

Status: Point in time view as at 01/12/2004.

Changes to legislation: Education Act 2002, SCHEDULE 5 is up to date with all changes known to be in force on or before 06 June 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 5

Section 56(3)

SCHOOLS CAUSING CONCERN: AMENDMENTS CONSEQUENTIAL ON SECTIONS 55 AND 56

- 1 In section 14 of the School Standards and Framework Act 1998 (c. 31) (powers of intervention exercisable by local education authorities) for subsection (3) there is substituted—

“(3) Those provisions shall not apply to a school to which section 15 applies by virtue of subsection (4) or (6) of that section (school with serious weaknesses or requiring special measures) if, in connection with the same inspection falling within subsection (4)(a) or (6)(a) of that section—

- (a) the Secretary of State has exercised in relation to the school his power under section 18 (power to appoint additional governors) and any additional governors appointed in the exercise of that power remain in office; or
- (b) he has exercised in relation to the school his power under section 19 (power to direct closure of school).”

Commencement Information

- II** [Sch. 5](#) wholly in force at 19.12.2002; [Sch. 5](#) not in force at Royal Assent, see [s. 216](#); [Sch. 5](#) in force for E. at 2.9.2002 by [S.I. 2002/2002](#), [art. 4](#); [Sch. 5](#) in force for W. at 19.12.2002 by [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. I](#)

- 2 (1) Section 16 of that Act (power of local education authority to appoint additional governors) is amended as follows.

- (2) For subsection (3) there is substituted—

“(3) Where this section so applies in the case of a school falling within section 15(4) (school with serious weaknesses) or section 15(6) (school requiring special measures), the power conferred by subsection (1) above is exercisable only if the following conditions are satisfied, namely—

- (a) the Secretary of State has given the local education authority a notice under section 16A(3) of the School Inspections Act 1996, and
- (b) a period of not less than ten days has elapsed since the date of the notice.”

- (3) Subsection (4) is omitted.

- (4) In subsection (6)(a), for “section 15(6)” there is substituted “ section 15(4) or (6) ”.

- (5) In subsection (8)—

- (a) in paragraph (a), for “section 15(6)” there is substituted “ section 15(4) or (6) ”, and
- (b) for paragraph (b) there is substituted—

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“(b) paragraph (a) of section 14(3) does not apply in connection with the same inspection falling within subsection (4)(a) or (6)(a) of section 15.”

(6) For subsection (9) there is substituted—

“(9) The power conferred by subsection (8) is only exercisable if the following conditions are satisfied, namely—

- (a) the appropriate appointing authority have received a notice in writing from the Secretary of State informing them that he has received from the Chief Inspector a notice under section 16A(2) of the School Inspections Act 1996, and
- (b) a period of not less than ten days has elapsed since the date of the notice from the Secretary of State.”

(7) After subsection (12) there is inserted—

“(12A) The Secretary of State may in respect of any particular school determine that subsections (3)(b) and (9)(b) shall have effect as if the reference to ten days were to such shorter period as he may determine.”

(8) Subsection (13) is omitted.

Commencement Information

I2 [Sch. 5](#) wholly in force at 19.12.2002; [Sch. 5](#) not in force at Royal Assent, see [s. 216](#); [Sch. 5](#) in force for E. at 2.9.2002 by [S.I. 2002/2002](#), [art. 4](#); [Sch. 5](#) in force for W. at 19.12.2002 by [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. I](#)

3 (1) Section 17 of that Act (power of local education authority to suspend right to delegated budget) is amended as follows.

(2) For subsection (3) there is substituted—

“(3) Where this section so applies in the case of a school falling within section 15(4) (school with serious weaknesses) or section 15(6) (school requiring special measures), the power conferred by subsection (1) above is exercisable only if the following conditions are satisfied, namely—

- (a) the Secretary of State has given the local education authority a notice under section 16A(3) of the School Inspections Act 1996, and
- (b) a period of not less than ten days has elapsed since the date on which the copy was given.”

(3) In subsection (4), for “subsection (3)(c)” there is substituted “ subsection (3)(b) ”.

Commencement Information

I3 [Sch. 5](#) wholly in force at 19.12.2002; [Sch. 5](#) not in force at Royal Assent, see [s. 216](#); [Sch. 5](#) in force for E. at 2.9.2002 by [S.I. 2002/2002](#), [art. 4](#); [Sch. 5](#) in force for W. at 19.12.2002 by [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. I](#)

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