

Status: Point in time view as at 01/03/1998.

Changes to legislation: Education Act 1996, SCHEDULE 37 is up to date with all changes known to be in force on or before 02 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 37

Section 582(1).

CONSEQUENTIAL AMENDMENTS

PART I

AMENDMENTS COMING INTO FORCE ON 1ST NOVEMBER 1996

Children and Young Persons Act 1933 (c. 12)

1 Section 96 of the ^{M1}Children and Young Persons Act 1933 (provisions as to local authorities) shall continue to have effect with the following amendments (originally made by Schedule 8 to the Education Act 1944)—

- (a) in subsection (3), for the words from “for elementary education” onwards there is substituted “ shall be defrayed as expenses under the enactments relating to education ”; and
- (b) in subsection (4), for the second “under” there is substituted “in accordance with”.

Marginal Citations

M1 1944 c. 31.

Public Records Act 1958 (c. 51)

2 In Schedule 1 to the Public Records Act 1958 (definition of public records) Part II of the Table at the end of paragraph 3 (organisations whose records are public records) shall continue to include the following entries (originally inserted by Schedule 19 to the ^{M2}Education Act 1993, taken with Schedule 15 to that Act)—

- “Curriculum and Assessment Authority for Wales”,
- “Funding Agency for Schools”,
- “School Curriculum and Assessment Authority”, and
- “Schools Funding Council for Wales”.

Marginal Citations

M2 1993 c. 35.

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

- 3 In section 2(1) of the Church Schools (Assistance by Church Commissioners) Measure 1958 (interpretation) for “the Education Acts, 1944 to 1993” there is substituted “ the Education Act 1996 ” .

Education Act 1962 (c. 12)

- 4 (1) Section 1 of the Education Act 1962 (local education authority awards for designated courses) shall continue to have effect with the following amendment (originally made by section 4 of the ^{M3}Education (Grants and Awards) Act 1984).
- (2) In subsection (3)(d), for the words from “for the higher diploma” onwards there is substituted “ or for the higher national diploma of the body corporate known at the passing of the Education (Grants and Awards) Act 1984 as the Business & Technician Education Council. ”

Marginal Citations

M3 1984 c. 11.

- 5 In section 3(c)(i) of that Act (awards by Secretary of State) for “section 100 of the Education Act 1944” there is substituted “ section 485 of the Education Act 1996 ”.
- 6 For section 14(4) of that Act there is substituted—
- “(4) This Act shall be construed as one with the Education Act 1996.”
- 7 In paragraph 2 of Schedule 1 to that Act (ordinary residence) for “section 31(3) of the Education Act 1980” there is substituted “ the Education Act 1996 in accordance with regulations made under section 579(4) of that Act. ”

London Government Act 1963 (c. 33)

- 8 In section 30(1) of the London Government Act 1963 (local education authorities) for “the Education Acts 1944 to 1962 or in any other Act” there is substituted “ any Act ”.
- 9 In section 31(5) of that Act (primary, secondary and further education in Greater London) for “except in accordance with the Education Acts 1944 to 1980” there is substituted “ except in accordance with the Education Act 1996 ”.

Children and Young Persons Act 1963 (c. 37)

- 10 In section 37(3) of the Children and Young Persons Act 1963 (exceptions to restriction on persons under 16 taking part in public performances etc.) for “the Education Act 1944” there is substituted “ the Education Act 1996 ”.
- 11 In section 38 of that Act (restriction on licences for performances by children under 13)—
- (a) in subsection (1) for “thirteen” there is substituted “ fourteen ”;
- (b) subsection (2) is omitted; and
- (c) in the sidenote, for “13” there is substituted “ 14 ”.

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Veterinary Surgeons Act 1966 (c. 36)

- 12 In Schedule 3 to the Veterinary Surgeons Act 1966 (exemptions from restrictions on practice of veterinary surgery), in the definition of “recognised institution” following paragraph 5, for “the Education Act 1944” there is substituted “ the Education Act 1996 ”.

Education Act 1967 (c. 3)

- 13 In section 6(2) of the Education Act 1967 (construction as one) for “the Education Acts 1944 to 1965” there is substituted “ the Education Act 1996. ”

Public Expenditure and Receipts Act 1968 (c. 14)

- 14 In Schedule 3 to the Public Expenditure and Receipts Act 1968 (variation of fees, etc.) for “The Education Act 1944 (c.31) section 94” there is substituted “ The Education Act 1996 (c.56) section 564 ”.

Children and Young Persons Act 1969 (c. 54)

- 15 In section 12C(3) of the Children and Young Persons Act 1969 (requirements as to education) for “the Education Act 1944” there is substituted “ the Education Act 1996 ”.

- 16 In section 19(17) of that Act (facilities for the carrying out of supervisor’s directions etc.) for “the Education Act 1944” there is substituted “ the Education Act 1996 ”.

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

F117

Textual Amendments

- F1** Sch. 37 para. 17 repealed (1.3.1998 in so far as Sch. 37 relates to School Curriculum and Assessment Authority and otherwise 1.10.1997) by 1997 c. 44, ss. 57(4), 58(3), **Sch.8**; S.I. 1997/1468, art. 2(3), **Sch. 1 Pt. III**; S.I. 1998/386, art. 2(1), **Sch. 1 Pt.I**

Local Authority Social Services Act 1970 (c. 42)

- 18 In Schedule 1 to the Local Authority Social Services Act 1970 (enactments conferring functions assigned to social services committee) the entry relating to the Education Act 1993 is omitted and at the end there is added—

“Education Act 1996.

Section 322.....

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

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Chronically Sick and Disabled Persons Act 1970 (c. 44)

- 19 In section 8(2) of the Chronically Sick and Disabled Persons Act 1970 (access to and facilities at university and school buildings) for the words from “and expressions used” onwards there is substituted “ and expressions used in paragraph (b) above and in the Education Act 1996 have the same meanings as in that Act.”

Pensions (Increase) Act 1971 (c. 56)

- 20 In Part II of Schedule 2 to the Pensions (Increase) Act 1971 (official pensions payable out of local funds), in paragraph 57, for “the Education Act 1944” there is substituted “ the Education Act 1996.”

Superannuation Act 1972 (c. 11)

- 21 (1) Schedule 1 to the Superannuation Act 1972 shall continue—
 - (a) to include ^{F2}. . . and the entries relating to the Funding Agency for Schools and the Schools Funding Council for Wales (originally inserted by Schedule 19 to that Act); ^{F3}. . .
 - ^{F3}(b)
- ^{F4}(2)

Textual Amendments

F2 Words in *Sch. 37 para. 21(1)(a)* repealed (1.3.1998 in so far as relating to School Curriculum and Assessment Authority and otherwise 1.10.1997) by 1997 c. 44, ss. 57(4), 58(3), **Sch.8**; S.I. 1997/1468, art. 2(3), **Sch. 1 Pt. III**; S.I. 1998/386, art. 2(1), **Sch. 1 Pt.I**

F3 *Sch. 37 para. 21(1)(b)* and the word immediately preceding it repealed (1.3.1998 in so far as relating to the School Curriculum and Assessment Authority and otherwise 1.10.1997) by 1997 c. 44, ss. 57(4), 58(3), **Sch.8**; S.I. 1997/1468, art. 2(3), **Sch. 1 Pt. III**; S.I. 1998/386, art. 2(1), **Sch. 1 Pt.I**

F4 *Sch. 37 para. 21(2)* repealed (1.3.1998 in so far as relating to the School Curriculum and Assessment Authority and otherwise 1.10.1997) by 1997 c. 44, ss. 57(4), 58(3), **Sch. 8**; S.I. 1997/1468, art. 2(3), **Sch. 1 Pt. III**; S.I. 1998/386, art. 2(1), **Sch. 1 Pt.I**

Local Government Act 1972 (c. 70)

- 22 (1) Section 104(2)(a) of the Local Government Act 1972 (teachers not disqualified for being members of committees) shall continue to have effect with the following amendment (originally made by Schedule 19 to the ^{M4}Education Act 1993).
- (2) 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 ”.

Marginal Citations

M4 1993 c. 35.

- 23 In section 112(4)(b) of that Act (appointment of staff) for “section 88 of the Education Act 1944” there is substituted “ section 532 of the Education Act 1996 ”.

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24 In section 139(4) of that Act (acceptance of gifts of property) for “the Education Acts 1944 to 1971” there is substituted “ the Education Act 1996 ”.

25 In section 177(1) of that Act (supplementary provisions as to allowances) for “paragraph 4 of Schedule 2 to the Education Act 1980” there is substituted “ paragraph 4 of Schedule 33 to the Education Act 1996 ”.

Fair Trading Act 1973 (c. 41)

26 In Schedule 4 to the Fair Trading Act 1973 (services excluded from sections 14 and 109), in paragraph 14, for “the Education Act 1944,” there is substituted “ the Education Act 1996, ”.

Local Government Act 1974 (c. 7)

27 In section 25 of the Local Government Act 1974 (authorities subject to investigation by Local Commissioner) for subsection (5) there is substituted—

“(5) Any reference to an authority to which this Part of this Act applies also includes a reference to any appeal committee constituted—

- (a) for the purposes of paragraph 6 of Schedule 23 to the Education Act 1996, or
- (b) in accordance with paragraph 1 or 2 of Schedule 33 to that Act.”

28 In section 31A(2) of that Act (consideration of adverse reports) for “paragraph 1 of Schedule 2 to the Education Act 1980” there is substituted “ paragraph 1 of Schedule 33 to the Education Act 1996 ”.

29 In paragraph 5(1) of Schedule 5 to that Act (matters not subject to investigation) for the words from “section 23” to “1986” there is substituted “ section 370 of the Education Act 1996 or section 17 of the Education (No.2) Act 1986 ”.

House of Commons Disqualification Act 1975 (c. 24)

30 (1) Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (disqualifying offices)—

- (a) shall be amended as provided in sub-paragraphs (2) and (3); and
- (b) shall continue to include the entries set out in sub-paragraph (4) (originally inserted by Schedule 19 to the ^{M5}Education Act 1993).

(2) For the entry relating to the Curriculum and Assessment Authority for Wales there is substituted—

“Any member of the Curriculum and Assessment Authority for Wales constituted under section 360 of the Education Act 1996 in receipt of remuneration”.

(3) For the entry relating to the School Curriculum and Assessment Authority there is substituted—

“Any member of the School Curriculum and Assessment Authority constituted under section 358 of the Education Act 1996 in receipt of remuneration”.

(4) The entries referred to in sub-paragraph (1)(b) are—

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“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”.

Marginal Citations

M5 1993 c. 35.

Sex Discrimination Act 1975 (c. 65)

- 31 In section 23(1) of the Sex Discrimination Act 1975 (other discrimination by local education authorities) for “the Education Acts 1944 to 1996” there is substituted “ the Education Acts ”.
- 32 In section 23A of that Act (discrimination by Further Education and Higher Education Funding Councils) for “the Education Acts 1944 to 1994” there is substituted “ the Education Acts ”.
- 33 For the section 23C inserted in that Act by Schedule 19 to the Education Act 1993 there is substituted—

“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 imposed by or under the Education Acts to do any act which constitutes sex discrimination.”

- 34 In section 24(2)(c) of that Act (designated establishments) for “the Education Act 1944” there is substituted “ the Education Act 1996 ”.
- 35 (1) Section 25 of that Act (general duty in public sector of education)—
- (a) shall be amended in accordance with sub-paragraphs (2)(a) to (c), (3)(b), and (4)(a); and
 - (b) shall continue to have effect with the amendments set out in sub-paragraphs (2)(d), (3)(a) and (4)(b) (originally made by Schedule 19 to the Education Act 1993 and subsequently amended by the ^{M6}Education Act 1994).
- (2) In subsection (2)—
- (a) for “the Education Act 1944” there is substituted “ the Education Act 1996 ”;
 - (b) in paragraph (a), for “section 68” there is substituted “ section 496 ”;
 - (c) in paragraph (b), for “section 99” there is substituted “ section 497 ”; and
 - (d) for “and 23” there is substituted “ 23, 23A, 23C and 23D ”.
- (3) In subsection (4)—
- (a) for “and 23” there is substituted “ 23, 23A, 23C and 23D ”; and
 - (b) for “either” there is substituted “ any ”.
- (4) In subsection (6)—

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- (a) in paragraph (c)(iii), for “section 100 of the Education Act 1944” there is substituted “ section 485 of the Education Act 1996 ”; and
- (b) after paragraph (d) there is added—
 - “(e) the Funding Agency for Schools and the Schools Funding Council for Wales.”

Marginal Citations

M6 1994 c. 30.

- 36 In section 82 of that Act (general interpretation), in subsection (1)—
- (a) after the definition of “education” there is inserted—

““the Education Acts” has the meaning given by section 578 of the Education Act 1996;”;
 - (b) in the definition of “further education”, for “section 41(3) of the Education Act 1944 as read with section 14 of the Further and Higher Education Act 1992” there is substituted “ section 2 of the Education Act 1996 ”;
 - (c) in the definition of “independent school”, for “section 114(1) of the Education Act 1944” there is substituted “ section 463 of the Education Act 1996 ”;
 - (d) in the definition of “proprietor”, for “section 114(1) of the Education Act 1944” there is substituted “ section 579 of the Education Act 1996 ”; and
 - (e) in the definition of “school”, for “section 114(1) of the Education Act 1944” there is substituted “ section 4 of the Education Act 1996 ”.
- 37 In Schedule 2 to that Act (transitional exemption orders for educational admissions)
- (a) in paragraph 1, for the words from “under the provisions” to “that section,” there is substituted “ under section 35, 41 or 259 of the Education Act 1996 a responsible body submits to the Secretary of State ”; and
 - (b) in paragraph 3—
 - (i) for “section 100 of the Education Act 1944” there is substituted “ section 485 of the Education Act 1996 ”; and
 - (ii) for “subsection (1)(b) of the said section 100” there is substituted “ the said section 485 ”.

Restrictive Trade Practices Act 1976 (c. 34)

- 38 In Schedule 1 to the Restrictive Trade Practices Act 1976 (services excluded from section 13), in paragraph 14, for “the Education Act 1944,” there is substituted “ the Education Act 1996, ”.

Race Relations Act 1976 (c. 74)

- 39 In section 18(1) of the Race Relations Act 1976 (other discrimination by local education authorities) for “the Education Acts 1944 to 1996” there is substituted “ the Education Acts ”.

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- 40 In section 18A of that Act (discrimination by Further Education and Higher Education Funding Councils) for “the Education Acts 1944 to 1994” there is substituted “ the Education Acts ”.
- 41 For the section 18C inserted in that Act by Schedule 19 to the ^{M7}Education Act 1993 there is substituted—

“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 imposed by or under the Education Acts to do any act which constitutes racial discrimination.”

Marginal Citations

M7 1993 c. 35.

- 42 (1) Section 19 of that Act (general duty in public sector of education)—
- (a) shall be amended in accordance with sub-paragraphs (2)(a) to (c), (3)(b) and (4)(a); and
 - (b) shall continue to have effect with the amendments set out in sub-paragraphs (2)(d), (3)(a) and (4)(b) (originally made by Schedule 19 to the Education Act 1993 and subsequently amended by the ^{M8}Education Act 1994).
- (2) In subsection (2)—
- (a) for “the Education Act 1944” there is substituted “ the Education Act 1996 ”;
 - (b) in paragraph (a), for “section 68” there is substituted “ section 496 ”;
 - (c) in paragraph (b), for “section 99” there is substituted “ section 497 ”; and
 - (d) for “and 18” there is substituted “ 18, 18A, 18C and 18D ”.
- (3) In subsection (4)—
- (a) for “and 18” there is substituted “ 18, 18A, 18C and 18D ”; and
 - (b) for “either” there is substituted “ any ”.
- (4) In subsection (6)—
- (a) in paragraph (c)(iii), for “section 100 of the Education Act 1944” there is substituted “ section 485 of the Education Act 1996 ”; and
 - (b) after paragraph (d) there is added—
 - “(e) the Funding Agency for Schools and the Schools Funding Council for Wales.”

Marginal Citations

M8 1994 c. 30.

- 43 In section 78 of that Act (general interpretation), in subsection (1)—
- (a) after the definition of “education” there is inserted—

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“the Education Acts” has the meaning given by section 578 of the Education Act 1996;”;

- (b) in the definition of “independent school”, for “section 114(1) of the Education Act 1944” there is substituted “ section 463 of the Education Act 1996 ”;
- (c) in the definition of “proprietor”, for “section 114(1) of the Education Act 1944” there is substituted “ section 579 of the Education Act 1996 ”; and
- (d) in the definition of “school”, for “section 114(1) of the Education Act 1944” there is substituted “ section 4 of the Education Act 1996 ”.

National Health Service Act 1977 (c. 49)

- 44 In section 28A(2)(c) of the National Health Service Act 1977 (power to make payments to local education authority)—
 - (a) for “the Education Acts 1944 to 1996” there is substituted “ the Education Act 1996 ”; and
 - (b) for “those Acts” there is substituted “ the Education Acts (within the meaning of that Act) ”.
- 45 In section 128(1) of that Act (interpretation), in the definition of “local education authority”, for “the Education Act 1944” there is substituted “ the Education Act 1996 ”.
- 46 In Schedule 1 to that Act (medical and dental inspection and treatment of pupils etc.)—
 - (a) in paragraph 1(a)(ii), for “section 163 or 298 of the Education Act 1993” there is substituted “ section 19 or 319 of the Education Act 1996 ”; and
 - (b) in paragraph 4, for “by section 114(1) of the Education Act 1944” there is substituted “ for the purposes of the Education Act 1996 ”.

Education Act 1980 (c.20)

- 47 (1) Section 38 of the Education Act 1980 (citation etc.) shall be amended as follows.
 - (2) Subsections (2) and (4) to (6) are omitted.
 - (3) For subsection (3) there is substituted—

“(3) This Act shall, in its application to England and Wales, be construed as one with the Education Act 1996.”
 - (4) In subsection (7), for the words from the beginning to “Northern Ireland;” there is substituted “ In this Act section 20 and this section extend to Northern Ireland, ”.

Education (Scotland) Act 1980 (c. 44)

- 48 (1) Section 48A of the Education (Scotland) Act 1980 (corporal punishment) shall continue to have effect with the following amendments (originally made by section 294 of the ^{M9}Education Act 1993).
 - (2) In subsection (1), after “pupil” there is inserted “ to whom this subsection applies ”, and after that subsection there is inserted—

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“(1A) Where, in any proceedings, it is shown that corporal punishment has been given to a pupil by or on the authority of a member of the staff, giving the punishment cannot be justified if the punishment was inhuman or degrading.

(1B) In determining whether punishment is inhuman or degrading regard shall be had to all the circumstances of the case, including the reason for giving it, how soon after the event it is given, its nature, the manner and circumstances in which it is given, the persons involved and its mental and physical effects.”

(3) In subsection (5) for the words preceding paragraph (a) there is substituted “In this section “pupil” means a person for whom education is provided at a school or for whom school education is provided by an education authority otherwise than at a school.

(5A) Subsection (1) above applies to a pupil”.

(4) In subsection (8)(a) for “(5)(a)(iii)” there is substituted “ (5A)(a)(iii) ”.

Marginal Citations

M9 1993 c. 35.

Local Government, Planning and Land Act 1980 (c.65)

49 In paragraph 10 of Schedule 10 to the Local Government, Planning and Land Act 1980 (adjustment of block grant in connection with education etc.: interpretation) for “Section 38(5) of the Education Act 1980” there is substituted “ Section 579(4) of the Education Act 1996 ”.

Acquisition of Land Act 1981 (c. 67)

50 In section 1(2) of the Acquisition of Land Act 1981 (application of Act) for “section 90(1) of the Education Act 1944” there is substituted “ section 530(1) of the Education Act 1996 ”.

51 (1) Section 17(4) of that Act (statutory undertakers) shall have effect with the following amendment instead of that made by section 11 of the ^{M10}Education Act 1993.

(2) After paragraph (aa) of the definition of “statutory undertakers” there is inserted—
“the Funding Agency for Schools,
the Schools Funding Council for Wales,”.

Marginal Citations

M10 1993 c. 35.

Greater London Council (General Powers) Act 1981 (c. xvii)

52 In section 16 of the Greater London Council (General Powers) Act 1981 (exemptions from Part IV)—

(a) in paragraph (b) for “the Education Act 1944” there is substituted “ the Education Act 1996 ”; and

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- (b) in paragraph (k) for “section 100(1)(b) of the said Act of 1944” there is substituted “ section 485 of the Education Act 1996 ”.

Agricultural Training Board Act 1982 (c. 9)

- 53 In section 4(5) of the Agricultural Training Board Act 1982 (meaning of “post-school education”), for paragraph (a) there is substituted—
- “(a) in England and Wales, “higher education” as defined by section 120(1) of the Education Reform Act 1988 or “further education” as defined by section 2(3) to (5) of the Education Act 1996; and”.

Industrial Training Act 1982 (c. 10)

- 54 In section 5 of the Industrial Training Act 1982 (functions of boards) for the subsection (7) inserted by the ^{M11}Education Reform Act 1988 there is substituted—
- “(8) In this section “post-school education” means—
- (a) in England and Wales, “higher education” as defined by section 120(1) of the Education Reform Act 1988 or “further education” as defined by section 2(3) to (5) of the Education Act 1996; and
- (b) in Scotland, “further education” within the meaning of the Education (Scotland) Act 1980.”

Marginal Citations

M11 1988 c. 40.

Local Government (Miscellaneous Provisions) Act 1982 (c. 30)

- 55 In section 40 of the Local Government (Miscellaneous Provisions) Act 1982 (nuisance and disturbance on educational premises) for subsections (2) to (10) there is substituted—
- “(2) This section applies to premises, including playing fields and other premises for outdoor recreation, of an institution (other than a school) which—
- (a) is maintained by a local education authority; and
- (b) provides further education or higher education (or both).
- (3) If—
- (a) a police constable; or
- (b) a person whom a local education authority have authorised to exercise the power conferred by this subsection,
- has reasonable cause to suspect that any person is committing or has committed an offence under this section, he may remove him from the premises in question.
- (4) No proceedings under this section shall be brought by any person other than—

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- (a) a police constable; or
- (b) a local education authority.

(5) Expressions used in this section and in the Education Act 1996 have the same meaning as in that Act.”

Representation of the People Act 1983 (c. 2)

56 (1) Paragraph 22 of Schedule 1 to the Representation of the People Act 1983 (use of schools for the purpose of taking a poll) shall continue to have effect with the following amendment (originally made by Schedule 19 to the ^{M12}Education Act 1993).

(2) In sub-paragraph (1)(i), after “authority” there is inserted “ a grant-maintained school ”.

Marginal Citations

M12 1993 c. 35.

Education (Fees and Awards) Act 1983 (c. 40)

57 In section 1(4) of the Education (Fees and Awards) Act 1983 (fees at universities and further education establishments)—

- (a) for “section 100(1)(b) of the Education Act 1944” there is substituted “ section 485 of the Education Act 1996 ”; and
- (b) for “the Education Act 1944” there is substituted “ the 1996 Act ”.

Registered Homes Act 1984 (c. 23)

58 (1) Section 1 of the Registered Homes Act 1984 (requirement of registration: independent schools) shall be amended as follows.

(2) In subsection (5)—

- (a) in paragraph (f), for “section 114 of the Education Act 1944” there is substituted “ section 4 of the Education Act 1996 ”; and
- (b) in paragraph (g), for “section 100(1)(b) of the Education Act 1944” there is substituted “ section 485 of the Education Act 1996 ”.

(3) In subsection (6)—

- (a) for “the Education Act 1944” there is substituted “ the Education Act 1996 ”; and
- (b) for “section 189(1) of the Education Act 1993” there is substituted “ section 347 of the Education Act 1996 ”.

(4) In subsection (7), for “section 100(1)(b) of the Education Act 1944” there is substituted “ section 485 of the Education Act 1996 ”.

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Building Act 1984 (c. 55)

- 59 In section 4(1)(a) of the Building Act 1984 (exemption of educational buildings etc) for sub-paragraphs (i) to (iv) substitute—
- “(i) plans that have been approved by the Secretary of State,
 - (ii) particulars submitted and approved under section 39 or 44 of the Education Act 1996 or under regulations made under section 544 of that Act or section 218(7) of the Education Reform Act 1988,
 - (iii) particulars approved or adopted under section 214, 262 or 341 of the Education Act 1996, or
 - (iv) particulars given in a direction under section 428 of that Act.”

Greater London Council (General Powers) Act 1984 (c. xxvii)

- 60 In section 10(2)(g) of the Greater London Council (General Powers) Act 1984 (buildings excepted from Part IV) for “section 100(1)(b) of the Education Act 1944” there is substituted “ section 485 of the Education Act 1996 ”.

Further Education Act 1985 (c. 47)

- 61 In section 8(3) (short title etc.) for “the Education Act 1944” there is substituted “ the Education Act 1996. ”

Housing Act 1985 (c. 68)

- 62 In Schedule 1 (tenancies which are not secure tenancies), in paragraph 10(4), for “the Education Act 1944” there is substituted “ the Education Act 1996 ”.

Local Government Act 1986 (c. 10)

- 63 In section 2A(4)(a) of the Local Government Act 1986 (prohibition on promoting homosexuality) for “the Education Act 1944” there is substituted “ the Education Act 1996 ”.

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

- 64 (1) Section 5 of the Disabled Persons (Services, Consultation and Representation) Act 1986 (disabled persons leaving special education) shall be amended as follows.
- (2) In subsection (1)(a) for “or 168 of the Education Act 1993” there is substituted “ section 168 of the Education Act 1993 or section 324 of the Education Act 1996 ”.
- (3) In subsection (8)—
- (a) for “paragraph 7 of Schedule 10 to the Education Act 1993” there is substituted “ paragraph 7 of Schedule 27chedul to the Education Act 1996 ”, and
 - (b) for “maintained under section 168” there is substituted “ maintained under section 324 ”.
- (4) In subsection (9)—

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- (a) for “Part III of the Education Act 1993” there is substituted “ Part IV of the Education Act 1996 ”; and
- (b) for “the Education Act 1944” there is substituted “ the Education Act 1996 ”.

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

- 65 (1) Section 50 of the Education (No. 2) Act 1986 (grants for teacher training etc.) shall continue to have effect with the following amendments (originally made by section 278 of and Schedule 19 to the ^{M13}Education Act 1993).
- (2) In subsection (1)—
- (a) for “local authorities and other persons” there is substituted “ persons other than local education authorities ”; and
 - (b) for the words from the end of paragraph (a) onwards there is substituted—
- “and
- (b) such other classes of persons as may be prescribed.”
- (3) In subsection (2)(b), for “capacity as an employee of the kind in question” there is substituted “ employment ”.

Marginal Citations

M13 1993 c. 35.

- 66 (1) Section 67 of that Act (short title etc.) shall be amended as follows.
- (2) Subsections (2), (5) and (6) are omitted.
- (3) In subsection (3), for “the 1944 Act” there is substituted “ the Education Act 1996. ”
- (4) In subsection (7), for the words from the beginning to “Northern Ireland;” there is substituted “ In this Act section 48 and this section extend to Scotland, ”.

Reverter of Sites Act 1987 (c. 15)

- 67 (1) The Reverter of Sites Act 1987 shall be amended as follows.
- (2) In section 1(5) (right of reverter replaced by trust for sale) for “section 2 of the Education Act 1973” there is substituted “ section 554 of the Education Act 1996 ”.
- (2) In section 5 (orders under Education Act 1973)—
- (a) in subsection (1), for “section 2 of the Education Act 1973” there is substituted “ section 554 of the Education Act 1996 ”; and
 - (b) for “section 2 of the said Act of 1973”, wherever occurring, there is substituted “ section 554 of the 1996 Act ”.

Local Government Act 1988 (c. 9)

- 68 In paragraph 8(3)(a) of Schedule 1 to the Local Government Act 1988 (competition) for “section 53 of the Education Act 1944 (whether or not also provided under section 41 of that Act)” there is substituted “ section 508 of the Education Act 1996 (whether or not also provided under section 15 of that Act) ”.

Status: Point in time view as at 01/03/1998.

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Criminal Justice Act 1988 (c. 33)

- 69 In section 139A(6) and (7) of the Criminal Justice Act 1988 (as amended by the Offensive Weapons Act 1996), for “section 14(5) of the Further and Higher Education Act 1992” there is substituted “ section 4 of the Education Act 1996 ”.

Education Reform Act 1988 (c. 40)

- 70 In section 124(2)(b) of the Education Reform Act 1988 (powers of a higher education corporation) for “within the meaning of section 41(9) of the Education Act 1944” there is substituted “ , as defined by section 15(6) and (7) of the Education Act 1996 ”.
- 71 In section 161(1)(b)(i) of that Act (interpretation of Part II) for “section 41 of the 1944 Act” there is substituted “ section 15 of the Education Act 1996 ”.
- 72 In section 163(1) of that Act (new education authorities for London) for “the Education Acts 1944 to 1996” there is substituted “ the Education Act 1996 ”.
- 73 In section 166(5) of that Act (responsibility for schools) for “the Education Acts 1944 to 1993” there is substituted “ the Education Act 1996 ”.
- 74 (1) Section 197 of that Act (Education Assets Board) shall be amended as follows.
- (2) In subsection (6), for “the Education Acts 1944 to 1993” there is substituted “ the Education Acts ”.
- (3) Subsection (7) shall continue to have effect with the insertion of the words “and any governing body of a maintained or grant-maintained school” (originally inserted by section 47(5) of the^{M14} Education Act 1993); and in that subsection for “the Education Acts 1944 to 1993” there is substituted “ the Education Acts ”.
- (4) In subsection (7B), for “the Education Acts 1944 to 1992” there is substituted “ the Education Acts ”.
- (5) At the end of the section there is added—
- “(10) In this section “the Education Acts” has the meaning given by section 578 of the Education Act 1996.”

Marginal Citations

M14 1993 c. 35.

- 75 In section 198 of that Act (transfers under Parts I and II)—
- (a) in subsection (1), for “or section 38 of the Education Act 1993” there is substituted “ or section 201 of the Education Act 1996 ”; and
- (b) in subsection (4), for “or under the Education Act 1993”, in both places, there is substituted “ or under the Education Act 1996 ”.
- 76 (1) Section 218 of that Act (school and further and higher regulations)—
- (a) shall be amended as provided in sub-paragraphs (2) to (5); and

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- (b) shall continue to have effect with the amendments set out in sub-paragraph (6) (originally made by section 290 of the Education Act 1993).
- (2) In subsection (1) the following are omitted—
- (a) in paragraphs (e) and (f), the words “schools and”; and
 - (b) paragraph (g).
- (3) For subsection (2B) (renumbered by paragraph 8(4) of Schedule 2 to the ^{M15}Education Act 1994) there is substituted—
- “(2B) Regulations under subsection (2) above may impose requirements on persons carrying on city technology colleges or city colleges for the technology of the arts as to the training and teaching experience of persons employed as teachers at such colleges who seek to become (in relation to schools) qualified teachers.”
- (4) In subsection (7), the following are omitted—
- (a) the words from “or, in such cases” to “the funding authority”; and
 - (b) the words “school or” (where first occurring) and “any school or”.
- (5) Subsections (8) and (13) are omitted.
- (6) The amendments referred to in sub-paragraph (1)(b) are—
- (a) after subsection (6)(c) there is added “or
 - (d) by the proprietors of independent schools or at such schools as teachers or in any such work,”; and
 - (b) in subsection (12) after “section” there is inserted “ other than in subsection (6)(d) above ”.

Marginal Citations

M15 1994 c. 40.

77 For section 219 of that Act there is substituted—

“219 Powers of the Secretary of State in relation to certain educational institutions.

- (1) This section applies to any institution which is maintained by a local education authority and provides higher education or further education (or both).
- (2) Section 495(1) of the Education Act 1996 (determination of disputes by the Secretary of State) shall apply in relation to the governing body of an institution to which this section applies as it applies in relation to the governing body of a school.
- (3) Each of sections 496 and 497 of that Act (power of Secretary of State to prevent unreasonable exercise of functions and Secretary of State’s general default powers) shall have effect as if any reference to a body to which that section applies included a reference to the governing body of an institution to which this section applies.

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(4) Section 498 of that Act (powers of Secretary of State where there is no properly constituted governing body) shall have effect as if any reference to a school to which that section applies included a reference to an institution to which this section applies.”

78 (1) Section 220 of that Act (extension of functions of Audit Commission) shall continue to have effect with the following amendments (originally made by section 10 of the ^{M16}Education Act 1993).

(2) At the beginning of subsection (1)(c) there is inserted “ the Funding Agency for Schools, the Schools Funding Council for Wales or ”.

(3) After subsection (2)(bb) there is inserted—

“(bc) with respect to studies relating to the Funding Agency for Schools, the agency;

(bd) with respect to studies relating to the Schools Funding Council for Wales, the council;”.

(4) In subsection (2)(c) after “school,” there is inserted “ the funding authority or ”.

Marginal Citations

M16 1993 c. 35.

79 In section 228 of that Act (transfer of property to grant-aided institutions in Wales), in subsection (2)(a), for “section 100(1)(b) of the 1944 Act” there is substituted “ section 485 of the Education Act 1996 ”.

80 In section 232 of that Act (orders and regulations)—

(a) in subsection (2), for the words from “sections” to “Schedule 5” there is substituted “ section 157 ”;

(b) subsection (3) is omitted; and

(c) in subsection (4), “3(4)(a), 4(2)(c), 24,” is omitted.

81 (1) Section 235 of that Act (general interpretation) shall be amended as follows.

(2) In subsection (1) the definition of “the 1980 Act” is omitted.

(3) In subsection (2)(c), after “1944 Act” there is inserted “ or section 485 of the Education Act 1996 ”.

(4) In subsections (7) and (8), for “the 1944 Act” in each place there is substituted “ the Education Act 1996 ”.

82 (1) Schedule 10 to that Act (supplementary provisions with respect to transfers)—

(a) shall continue to have effect with the amendments set out in sub-paragraph (2) (originally made by section 47 of the ^{M17}Education Act 1993); and

(b) shall be amended as provided in sub-paragraph (3).

(2) The amendments mentioned in sub-paragraph (1)(a) are as follows—

(a) in paragraph 1(1) of the Schedule, after “held” there is inserted “ or used ”;

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- (b) in paragraph 4(1) of the Schedule, for “by virtue of section 126 or 130” there is substituted “to which this Schedule applies”; and
- (c) for “local education authority”, wherever occurring in the Schedule, there is substituted “local authority”.

(3) In the Schedule—

- (a) in paragraph 1(4)(a)(i), for “or under the Education Act 1993” there is substituted “or under the Education Act 1996”;
- (b) in paragraph 2(1)(b), for “or of the Education Act 1993” there is substituted “or of the Education Act 1996”;
- (c) in paragraph 5, for “or of the Education Act 1993” there is substituted “or of the Education Act 1996”;
- (d) in paragraph 7, for “or of the Education Act 1993” there is substituted “or of the Education Act 1996”; and
- (e) in paragraph 9(6)(b), for “or of the Education Act 1993” there is substituted “or of the Education Act 1996”.

Marginal Citations

M17 1993 c. 35.

Copyright, Designs and Patents Act 1988 (c. 48)

- 83 In section 174(3) of the Copyright, Patents and Designs Act 1988 (meaning of “school”) for “the Education Act 1944” there is substituted “the Education Act 1996”.

Children Act 1989 (c. 41)

- 84 In section 28(4) of the Children Act 1989 (local authority support for children and families: consultation with local education authorities) for “Part III of the Education Act 1993” there is substituted “Part IV of the Education Act 1996”.

- 85 In section 36(5) of that Act (education supervision orders: presumption that child is not being properly educated)—

- (a) for “section 37 of the Education Act 1944” there is substituted “section 437 of the Education Act 1996”; and
- (b) for “section 39” there is substituted “section 444”.

- 86 (1) Section 63 of that Act (children not to be cared for and accommodated in unregistered children’s homes) shall be amended as follows.

(2) For subsection (6) there is substituted—

“(6) An independent school is a children’s home at any time if at that time accommodation is provided for children at the school and either—

- (a) in each year that fell within the period of two years ending at that time accommodation was provided for more than three of the children at the school, or under arrangements made by the proprietor of the school, for more than 295 days in that year, or

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- (b) it is intended to provide accommodation for more than three of the children at the school, or under arrangements made by the proprietor of the school, for more than 295 days in any year, unless the school is approved by the Secretary of State under section 347(1) of the Education Act 1996 (approval of independent schools for children with statements); and in this subsection “year” means a period of twelve months and “proprietor” has the same meaning as in that Act.”
- 87 In section 87(10) of that Act (welfare of children accommodated in independent schools) for “the Education Act 1944” there is substituted “ the Education Act 1996 ”.
- 88 In section 87A(6) of that Act (inspection of independent schools), in paragraph (a), for “the Education Act 1944” there is substituted “ the Education Act 1996 ”.
- 89 In section 87B(4) of that Act (duties of inspectors of independent schools), in paragraph (a), for “the Education Act 1944” there is substituted “ the Education Act 1996 ”.
- 90 In section 91(5) of that Act (effect and duration of orders: school attendance orders) for “section 37 of the Education Act 1944” there is substituted “ section 437 of the Education Act 1996 ”.
- 91 In section 105(1) of that Act (interpretation) for “the Education Act 1944” in each place where it occurs, and for “the Education Act 1993”, there is substituted “ the Education Act 1996 ”.
- 92 In paragraph 3(b) of Schedule 2 to that Act (local authority support for children and families: assessment of children’s needs) for “Part III of the Education Act 1993” there is substituted “ Part IV of the Education Act 1996 ”.
- 93 (1) Part III of Schedule 3 to that Act (education supervision orders) shall be amended as follows.
- (2) In paragraph 13—
- (a) in sub-paragraph (1) for “section 36 of the Education Act 1944 (duty to secure education of children) and section 199 of the Education Act 1993 (duty)” there is substituted “ sections 7 and 444 of the Education Act 1996 (duties to secure education of children and ”; and
- (b) in sub-paragraph (2)—
- (i) in paragraph (a)(i) for “section 192 of that Act” there is substituted “ section 437 of the Education Act 1996 ”,
- (ii) in paragraph (b)(i) for “section 192” there is substituted “ section 437 ”,
- (iii) in paragraph (b)(ii) for “section 76 of the Education Act 1944” there is substituted “ section 9 of that Act ”, and
- (iv) in paragraph (b)(iii) for “sections 6 and 7 of the Education Act 1980” there is substituted “ sections 411 and 423 of that Act ”.
- (3) In paragraph 21 for “the Education Act 1944 (as amended by Schedule 13)” there is substituted “ the Education Act 1996. ”

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- 94 (1) Paragraph 3 of Schedule 9 to that Act (child minding and day care: exemption of certain schools) shall be amended as follows.
- (2) In sub-paragraph (1)—
- (a) for “section 100 of the Education Act 1944” there is substituted “ section 485 of the Education Act 1996 ”, and
- (b) for “section 53 of the Act of 1944” there is substituted “ section 508 of that Act ”.
- (3) In sub-paragraph (3)—
- (a) for “the Education Act 1944” there is substituted “ the Education Act 1996 ”, and
- (b) for “the Education Act 1993” there is substituted “ that Act ”.

Local Government and Housing Act 1989 (c. 42)

- 95 In section 2(6)(a) of the Local Government and Housing Act 1989 (politically restricted posts) for “section 88 of the Education Act 1944” there is substituted “ section 532 of the Education Act 1996 ”.
- 96 (1) Section 13 of that Act (voting rights of members of committees)—
- (a) shall be amended as provided in sub-paragraphs (2), (3) and (5); and
- (b) shall continue to have effect with the amendment set out in sub-paragraph (4) (originally made by Schedule 19 to the ^{M18}Education Act 1993).
- (2) In subsection (4)(f) for “Part I of Schedule 2 to the Education Act 1980 (appeal committees for hearing school admissions appeals)” there is substituted “ Part I of Schedule 33 to the Education Act 1996 (constitution of appeal committees for admission appeals etc.) ”.
- (3) For subsection (5) there is substituted—
- “(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 499 of the Education Act 1996 (power of Secretary of State to direct appointment of members of committees).”
- (4) 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 ”.

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- (5) In subsection (9) the definition of “foundation governors” and the “and” immediately following it are omitted.

Marginal Citations

M18 1993 c. 35.

- 97 In section 18(5)(c) of that Act (schemes for allowances for local authority members) for “paragraph 2 or 3 of Schedule 2 to the Education Act 1980” there is substituted “ paragraph 2 or 3 of Schedule 33 to the Education Act 1996 ”.

Education (Student Loans) Act 1990 (c. 6)

- 98 In section 1(3)(a) of the Education (Student Loans) Act 1990 (meaning of “institutions receiving support from public funds”) for “section 100(1)(b) of the Education Act 1944” there is substituted “ section 485 of the Education Act 1996 ”.

Town and Country Planning Act 1990 (c. 8)

- 99 In section 76 of the Town and Country Planning Act 1990 (duty to draw attention to certain provisions for benefit of disabled) for subsection (3) there is substituted—
“(3) Expressions used in subsection (1)(e) and in the Education Act 1996 have the same meanings as in that Act.”

Environmental Protection Act 1990 (c. 43)

- 100 In section 98(2) of the Environmental Protection Act 1990 (definitions)—
(a) in paragraph (c)(i) for “section 100(1)(b) of the Education Act 1944” there is substituted “ section 485 of the Education Act 1996 ”; and
(b) in paragraph (e) for “section 105 of the Education Reform Act 1988” there is substituted “ section 482 of the Education Act 1996 ”.

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

- 101 (1) The School Teachers’ Pay and Conditions Act 1991—
(a) shall continue to have effect with the amendment set out in sub-paragraph (2) (originally made by Schedule 19 to the ^{M19}Education Act 1993); and
(b) shall be amended as provided in sub-paragraphs (3) and (4).
(2) In section 2 (orders relating to statutory conditions of employment), in subsections (6) and (7) for “section 3” there is substituted “ sections 3 and 3A ”.
(3) For the section 3A inserted by section 289 of the Education Act 1993 there is substituted—

“3A Special provisions for teachers on transfer of employment.

- (1) This section applies where a school teacher employed to teach at an independent school—

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- (a) which becomes a county or voluntary school in pursuance of proposals published under section 35(1)(b) or, as the case may be, 41(1) of the Education Act 1996, or
 - (b) in place of which a grant-maintained school is established in pursuance of proposals published under section 212 of that Act, becomes employed (in the case of a county or voluntary school) by the local education authority or the governing body or (in the case of a grant-maintained school) by the governing body in accordance with the Transfer of Undertakings (Protection of Employment) Regulations 1981.
- (2) A pay and conditions order shall not apply to the statutory conditions of employment of such a teacher unless he gives notice in writing to the new employer that the order is to so apply.
- (3) Where the governing body of an aided school receive notice given under subsection (2) above, they shall inform the local education authority.”
- (4) In section 5 (interpretation etc.)—
- (a) in subsection (1)—
 - (i) in the definition of “school which has a delegated budget” for “Chapter III of Part I of the Education Reform Act 1988” there is substituted “ Part II of the Education Act 1996 ”, and
 - (ii) for “the Education Act 1944” there is substituted “ that Act ”; and
 - (b) in subsection (5), for “sections 68 and 99(1) of the Education Act 1944” there is substituted “ sections 496 and 497 of the Education Act 1996 ”.

Marginal Citations

M19 1993 c. 35.

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

- 102 (1) Section 3 of the Diocesan Boards of Education Measure 1991 (transactions for which advice or consent of Diocesan Board required)—
- (a) shall continue to have effect with the amendment set out in sub-paragraph (2) (originally made by Schedule 19 to the ^{M20}Education Act 1993); and
 - (b) shall be amended as provided in sub-paragraph (3).
- (2) 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,

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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”.

- (3) In subsection (5) for “section 96 of the Education Act 1993” there is substituted “section 259 of the Education Act 1996”.

Marginal Citations

M20 1993 c. 35.

- 103 (1) Section 5 of that Measure (proposals for acquisition of grant-maintained status)—
- (a) shall be amended as provided in sub-paragraph (2); and
 - (b) shall continue to have effect with the amendment set out in sub-paragraph (3) (originally made by Schedule 19 to the ^{M21}Education Act 1993).
- (2) For “paragraph 2 of Schedule 3 to the Education Act 1993” there is substituted “paragraph 2 of Schedule 20 to the Education Act 1996”.
- (3) 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”.

Marginal Citations

M21 1993 c. 35.

- 104 (1) Section 6 of that Measure (Board to be consulted in certain cases) shall be amended as follows.
- (2) In subsection (1)—
- (a) for “section 13(1) of the 1988 Act” there is substituted “section 392(2) of the Education Act 1996”; and
 - (b) for “section 11” there is substituted “section 390”.
- (3) In subsection (2), for “section 136 of the Education Act 1993” there is substituted “section 302 of the Education Act 1996”.
- 105 In section 7(3) of that Measure (powers of Board to give directions to governing bodies of aided church schools)—
- (a) for “section 15(4) of the Education Act 1944” there is substituted “section 57(1) of the Education Act 1996”;
 - (b) for “section 13(1)(b) of the Education Act 1980” there is substituted “section 41(2) of that Act”; and
 - (c) for “the Education Acts 1944 to 1993” there is substituted “that Act”.

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106 In section 9 of that Measure (attendance of diocesan director of education at governing bodies' proceedings) for "section 45(6) of the 1988 Act" there is substituted " section 138(2) of the Education Act 1996 ".

107 In section 10 (interpretation)—

(a) in subsection (1) the definition of "the 1988 Act" is omitted;

(b) for the definition of "church school" in that subsection there is substituted—

"“church school” means—

a Church of England voluntary school,

a grant-maintained school which was such a voluntary school immediately before it became grant-maintained,

a grant-maintained school established in pursuance of proposals published under section 212 of the Education Act 1996 where either any trust deed relating to the school or the statement required by paragraph 8 of Schedule 20 to that Act provides for religious education at the school to accord with the faith and practice of the Church of England, or

a grant-maintained school in respect of which proposals for the required provision for religious education to be provision for religious education in accordance with the faith and practice of the Church of England are approved under section 261 of that Act"; and

(c) in subsection (3)—

(i) for "the 1988 Act or the Education Act 1993" there is substituted " the Education Act 1996 ", and

(ii) for "those Acts" there is substituted " that Act ".

Further and Higher Education Act 1992 (c. 13)

108 In section 21(3) of the Further and Higher Education Act 1992 (initial instruments and articles) for "Chapter IV of Part I of the Education Reform Act 1988" there is substituted " Chapter V of Part III of the Education Act 1996 (or any corresponding earlier enactment) ".

109 In section 28(3)(a) of that Act (institutions which are grant-aided or eligible to receive aid by way of grant) for "section 100(1)(b) of the Education Act 1944" there is substituted " section 485 of the Education Act 1996 ".

110 (1) Section 37 of that Act (attribution of surpluses and deficits) shall be amended as follows.

(2) In subsection (1), for the words from "section 33" to "higher education)" there is substituted " section 103 of the Education Act 1996 (schemes for financing schools) ".

(3) In subsection (7)—

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- (a) in the definition of “budget share”, for “Chapter III of Part I or Chapter III of Part II of the Education Reform Act 1988” there is substituted “ Part II of the Education Act 1996 ”; and
 - (b) in the definition of “financial year”, for “the Education Reform Act 1988” there is substituted “ the Education Act 1996 ”.
- 111 In section 54(2) of that Act (duty to give information) for the words from “section 51” to “section 52 of that Act” there is substituted “ regulations under section 492 or 493 of the Education Act 1996 ”.
- 112 At the end of section 56 of that Act (directions) there is added—
 - “(3) Section 496 of the Education Act 1996 (power to prevent unreasonable exercise of functions) applies in relation to a council as it applies in relation to a body falling within subsection (2) of that section.”
- 113 For section 57(6) of that Act (intervention in event of mismanagement etc.) there is substituted—
 - “(6) In the Education Act 1996—
 - (a) section 496 (power to prevent unreasonable exercise of functions) applies in relation to the governing body of an institution within the further education sector as it applies in relation to a body falling within subsection (2) of that section; and
 - (b) section 507 (power to direct local inquiries) applies for the purposes of the Secretary of State’s functions under this section as it applies for the purposes of his functions under that Act.”
- 114 In section 89(5) of that Act (orders, regulations and directions) for “Section 111 of the Education Act 1944” there is substituted “ Section 570 of the Education Act 1996 ”.
- 115 (1) Section 90 of that Act (interpretation) shall be amended as follows.
 - (2) In subsection (1)—
 - (a) in the definition of “the Education Acts”, for “means the Education Acts 1944 to 1996” there is substituted “ has the meaning given by section 578 of the Education Act 1996 ”; and
 - (b) after that definition there is inserted—
 - ““further education” has the meaning given by section 2(3) to (5) of that Act;”.
 - (3) In subsection (5), for “the Education Act 1944” there is substituted “ the Education Act 1996 ”.
- 116 In section 92 of that Act (Index)—
 - (a) in the entry for “further education”, for “section 14(1) to (4)” there is substituted “ section 90(1) ”; and
 - (b) the entries for “pupil”, “secondary education” and “school” are omitted.
- 117 (1) Schedule 8 to that Act—

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- (a) shall continue to have effect with the amendment set out in sub-paragraph (2) (originally made by section 47(6) of the ^{M22}Education Act 1993); and
 - (b) shall be amended as provided in sub-paragraphs (3) and (4).
- (2) In paragraph 61, for “by virtue of section 126 or 130 and in such a case” there is substituted “ and ”.
- (3) In paragraph 62(3), for “or (as the case may be) the Education Act 1993” there is substituted “ or (as the case may be) the Education Act 1996 ”.
- (4) In—
- (a) paragraph 79(2) (which provides that, in relation to a further education corporation or a Further Education Funding Council, the reference in section 25(2) of the ^{M23}Sex Discrimination Act 1975 to section 99 of the ^{M24}Education Act 1944 is to be read as a reference to section 57(3) of the 1992 Act), and
 - (b) paragraph 88(2) (which makes similar provision in relation to section 19(2) of the ^{M25}Race Relations Act 1976),
- for “section 99 of the Education Act 1944” there is substituted “ section 497 of the Education Act 1996 ”.

Marginal Citations

- M22** 1993 c. 35.
- M23** 1975 c. 65.
- M24** 1994 c. 31.
- M25** 1976 c. 74.

Tribunals and Inquiries Act 1992 (c. 53)

- 118 (1) The Tribunals and Inquiries Act 1992 shall be amended as follows.
- (2) Section 11(1) (appeals from certain tribunals) shall continue to have effect with the substitution for “15(a) or (d)” of “15(a), (d) or (e)” (originally made by section 181 of the Education Act 1993).
- (3) In paragraph 15 of Schedule 1 (tribunals under general supervision of Council on Tribunals)—
- (a) in sub-paragraph (a), for “section 72 of, and Schedule 6 to, the Education Act 1944 (c. 31)” there is substituted “ section 476 of, and Schedule 34 to, the Education Act 1996 (c. 56) ”;
 - (b) in sub-paragraph (b), for “Part I of Schedule 2 to the Education Act 1980 (c. 20)” there is substituted “ Part I of Schedule 33 to that Act ”;
 - (c) in sub-paragraph (c), for “paragraph 5(1) of Schedule 6 to the Education Act 1993” there is substituted “ paragraph 6(1) of Schedule 23 to that Act ”; and
 - (d) for sub-paragraph (e) there is substituted—
 - “(e) the Special Educational Needs Tribunal constituted under section 333 of that Act”.

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Charities Act 1993 (c. 10)

119 For section 79(9) of the Charities Act 1993 (parochial charities) there is substituted—

“(9) This section shall not affect the trusteeship, control or management of any voluntary or grant-maintained school within the meaning of the Education Act 1996.”

120 (1) Schedule 2 to that Act (exempt charities) shall continue to have effect with the following amendments (originally made by Schedules 15 and 19 to the^{M26} Education Act 1993).

(2) After paragraph (d) there is inserted—

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

(3) For paragraph (f) there is substituted—

“(f) the Curriculum and Assessment Authority for Wales;”.

Marginal Citations

M26 1993 c. 35.

121 At the end of paragraph 1(b) of Schedule 4 to that Act (charities over which the court has jurisdiction) there is added “ or section 554 of the Education Act 1996 ”.

Welsh Language Act 1993 (c. 38)

122 In section 6(1)(l) of the Welsh Language Act 1993 (meaning of “public body”) for “the Education Acts 1944 to 1992” there is substituted “ the Education Act 1996 ”.

Local Government (Wales) Act 1994 (c. 19)

123 (1) Section 30 of the Local Government (Wales) Act 1994 (area committees) shall be amended as follows.

(2) In subsection (7) for “section 297 of the Education Act 1993” there is substituted “ section 499 of the Education Act 1996 ”.

(3) In subsections (9) and (14) for “section 297 of the Act of 1993” there is substituted “ section 499 of the Act of 1996 ”.

124 (1) Section 31 of that Act (sub-committees of area committees) shall be amended as follows.

(2) In subsection (6) for “section 297 of the Education Act 1993” there is substituted “ section 499 of the Education Act 1996 ”.

(3) In subsections (8) and (12) for “section 297 of the Act of 1993” there is substituted “ section 499 of the Act of 1996 ”.

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Value Added Tax Act 1994 (c. 23)

- 125 In Schedule 9 to the Value Added Tax Act 1994 (exemptions), in paragraph (a) of Note (1) to Group 6 (education)—
- (a) for “the Education Acts 1944 to 1996” there is substituted “ the Education Act 1996 ”;
 - (b) in sub-paragraph (iii), for “a maintained school within the meaning of the Education Act 1993 or” there is substituted “ a county school, voluntary school or maintained special school (other than one established in a hospital) within the meaning of the Education Act 1996 or a maintained school within the meaning of ”;
 - (c) in sub-paragraph (v), for “section 22 of the Education Act 1993” there is substituted “ the Education Act 1996 ”; and
 - (d) in sub-paragraph (vii), for “section 182(3) of the Education Act 1993” there is substituted “ the Education Act 1996 ”.

Education Act 1994 (c. 30)

- 126 After section 11 of the Education Act 1994 there is inserted—

“ General duty of Secretary of State

11A General duty of Secretary of State with respect to teacher training.

In carrying out his duties under sections 10 and 11 of the Education Act 1996 the Secretary of State shall, in particular, make such arrangements as he considers expedient for securing that sufficient facilities are available for the training of teachers to serve in schools maintained by local education authorities, grant-maintained schools, institutions within the further education sector and institutions which are maintained by such authorities and provide higher education or further education (or both).”

- 127 (1) Section 12 of that Act (power of schools to provide courses of initial teacher training) shall be amended as follows.
- (2) In subsection (5), for “section 12 or 13 of the Education Act 1980 or section 96 of the Education Act 1993” there is substituted “ section 35, 41 or 259 of the Education Act 1996 ”.
- (3) In subsection (6)—
- (a) for “sections 33 to 43 of the Education Reform Act 1988” there is substituted “ sections 101 to 123 of the Education Act 1996 ”, and
 - (b) for “Chapter VI of Part II of the Education Act 1993” there is substituted “ Chapter VI of Part III of that Act ”.
- 128 In section 19 of that Act (interpretation)—
- (a) in subsection (3), for “section 156 of the Education Act 1993” there is substituted “ section 312 of the Education Act 1996 ”; and
 - (b) in subsection (5), for “the Education Act 1944” there is substituted “ the Education Act 1996 ”.

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Disability Discrimination Act 1995 (c. 50)

- 129 In section 19(5)(a)(ii) of the Disability Discrimination Act 1995 (discrimination in relation to goods, facilities and services) for “section 14(5) of the Further and Higher Education Act 1992” there is substituted “ section 4(1) and (2) of the Education Act 1996 ”.

Employment Rights Act 1996 (c. 18)

- 130 In section 134(1) of the Employment Rights Act 1996 (dismissal of teachers in aided schools) for “paragraph (a) of the proviso to section 24(2) of the Education Act 1944” there is substituted “ section 134(3) of the Education Act 1996 ”.

Nursery Education and Grant-Maintained Schools Act 1996 (c. 57)

- 131 (1) Section 4 of the Nursery Education and Grant-Maintained Schools Act 1996 (children with special educational needs) shall be amended as follows.
- (2) In subsection (1)—
- (a) for “section 157 of the Education Act 1993” there is substituted “ section 313 of the Education Act 1996 ”; and
- (b) for “Part III” there is substituted “ Part IV ”.
- (3) In each of subsections (2) and (3), for “Part III of the Education Act 1993” there is substituted “ Part IV of the Education Act 1996 ”.

- 132 In section 11 of that Act (citation etc.) for subsection (2) there is substituted—
- “(2) This Act shall be construed as one with the Education Act 1996.”

PART II

AMENDMENTS COMING INTO FORCE ON APPOINTED DAY

Children and Young Persons Act 1933 (c. 12)

- 133 In section 30(1)(a) of the Children and Young Persons Act 1933 (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 8 of the Education Act 1996) ”.

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

- 134 In section 24(1) of the Agriculture (Safety, Health and Welfare Provisions) Act 1956 (interpretation) in the definition of “young person”, for “for the purposes of the Education Act 1944” there is substituted “ (construed in accordance with section 8 of the Education Act 1996) ”.

Factories Act 1961 (c. 34)

- 135 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—

- (a) compulsory school age (construed in accordance with section 8 of the Education Act 1996), or
- (b) school age (construed in accordance with section 31 of the Education (Scotland) Act 1980);”.

Matrimonial Causes Act 1973 (c. 18)

- 136 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 8 of the Education Act 1996) ”.

Sex Discrimination Act 1975 (c. 65)

- 137 In section 24(2)(d) of the Sex Discrimination Act 1975 (designated establishments) after “school age” there is inserted “ (construed in accordance with section 8 of the Education Act 1996) ”.

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

- 138 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 8 of the Education Act 1996) ”.

Employment Act 1989 (c. 38)

- 139 In section 10 of the Employment Act 1989 (removal of restrictions relating to employment of young persons), in subsection (6), for “for the purposes of the Education Act 1944” there is substituted “ (construed in accordance with section 8 of the Education Act 1996) ”.

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