

## SCHEDULES

### SCHEDULE 37

#### CONSEQUENTIAL AMENDMENTS

##### PART I

###### AMENDMENTS COMING INTO FORCE ON 1ST NOVEMBER 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
  - (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”.

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*Status: This is the original version (as it was originally enacted).*

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- 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”;
- (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.”
- 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”.