act 1981 (c. 60)

82 The Education Act 1981 is repealed except for sections 2(1), 11(1) and 17, the definition of “principal Act” in section 20(1), sections 20(2) and (3) and 21, paragraph 1 of Schedule 2, paragraphs 3, 4, 6, 7, 8(1) and (2)(b) and (d), 11, 12 and 14 of Schedule 3 and Schedule 4.

The Representation of the People Act 1983 (c. 2)

83 In paragraph 22(1)(i) of Schedule 1 to the Representation of the People Act 1983 (use of schools for the purpose of taking a poll) after “authority” there is inserted “a grant-maintained school”.

The Value Added Tax Act 1983 (c. 55)

84 In Note (2) of Group 6 of Schedule 6 to the Value Added Tax Act 1983 (meaning of “school” for purposes of determining whether provision of education is an exempt supply) for “1981” there is substituted “1993”.

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The Registered Homes Act 1984 (c. 23)

- 85 In section 1(6) of the Registered Homes Act 1984 (requirement of registration: independent schools) for “11(3)(a) of the Education Act 1981” there is substituted “189(1) of the Education Act 1993”.

The Building Act 1984 (c. 55)

- 86 In section 4(1)(a) of the Building Act 1984 (exemption of educational buildings etc.) for the words from “plans” to the end there is substituted—
- “(i) plans that have been approved by the Secretary of State,
 - (ii) particulars submitted and approved under section 14 of the Education Act 1980 or under regulations made under section 218(7) of the Education Reform Act 1988,
 - (iii) particulars approved or adopted under section 51, 99 or 185 of the Education Act 1993, or
 - (iv) particulars given in a direction under section 151 of that Act.”

The Disabled Persons (Services, Consultation and Representation) Act 1986(c. 33)

- 87 In section 5 of the Disabled Persons (Services, Consultation and Representation) Act 1986 (disabled persons leaving special education)—
- (a) in subsection (1)(a) after “1981” there is inserted “or 168 of the Education Act 1993”,
 - (b) in subsection (8)—
 - (i) for “4 of Schedule 1 to the Education Act 1981” there is substituted “7 of Schedule 10 to the Education Act 1993”, and
 - (ii) for “made under section 7” there is substituted “maintained under section 168”, and
 - (c) in subsection (9) for “the Education Act 1981” there is substituted “Part III of the Education Act 1993”.

The Education (No. 2) Act 1986 (c. 61)

- 88 The Education (No. 2) Act 1986 is amended as follows.
- 89 In section 5(4)(b) (appointment of parent governors by governing body) the words after “by the authority” are omitted.
- 90 In section 9(5) (grouping)—
- (a) at the end of paragraph (a) there is inserted “or
 - (iv) section 183 of the Education Act 1993 (establishment, etc. of maintained special schools)”,
 and “or” at the end of sub-paragraph (ii) is omitted, and
 - (b) paragraph (b) is omitted,
- and that section shall have effect as if the transfer of a school to a new site in pursuance of section 16(1A)(c) of the Education Act 1980 were an alteration of a kind mentioned in subsection (5) of that section.
- 91 In section 11 (reviews)—

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- (a) after subsection (2)(a)(iii) there is inserted “or
(iv) section 183 of the Education Act 1993
(establishment, etc. of maintained special
schools)”,
and “or” at the end of sub-paragraph (ii) is omitted,
 - (b) subsection (2)(b) is omitted,
 - (c) in subsection (2)(c) “or (b)” is omitted,
 - (d) in subsections (3) and (6), for “(b)” there is substituted “(iv)”, and
 - (e) subsection (7) is omitted.
- 92 In section 12 (temporary governing bodies)—
- (a) in subsection (1)(a) after “the 1980 Act” there is inserted “or section 184
of the Education Act 1993”,
 - (b) in subsection (2)(a)(i) after “school” there is inserted “or a new school
which is specially organised to make special educational provision for
pupils with special educational needs”,
 - (c) subsection (3) is omitted, and
 - (d) in subsection (4) after “published” there is inserted “or, as the case may be,
notice of the proposal has been duly served”.
- 93 In section 13 (effect of change of circumstances), in subsection (2), “or (b)” is
omitted.
- 94 In section 18 (review of curriculum), for subsection (7)(b) there is substituted—
“(b) the implementation of any proposal under section 183 of the
Education Act 1993 (establishment, alteration and discontinuance
of maintained special schools)”.
- 95 In section 22 (discipline), in paragraph (a)(ii) after “behaviour” there is inserted
“and respect for others”.
- 96 In section 23 (exclusions) “or indefinite” in paragraphs (a)(ii) and (b) is omitted.
- 97 In section 24 (reinstatement in county etc. schools)—
- (a) in paragraph (a)(i), for “after consulting the governing body” there is
substituted “(after giving the governing body an opportunity to express
their views and after considering any views expressed within the prescribed
period by the governing body)”,
 - (b) in paragraph (b), for “an exclusion which is for an indefinite period or is
permanent” there is substituted “permanent exclusion”,
 - (c) paragraphs (c) and (e) are omitted, and
 - (d) in paragraph (f), “or (c)” is omitted.
- 98 In section 25 (reinstatement in aided etc. schools)—
- (a) in paragraph (c), for “consult the governing body” there is substituted “give
the governing body an opportunity to express their views and to consider
any views expressed within the prescribed period by the governing body”,
and
 - (b) paragraphs (d), (e) and (f) are omitted.
- 99 Regulations may provide that, where a local education authority or governing body
of a school are required under section 24 or 25 of that Act to take any step, the duty
must, subject to prescribed exceptions, be performed within the prescribed period;

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- but such provision shall not relieve the authority or body of the duty to take any step which has not been taken within that period.
- 100 In section 38 (duties of local education authority and governing body in relation to appointment of staff)—
- (a) in subsection (4)(c) the words after “to the post” are omitted, and
 - (b) in subsection (6)(b) “or (4)(c)(ii)” is omitted,
- and any provision made by virtue of subsection (4)(c)(ii) of that section in the articles of government for any county, controlled, special agreement or maintained special school shall cease to have effect.
- 101 In section 47 (abolition of corporal punishment)—
- (a) in subsection (5)(b), for the words from “primary” (where first mentioned) to “full-time” there is substituted “education”, and
 - (b) at the end of subsection (6)(b) there is added “or by the funding authority or a local education authority under paragraph 9 or 10 of Schedule 2 to the Education Act 1993”.
- 102 In section 50 (grants for teacher training, etc.)—
- (a) in subsection (2)(b) for “capacity as an employee of the kind in question” there is substituted “employment”, and
 - (b) the following are omitted—
 - (i) in subsection (3)(c) “local education authorities, and other”, and
 - (ii) subsection (4).
- 103 In section 51 (recoupment)—
- (a) in subsection (8) for the words from the beginning to “references to” there is substituted “The reference in subsection (2) above to further education does not include a reference to”,
 - (b) subsection (9) is omitted,
 - (c) in subsection (10) for “pupil” there is substituted “person”,
 - (d) in subsection (11) for “this section” there is substituted “the regulations”, and
 - (e) subsection (13) is omitted.
- 104 In section 52 (recoupment: cross-border provisions) for subsection (2) there is substituted—
- “(2) Section 51(3) and (4) of this Act applies for the purposes of this section as it applies for the purposes of that”.
- 105 In section 54(12) (change of status of controlled school to aided school) paragraph (f) is omitted.
- 106 In section 58(1) (travelling and subsistence allowances for governors), in paragraph (a) for “county, voluntary and maintained special schools” there is substituted “any county, voluntary or maintained special school which does not have a delegated budget (construed in accordance with section 33(6)(b) of the Education Reform Act 1988)”.
- 107 In section 63 (orders and regulations)—
- (a) in subsection (3) for “or different circumstances” there is substituted “circumstances or areas”, and
 - (b) subsection (4) is omitted.

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- 108 In section 65(1) (interpretation) the definition of “the 1981 Act” is omitted.
- 109 Schedule 2 (new schools) is amended as follows—
- (a) in paragraph 2(1)(b) for “section 4” there is substituted “sections 4 and 4A”,
 - (b) in paragraph 2(2)—
 - (i) after “4” there is inserted “4A”, and
 - (ii) paragraph (b) is omitted,
 - (c) in paragraph 5(2), for “12(3) or (4)” there is substituted “12(4)” and in paragraph (b) the words after “proposal” are omitted,
 - (d) in paragraph 7(7) the words after “by the authority” are omitted, and
 - (e) in paragraph 9 after “Any person” there is inserted “other than a person who is to be named in the instrument of government as a sponsor of the school”.

The Local Government Act 1988 (c. 9)

- 110 Section 1(1)(j) of the Local Government Act 1988 (defined authorities) is omitted.
- 111 In Schedule 2 to that Act the words from “A joint education committee” to “1944” are omitted.

The Education Reform Act 1988 (c. 40)

- 112 The Education Reform Act 1988 is amended as follows.
- 113 In section 3(3) (foundation subjects and key stages)—
- (a) for “and (5)” there is substituted “(5) and (5A)”, and
 - (b) in paragraph (d) for the words from “majority”, in the second place in which it occurs, to the end there is substituted “expiry of the school year in which the majority of pupils in his class cease to be of compulsory school age”.
- 114 In section 8(2) (religious education required in the basic curriculum) for “84 to 86 of this Act” there is substituted “138 to 140 of the Education Act 1993”.
- 115 In section 9(7) (parent of boarder at maintained school requesting access to particular worship or religious education) after “particular” there is inserted “religion or”.
- 116 In section 11 (standing advisory councils on religious education)—
- (a) in subsection (4)(a) for “and other religious denominations” there is substituted “denominations and other religions and denominations of such religions”, and
 - (b) at the end of that section there is added—
 - “(13) The council shall send a copy of each report published by them under subsection (9) above—
 - (a) in the case of a council for an area in England, to the School Curriculum and Assessment Authority, and
 - (b) in the case of a council for an area in Wales, to the Curriculum Council for Wales.”
- 117 In section 13 (advisory councils: supplementary provisions) in subsections (1), (2) and (7)(b) before “denomination”, in each place, there is inserted “religion”.
- 118 Section 14 (establishment of curriculum and assessment councils) is amended as follows—

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- (a) in subsection (2) for “Each” there is substituted “The”,
 - (b) in subsection (3) for the words from “Curriculum Council, that” to “shall be” there is substituted “Council, in relation to Wales, shall be, so far as relevant for the purposes of advancing education”, and at the end of paragraph (c) there is inserted—
 - “(ca) to advise the Secretary of State on such other matters connected with the provision of education in maintained schools in Wales, or in non-maintained special schools there, as the Secretary of State may specify by order;”,
 - (c) in subsection (5) for “a” there is substituted “the”,
 - (d) in subsection (6) for “each” there is substituted “the”, and
 - (e) in subsection (7) for “each” there is substituted “the”.
- 119 In section 16 (development work and experiments)—
- (a) in subsection (3)(a) and (b) for “Curriculum Council” there is substituted “appropriate curriculum authority”, and
 - (b) at the end there is added—
 - “(6) In subsection (3) above, “appropriate curriculum authority” means, in relation to England, the School Curriculum and Assessment Authority and, in relation to Wales, the Curriculum Council for Wales.”.
- 120 In section 18 (pupils with statements of special educational needs) for “7 of the 1981 Act” there is substituted “168 of the Education Act 1993”.
- 121 In section 19 (temporary exceptions for individual pupils)—
- (a) in subsection (4)(c)(ii) for “7 of the 1981 Act” there is substituted “168 of the Education Act 1993”, and
 - (b) in subsection (6) for “5 of the 1981 Act” there is substituted “167 of the Education Act 1993”.
- 122 (1) Section 20 (procedure for making certain orders: England) is amended as follows.
- (2) In subsection (2), for “National Curriculum Council” there is substituted “School Curriculum and Assessment Authority”.
 - (3) For “the Council”, in each place where it occurs, there is substituted “the Authority”.
- 123 In section 22(3) (provision of information) for “section 58(5)(j) of this Act” there is substituted “paragraph 8 of Schedule 6 to the Education Act 1993”.
- 124 In section 24(2) (extension of certain provisions) for “14(4) of this Act” there is substituted “245(1) of the Education Act 1993”.
- 125 In section 36 (delegation to governing body of management of school’s budget share)—
- (a) in subsection (4) after “of this Act” there is inserted “and section 1(4A) of the Education (Grants and Awards) Act 1984 (grants for education support and training)”, and
 - (b) after subsection (5A) there is inserted—
 - “(5B) Any such governing body shall not exercise their powers under subsection (5) above to pay to governors any allowances other than travelling and subsistence allowances.”

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- 126 Chapter IV of Part I is omitted except for section 100(2) and (4) (provision of benefits and services for pupils by local education authorities).
- 127 In section 106 (prohibition of charges, etc. in maintained schools) for “57(5) of this Act” there is substituted, in each place, “ 68(8) of the Education Act 1993”.
- 128 In section 110(1) (charges and remissions policies) for “57(5) of this Act” there is substituted “ 68(8) of the Education Act 1993”.
- 129 In section 111 (charges for board and lodging at boarding schools)—
- (a) in subsection (1), for the words from “at the expense of” to the end there is substituted “there shall be payable in respect of the board and lodging by the parent of the pupil concerned (in the case of a school maintained by a local education authority) to the authority and (in the case of a grant-maintained school) to the governing body charges not exceeding the cost to the authority or governing body of providing the board and lodging”,
 - (b) in subsection (2), for paragraph (b) and the words following it there is substituted—
 - “(b) the local education authority for his area are of the opinion that education suitable to his age, ability and aptitude and to any special educational needs he may have cannot otherwise be provided for him,

then, where the school is maintained by the local education authority for his area, that authority shall remit the whole of the charges payable under this section and, in any other case, that authority shall pay the whole of the charges payable under this section to the authority which maintain the school”,
 - (c) for subsection (3)(b) there is substituted—
 - “(b) the local education authority for his area are of the opinion that education suitable to his age, ability and aptitude and to any special educational needs he may have cannot otherwise be provided for him”,
 - (d) subsection (4) is omitted, and
 - (e) in subsection (5)—
 - (i) for “a local education authority” there is substituted “the local education authority for the pupil’s area”, and
 - (ii) in paragraph (b), after “payable” there is inserted “to another local education authority or” and “provided under arrangements made by the authority” is omitted.
- 130 In section 119(2) (interpretation of Part I) “52(4), 89 or 92” is omitted.
- 131 In section 163(1) (new education authorities for inner London) for “1988” there is substituted “1993”.
- 132 In section 166(5) (responsibility for schools) for “1988” there is substituted “1993”.
- 133 In section 197(6) (Education Assets Board to comply with directions) for “1992” there is substituted “1993”.
- 134 In section 198 (transfers under Parts I and II)—
- (a) in subsection (1)—
 - (i) “74” is omitted, and

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- (ii) after “of this Act” there is inserted “or section 38 of the Education Act 1993”, and
 - (b) in subsection (4) after “under this Act” in each place there is inserted “or under the Education Act 1993”.
- 135 Section 200 (grant-maintained schools: school property) is omitted.
- 136 In section 218(7) (school etc. regulations) after “approval” there is inserted “or, in such cases as may be prescribed, the approval of the funding authority”.
- 137 In section 230 (stamp duty) the following are omitted—
- (a) in subsection (1) the words from “section 74” to “96(2)”, and
 - (b) subsections (2), (3) and (4)(b).
- 138 In section 232 (orders and regulations)—
- (a) in subsection (2) for “35(6)” there is substituted “35(4)”, and
 - (b) the following are omitted—
 - (i) in subsection (2) “53(2), 58(2), 59(1), 91, 94, 102”, and
 - (ii) in subsection (4)(b) “52(7)”.
- 139 In section 235 (general interpretation) the following are omitted—
- (a) in subsection (1)—
 - (i) the definition of “the 1981 Act”, and
 - (ii) in the definition of “transfer date”, “74(9)”,
 - (b) in subsection (3)(b) “subject to section 75(2) of this Act”, and
 - (c) in subsection (5) “74”.
- 140 Paragraph 9 of Schedule 1 is omitted.
- 141 In Schedule 2 (curriculum and assessment councils) in paragraph 8(1) (payments for members) for paragraph (b) there is substituted—
- “(b) shall, as regards any member of the Council in whose case the Secretary of State may so determine, pay, or make provision for the payment of, such sums by way of pension, allowances and gratuities to or in respect of him as the Secretary of State may determine.”
- 142 For paragraph 10(b) of Schedule 3 (appointment etc. of staff during financial delegation) there is substituted—
- “(b) less than 50 per cent. of the person’s remuneration will be, or is, met from the school’s delegated budget.”
- 143 Schedule 5 is omitted.
- 144 In Schedule 10 (supplementary provisions with respect to transfers)—
- (a) in paragraph 1(4)(a)(i) (division and apportionment of property etc.) after “under this Act” there is inserted “or under the Education Act 1993”,
 - (b) in paragraph 2(1)(b) (identification of property, etc.) after “this Act” there is inserted “or of the Education Act 1993”,
 - (c) in paragraph 5 (proof of title by certificate) after “of this Act” there is inserted “or of the Education Act 1993”,
 - (d) in paragraph 7 (construction of agreements) after “of this Act” in each place there is inserted “or of the Education Act 1993”, and
 - (e) in paragraph 9(6)(b) (third parties affected by vesting provisions) after “of this Act” there is inserted “or of the Education Act 1993”.

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145 In Schedule 12 (minor and consequential amendments) paragraphs 26 to 28, 33 and 83 to 85 are omitted.

The Employment Act 1989 (c. 38)

146 In section 10(6) (removal of restrictions relating to employment of young persons) for “for the purposes of the Education Act 1944” there is substituted “(construed in accordance with section 277 of the Education Act 1993)”.

The Children Act 1989 (c. 41)

147 Section 27(4) of the Children Act 1989 (duty of local authority to assist local education authority) is omitted.

148 In section 28(4) of that Act (local authority support for children and families: consultation with local education authorities) for “the Education Act 1981” there is substituted “Part III of the Education Act 1993”.

149 In section 36(8) of that Act (consultation in respect of education supervision orders) the words from “social” to “of the” are omitted.

150 In section 105(1) of that Act (interpretation), in the definition of “special educational needs” for “1981” there is substituted “1993”.

151 In paragraph 3 of Schedule 2 to that Act (local authority support for children and families: assessment of children’s needs) for “the Education Act 1981” there is substituted “Part III of the Education Act 1993”.

152 In Part III of Schedule 3 to that Act (education supervision orders), in paragraph 13—

(a) in sub-paragraph (1) for the words from “sections” to “children and” there is substituted “section 36 of the Education Act 1944 (duty to secure education of children) and section 199 of the Education Act 1993 (duty”, and

(b) in sub-paragraph (2)—

(i) in paragraph (a)(i) for “37 of the Act of 1944” there is substituted “192 of that Act”,

(ii) in paragraph (b)(i) for “37” there is substituted “192”, and

(iii) in paragraph (b)(ii) for “that Act” there is substituted “the Education Act 1944”.

153 In paragraph 3(3) of Schedule 9 (child minding and day care: exemption of certain schools) for “section 52(3) of the Education Reform Act 1988” there is substituted “the Education Act 1993”.

154 Paragraphs 4 and 36 of Schedule 12 to that Act (minor amendments) are omitted.

155 Paragraphs 4 and 8 of Schedule 13 to that Act (consequential amendments) are omitted.

The Local Government and Housing Act 1989 (c. 42)

156 In section 13 of the Local Government and Housing Act 1989 (voting rights of members of committees)—

(a) subsection (2)(b) is omitted,

(b) for subsection (5) there is substituted—

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“(5) Nothing in this section shall prevent the appointment of a person who is not a member of a local education authority as a voting member of—

- (a) any committee or sub-committee appointed by the local authority wholly or partly for the purpose of discharging any functions with respect to education conferred on them in their capacity as a local education authority,
- (b) any joint committee appointed by two or more local authorities wholly or partly for the purpose of discharging any functions with respect to education conferred on them in their capacity as local education authorities, or
- (c) any sub-committee appointed by any such committee or joint committee wholly or partly for the purpose of discharging any of that committee’s functions with respect to education,

where that appointment is required by directions given by the Secretary of State under section 297 of the Education Act 1993 (power of Secretary of State to direct appointment of members of committees).”,

- (c) subsection (6) is omitted, and
- (d) in subsection (7) for “education committee or sub-committee of an education committee” there is substituted “committee, joint committee or sub-committee appointed for the purpose mentioned in that subsection

157 In Schedule 1 to that Act (political balance on local authority committees) in paragraph 4—

- (a) in sub-paragraph (1)—
 - (i) the definition of “education committee” is omitted, and
 - (ii) in paragraph (a) of the definition of “ordinary committee”, “education committee, their” is omitted, and
- (b) in sub-paragraph (2) in paragraph (a) of the definition of “ordinary committee”, “education committee or” is omitted.

158 Paragraph 98 of Schedule 11 to that Act (minor and consequential amendments) is omitted.

The Planning (Consequential Provisions) Act 1990 (c. 11)

159 Paragraph 78 of Schedule 2 to the Planning (Consequential Provisions) Act 1990 (consequential amendments) is omitted.

The National Health Service and Community Care Act 1990 (c. 19)

160 Paragraph 22 of Schedule 9 to the National Health Service and Community Care Act 1990 (minor and consequential amendments) is omitted.

The School Teachers' Pay and Conditions Act 1991 (c. 49)

161 In section 2 of the School Teachers' Pay and Conditions Act 1991 (orders relating to statutory conditions of employment), in subsections (6) and (7) for “section 3” there is substituted “sections 3 and 3A”.

The Diocesan Boards of Education Measure 1991 (1991 No. 2)

- 162 The Diocesan Boards of Education Measure 1991 is amended as follows.
- 163 In section 3 (transactions for which advice or consent of Diocesan Board required)
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- (a) in subsection (4) for the words from “by a resolution” to the end there is substituted “to hold a meeting to consider whether to hold a ballot of parents on the question of whether grant-maintained status should be sought for the school, it shall—
- (a) give to the secretary of the Board for the diocese in which the school is situated at least seven days' notice that such a meeting is to be held at such time and place as is specified in the notice, and
- (b) have regard to any relevant advice given by the Board, when considering at the meeting whether to hold a ballot of parents on that question,
- and in paragraph (b) above, “relevant advice” means advice given in connection with the acquisition of grant-maintained status for the school whether given for the purposes of that school or for Church of England voluntary schools generally”,
- (b) in subsection (5) for “89 of the 1988 Act” there is substituted “ 96 of the Education Act 1993”, and
- (c) in subsection (6) “or (4)” is omitted.
- 164 In section 5 (proposals for acquisition of grant-maintained status)—
- (a) for “subsection (5) of section 62 of the 1988 Act” there is substituted “paragraph 2 of Schedule 3 to the Education Act 1993”, and
- (b) for “the advice given by the Board under section 3(4) above” there is substituted “any relevant advice (defined in section 3(4) above) given by the Board”.
- 165 In section 6(2) (Board to be consulted in certain cases) for “102 of the 1988 Act” there is substituted “136 of the Education Act 1993”.
- 166 In section 7(3) (powers of Board to give directions to governing bodies of aided church schools) for “1988” there is substituted “1993”.
- 167 In section 10 (interpretation)—
- (a) for the definition of “church school” in subsection (1) there is substituted—
- ““church school” means—
- (a) a Church of England voluntary school,
- (b) a grant-maintained school which was such a voluntary school immediately before it became grant-maintained,
- (c) a grant-maintained school established in pursuance of proposals published under section 49 of the Education Act 1993 where either any trust deed relating to the school or the statement required by paragraph 8 of Schedule 3 to that Act provides for religious education at the school to accord with the faith and practice of the Church of England, or
- (d) a grant-maintained school in respect of which proposals for the required provision for religious education to be

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provision for religious education in accordance with the faith and practice of the Church of England are approved under section 98 of that Act”, and

- (b) in subsection (3)—
- (i) after “the 1988 Act” there is inserted “or the Education Act 1993”, and
 - (ii) for “that Act” there is substituted “those Acts”.

The Further and Higher Education Act 1992 (c. 13)

- 168 Section 13 of the Further and Higher Education Act 1992 (provision of further education in grant-maintained schools) is omitted.
- 169 Section 59(5) of that Act (changes to special schools) is omitted.
- 170 In section 90(1) of that Act (interpretation), in the definition of “the Education Acts”, for “1992” there is substituted “1993”.
- 171 In Schedule 8 to that Act (minor and consequential amendments)—
- (a) paragraphs 18 and 29 are omitted, and
 - (b) in paragraph 62(3) after “this Act” there is inserted “or (as the case may be) the Education Act 1993”.

The Local Government Finance Act 1992 (c. 14)

- 172 Paragraph 58 of Schedule 13 to the Local Government Finance Act 1992 (minor and consequential amendments) is omitted.

The Education (Schools) Act 1992 (c. 38)

- 173 (1) In section 9 of the Education (Schools) Act 1992 (schools inspection)—
- (a) in subsection (3) in paragraph (e) for the words from “11(3)(a)” to the end there is substituted “189(1) of the Education Act 1993 (approval of independent schools for children with statements)”;
 - (b) at the end of subsection (6) there is inserted “or to the content of collective worship which falls to be inspected under section 13”, and
 - (c) in subsection (7) for “section” there is substituted “Act”.
- (2) Schedule 2 to that Act is amended as follows.
- (3) In paragraph 1, for the words from “body” (at the end of the definition of “appropriate authority”) to the end there is substituted—

“inspection by a member of the Inspectorate” means a section 9 inspection carried out by a member of the Inspectorate or an inspection under section 2(2)(b), 3(1), 6(2)(b) or 7(1),

“member of the Inspectorate” means the Chief Inspector, any of Her Majesty’s Inspectors of Schools in England or, as the case may be, Wales and any additional inspector, and

“section 9 inspection” means an inspection under section 9,

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and for the purposes of this Part of this Schedule, special measures are required to be taken in relation to a school if the school is failing or likely to fail to give its pupils an acceptable standard of education.”

(4) For “an inspection” in paragraphs 2, 3(5), 4(1), 5(1), 6 and 7 there is substituted “a section 9 inspection” and for “Every inspection” in paragraph 3(1) there is substituted “Every section 9 inspection”.

(5) For paragraph 9 there is substituted—

“9 (1) Where a section 9 inspection by a registered inspector has been completed, the inspector shall make in writing a report of the inspection and a summary of the report.

(2) Where the inspector is of the opinion that special measures are required to be taken in relation to the school he shall submit a draft of the report of the inspection to the Chief Inspector.

(3) If the Chief Inspector so requests, an inspector who has submitted a draft under sub-paragraph (2) shall provide the Chief Inspector with such further information as the Chief Inspector may specify.

(4) The Chief Inspector shall inform an inspector who has submitted a draft under sub-paragraph (2) whether he agrees or disagrees with the inspector’s opinion.

(5) Where—

(a) the Chief Inspector informs the inspector that he disagrees with the inspector’s opinion, but

(b) the inspector remains of the opinion that special measures are required to be taken in relation to the school,

the inspector may not make a report expressing that opinion unless the terms in which he makes the report are substantially the same (except as to the statement required by sub-paragraph (7)(b)) as the draft or as a subsequent draft submitted to the Chief Inspector under this sub-paragraph.

(6) Where a subsequent draft is submitted under sub-paragraph (5), the Chief Inspector shall inform the inspector whether he agrees or disagrees with the inspector’s opinion.

(7) A report made by a registered inspector who is of the opinion that special measures are required to be taken in relation to the school shall—

(a) state his opinion, and

(b) state whether the Chief Inspector agrees or disagrees with his opinion.

(8) If a report of an inspection of a school by a registered inspector is made in circumstances where—

(a) he is of the opinion that special measures are not required to be taken in relation to the school, but

(b) in the latest report of an inspection of the school, the person making the report stated that in his opinion such measures were required to be taken and either that person was a member of the

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Inspectorate or the report stated that the Chief Inspector agreed with his opinion,

the person making the report shall state his opinion in the report.

- 9A (1) Where on the completion of any inspection of a school under section 2(2)(b), 3(1), 6(2)(b) or 7(1) by a member of the Inspectorate, he is of the opinion that special measures are required to be taken in relation to the school, he shall—
- (a) prepare in writing a report of the inspection and a summary of the report, and
 - (b) state his opinion in the report.
- (2) If on the completion of any such inspection of a school by a member of the Inspectorate in circumstances where—
- (a) he is of the opinion that special measures are not required to be taken in relation to the school, but
 - (b) in the latest report of an inspection of the school, the person making the report stated that in his opinion such measures were required to be taken and either that person was a member of the Inspectorate or the report stated that the Chief Inspector agreed with his opinion,
- the member of the Inspectorate shall prepare in writing a report of the inspection and a summary of the report and state his opinion in the report.
- (3) A report of a section 9 inspection of a school by a member of the Inspectorate shall, if he is of the opinion that special measures are required to be taken in relation to the school, state his opinion.
- (4) If a report of a section 9 inspection of a school by a member of the Inspectorate is made in circumstances where—
- (a) he is of the opinion that special measures are not required to be taken in relation to the school, but
 - (b) in the latest report of an inspection of the school, the person making the report stated that in his opinion such measures were required to be taken and either that person was a member of the Inspectorate or the report stated that the Chief Inspector agreed with his opinion,
- the member of the Inspectorate shall state his opinion in the report.
- 9B (1) The carrying out of a section 9 inspection shall be completed by the time allowed under sub-paragraph (2) and the making of the report required by paragraph 9 shall be completed within the period allowed under sub-paragraph (2).
- (2) The time, and the period, allowed shall be such as may be prescribed, subject to any such extension of the period as the Chief Inspector may consider necessary to make; but the total period allowed must not exceed the prescribed period extended by three months.
- (3) The Chief Inspector shall give notice in writing of any extension under sub-paragraph (2) to—
- (a) the inspector,
 - (b) the appropriate authority, and

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- (c) the Secretary of State, except in the case of a maintained nursery school.
 - (4) This paragraph does not apply to a section 9 inspection carried out by a member of the Inspectorate.
- 9C
- (1) In the case of a report of a section 9 inspection of a school, the person making it shall without delay—
 - (a) send a copy of the report together with the summary of it to the appropriate authority for the school, and
 - (b) if it states that he is of the opinion that special measures are required to be taken in relation to the school, and either that person is a member of the Inspectorate or the report states that the Chief Inspector agrees with his opinion, send a copy of the report and summary to the Secretary of State.
 - (2) In the case of a report of an inspection of a school made by a member of the Inspectorate which is required by paragraph 9A to state that he is of the opinion that special measures are required to be taken in relation to the school, the member of the Inspectorate shall send a copy of the report together with the summary of it to the appropriate authority for the school and to the Secretary of State.
 - (3) In any case, copies of the report and summary shall be sent by the person who made the report to the Chief Inspector (unless the report was made by a member of the Inspectorate).
 - (4) In the case of—
 - (a) a special school which is not a maintained or grant-maintained special school, or
 - (b) an independent school approved by the Secretary of State under section 189(1) of the Education Act 1993 (approval of independent schools for children with statements),the appropriate authority shall without delay send a copy of any report and summary sent to them under sub-paragraph (1) or (2) to the funding authority, or any local education authority, if the authority are paying fees in respect of the attendance of a registered pupil at the school.
 - (5) The appropriate authority shall—
 - (a) make any report and summary sent to the authority under sub-paragraph (1) or (2) available for inspection by members of the public at such times and at such place as may be reasonable,
 - (b) provide a copy of the report and summary, free of charge or in prescribed cases on payment of such fee as they think fit (not exceeding the cost of supply), to any person who asks for one, and
 - (c) take such steps as are reasonably practicable to secure that every registered parent of a registered pupil at the school receives a copy of the summary as soon as is reasonably practicable.”
 - (6) For paragraphs 10 and 11 there is substituted—
 - “10 (1) Where—
 - (a) a report of a section 9 inspection of a school, or

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- (b) a report of an inspection of a school made by a member of the Inspectorate which is required by paragraph 9A to state that he is of the opinion that special measures are required to be taken in relation to the school,

is sent to the appropriate authority they shall prepare a written statement of the action which they propose to take in the light of the report and the period within which they propose to take it.

- (2) It is the duty of the appropriate authority to prepare the statement within the period allowed by this sub-paragraph, that is—
 - (a) such period as may be prescribed, or
 - (b) if, in the case of any report where the person making it states that he is of the opinion that special measures are required to be taken in relation to the school, and either that person is a member of the Inspectorate or the report states that the Chief Inspector agrees with his opinion, the Secretary of State is of the opinion that the urgency of the case requires a shorter period, such period as the Secretary of State may direct,

but this sub-paragraph does not relieve the appropriate authority of any duty to prepare a statement which has not been performed within that period.

- (3) Where such a statement has been prepared by the appropriate authority they shall, before the end of the prescribed period, send copies of it—
 - (a) to the Chief Inspector,
 - (b) to the Secretary of State, except in the case of a maintained nursery school, and
 - (c) in such circumstances as may be prescribed, to such other persons (if any) as may be prescribed.

- (4) In the case of—
 - (a) a special school which is not a maintained or grant-maintained special school, or
 - (b) an independent school approved by the Secretary of State under section 189(1) of the Education Act 1993 (approval of independent schools for children with statements),

the appropriate authority shall, before the end of the prescribed period, send a copy of any such statement prepared by them to the funding authority, or any local education authority, if the authority are paying fees in respect of the attendance of a registered pupil at the school.

- (5) The appropriate authority shall—
 - (a) make any statement prepared by them under this paragraph available for inspection by members of the public, at such times and at such place as may be reasonable,
 - (b) provide a copy of the statement, free of charge or in prescribed cases on payment of such fee as they think fit (not exceeding the cost of supply), and
 - (c) take such steps as are reasonably practicable to secure that every registered parent of a registered pupil at the school receives a copy of the statement as soon as is reasonably practicable.

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

- 11 (1) This paragraph applies in circumstances where—
- (a) in a report of an inspection of a school the person who made it expressed the opinion that special measures were required to be taken in relation to the school,
 - (b) either that person was a member of the Inspectorate or the report stated that the Chief Inspector agreed with his opinion,
 - (c) a statement has been prepared under paragraph 10 or the period prescribed for the purposes of sub-paragraph (3) of that paragraph has expired, and
 - (d) if any registered inspector or member of the Inspectorate has made a later report of an inspection of the school, he did not express the opinion in the report that special measures were not required to be taken in relation to the school.
- (2) Regulations may make provision with a view to securing that any measures taken by the appropriate authority for improving the standard of education at the school are monitored in accordance with the regulations by such persons as may be prescribed.
- (3) The regulations may, in particular, provide for reports to be made by such persons and at such intervals as may be prescribed.
- (4) The regulations may authorise the Secretary of State to require the Chief Inspector to conduct further inspections of the school and prepare further reports of such inspections.
- (5) In respect of cases where any report prepared in pursuance of a requirement imposed by virtue of sub-paragraph (4) above—
- (a) states that, in the opinion of the person who prepared the report, special measures are required to be taken in relation to the school, but the grounds for that opinion are substantially different from the grounds for the opinion in any preceding report by a registered inspector or member of the Inspectorate, or
 - (b) states that, in the opinion of that person, special measures are not required to be taken in relation to the school,
- the regulations may make provision corresponding to any of the provisions made by this Part of this Schedule.”

(7) For paragraph 12 there is substituted—

- “12 (1) Where an inspection of a school is required under section 9 but the Chief Inspector is satisfied that it is not reasonably practicable to secure that the school is inspected by a suitable registered inspector, he shall secure that it is inspected by a member of the Inspectorate.
- (2) Where an inspection is conducted by a member of the Inspectorate by virtue of this paragraph, this Act shall have effect (unless the context otherwise requires) in relation to the inspection as if the member of the Inspectorate were a registered inspector.
- (3) If the Chief Inspector so elects in the case of any inspection of a school by a member of the Inspectorate under section 2(2)(b), 3(1), 6(2)(b) or 7(1), that inspection shall be treated for the purposes of section 9(1) and (2)
- ”

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

and this Part of this Schedule as if it were an inspection under section 9 and the member of the Inspectorate were a registered inspector”.

(8) In paragraph 14(4)—

- (a) in paragraph (b), for “the prescribed fee” there is substituted “such fee as they think fit (not exceeding the cost of supply)”, and
- (b) in paragraph (c), after “education” there is inserted “or, as the case may be, who takes part in acts of collective worship the content of which falls to be inspected under section 13”.

(9) In paragraph 15(3)—

- (a) in paragraph (b), for “the prescribed fee” there is substituted “such fee as they think fit (not exceeding the cost of supply)”, and
- (b) in paragraph (c), after “education” there is inserted “or, as the case may be, who takes part in acts of collective worship the content of which falls to be inspected under section 13”.

The Tribunals and Inquiries Act 1992 (c. 53)

174 In paragraph 15(c) of Schedule 1 to the Tribunals and Inquiries Act 1992 (tribunals under general supervision of Council on Tribunals), for “section 58(5)(d) of the Education Reform Act 1988 (c. 40)” there is substituted “paragraph 5(1) of Schedule 6 to the Education Act 1993”.

The Charities Act 1993 (c. 10)

175 In Schedule 2 to the Charities Act 1993 (exempt charities) after paragraph (d) there is inserted—

“(da) the School Curriculum and Assessment Authority;”.