

SCHEDULE 1

Article 2

PROVISIONS COMING INTO FORCE ON 3RD MARCH 1994

<i>Provisions of the Act</i>	<i>Subject matter of provisions</i>
Section 172(1) and (6).	Power to make regulations with respect to the frequency of assessments under section 167 of the Act, and with respect to reviews of statements of special educational needs.
Section 182(1) to (3) (for the purpose of defining the expressions “special school”, “maintained special school” and “grant-maintained special school” in relation to regulations made under Part III and section 228 of the Act).	Meaning of the expressions “special school”, “maintained special school” and “grant-maintained special school”
Section 186(1), (2) and (4).	Power to make regulations providing for maintained special schools to become grant-maintained special schools.
Section 187.	Power to make regulations enabling groups of schools to include grant-maintained special schools.
Section 252.	Transfer in relation to Wales of functions of the School Curriculum and Assessment Authority.
Section 278(1) to (5).	Grants for education support and training.
Paragraph 82 (for the purpose of omitting section 7(10) of the Education Act 1981), and paragraph 125(a) of Schedule 19, and section 307(1) so far as it relates thereto.	Minor and consequential amendments.
Schedule 21, in so far as it relates to the repeals set out in the Appendix to this Schedule, and section 307(3) so far as it relates thereto.	Repeals.

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Appendix to Schedule 1

REPEALS TAKING EFFECT FROM 3RD MARCH 1994

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1981 c. 60.	The Education Act 1981.	Section 7(10).
1984 c. 11.	The Education (Grants and Awards) Act 1984.	In section 1(3)(b), “not exceeding 70 per cent. of the expenditure so approved”. In section 3, subsections (2) and (5) and, in subsection (3), the words “not being regulations to which subsection (2) above applies”.

SCHEDULE 2

Article 4

PROVISIONS COMING INTO FORCE ON 1ST APRIL 1994

<i>Provisions of the Act</i>	<i>Subject matter of provisions</i>
Section 159.	Duty of local education authorities to review arrangements for special educational provision.
Section 161(1) to (4).	Duties of governing bodies etc. in relation to pupils with special educational needs.
Section 162.	Provision of goods and services in connection with special educational needs.
Section 163.	Special educational provision otherwise than in schools.
Section 166(4).	Power to make regulations in connection with the duty imposed on District Health Authorities and local authorities under that section.
Section 180(4).	Power to make regulations with respect to the proceedings of the Special Educational Needs Tribunal.
Section 182 (for all remaining purposes).	Special schools.
Section 183.	Establishment, etc. of maintained or grant-maintained special schools.
Section 184.	Procedure for dealing with proposals under section 183 of the Act.
Section 185.	Approval of premises of maintained or grant-maintained special schools.

<i>Provisions of the Act</i>	<i>Subject matter of provisions</i>
Section 186(3).	Incorporation of the governing body of a school approved to become a grant-maintained special school.
Section 188.	Approval of special schools.
Section 189.	Approval of independent schools as suitable for the admission of children with statements of special educational needs.
Section 191.	Variation of trust deeds etc.by
Section 217(2).	Prohibition on a maintained special school becoming a grant-maintained special school.
Section 229 (for all remaining purposes).	Amendments to section 12 of the Education Act1980(1) (establishment and alteration of county schools by local education authorities).
Section 230 (for all remaining purposes).	Amendments to section 13 of the Education Act 1980 (establishment and alteration of county schools by local education authorities).
Section 231.	Nursery education in grant-maintained schools.
Section 232.	Power of Secretary of State to direct that proposals be brought forward to remedy excessive provision in schools.
Section 233.	Power of Secretary of State to direct that proposals be brought forward for additional provision in maintained schools.
Section 234.	Publication of proposals by the Secretary of State.
Section 235.	Public inquiry into proposals.
Section 236.	Adoption of proposals by the Secretary of State and approval of related proposals.
Section 237.	Provisions supplementary to sections 232 to 236 of the Act.
Section 253.	Change of name of the Curriculum Council for Wales.
Section 254.	Duty to reconvene conference on agreed syllabus of religious education.
Section 255.	Duty of local education authorities to constitute a new standing advisory council on religious education.
Section 256.	Reconsideration of agreed syllabus.

(1) 1980 c. 20.

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<i>Provisions of the Act</i>	<i>Subject matter of provisions</i>
Section 257.	Power of Secretary of State to direct standing advisory councils on religious education to revoke a determination or discharge a duty.
Section 258.	Access to documents and meetings of standing advisory councils on religious education and conferences on agreed syllabus of religious education.
Section 272.	Power of governing bodies of county schools to propose change of character etc.
Section 273.	Power to make and deal with proposals in the case of schools eligible for grant-maintained status.
Section 278(6).	Grants for teacher training etc.
Section 289.	Teachers' pay and conditions: special provisions for teachers on transfer of employment to maintained and grant-maintained schools.
Section 295.	Provision by local education authorities of goods and services to grant-maintained and grant-maintained special schools.
Section 296.	Abolition of requirement to establish education committees.
Section 297.	Power of Secretary of State to direct appointment of members of committees of local authorities.
Section 304.	Meaning of "school" in the Education Acts.
Schedule 1.	Supplementary provisions relating to the funding authorities established under Part I of the Act.
Schedule 2.	Distribution of functions where an order is made under section 12 of the Act.
Part II of Schedule 3.	Proposals for the establishment of new grant-maintained schools.
Schedule 8.	Core governors for groups of grant-maintained schools.
Paragraph 3 of Schedule 9, and section 167(5) so far as it relates thereto.	Power to make regulations as to the manner and timing of assessments under section 167 of the Act.
Paragraphs 5(3), 7 and 8(5) of Schedule 10, and section 168(7) so far as it relates thereto.	Power to make regulations relating statements under section 168 of the Act.
Schedule 11 (for all remaining purposes).	Government and conduct of grant-maintained special schools.

<i>Provisions of the Act</i>	<i>Subject matter of provisions</i>
Schedule 15.	Amendments consequential on section 253 of the Act.
Paragraphs 6, 9, 12, 13, 18, 19, 20(b), 21, 23(b), 26, 27, 34 (for all remaining purposes), 38, 46, 47, 48, 49, 50, 51, 52, 55(a), 57, 59, 61, 62, 64, 65, 66, 70, 73, 76, 77(b), 79, 81, 82 (for the purpose of omitting sections 2(4) to (7), 3, 11(2) and (3), 12, 13 and 14 of, and paragraphs 1(3) and 4 of Schedule 1 and paragraphs 1, 2, 10 and 13 of Schedule 3 to, the Education Act 1981(2)), 85, 86, 87(b), 89, 90 (for all remaining purposes), 91, 92, 93, 94, 99, 100, 101(b), 102, 105, 106, 108, 109(b)(ii), (c) and (d), 110, 111, 113(a), 114, 115, 116, 117, 125(b), 126 (for all remaining purposes), 127, 128, 129, 130 (for all remaining purposes), 136, 137 (for all remaining purposes) 138 (for all remaining purposes), 140, 142, 145 (for the purpose of omitting paragraphs 26 and 33 of Schedule 12 to the Education Reform Act 1988(3)), 156, 157, 158, 159, 161, 163(b), 167(a), 168, 169, 171, 172 and 173(1)(a) of Schedule 19, and section 307(1) so far as it relates thereto.	Minor and consequential amendments.
Paragraphs 2 and 4 of Schedule 20, and section 307(2) so far as it relates thereto.	Transitional provisions and savings.
Schedule 21, in so far as it relates to the repeals set out in the Appendix to this Schedule, and section 307(3) so far as it relates thereto.	Repeals.

(2) 1981 c. 61.
(3) 1988 c. 40.

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Appendix to Schedule 2

REPEALS TAKING EFFECT FROM 1ST APRIL 1994

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1944 c. 31.	The Education Act 1944.	Section 9(5). In section 50(1), “by them”. In paragraph (a) of the proviso to section 52(1), “by the authority”. Parts I and II of the First Schedule. In paragraph 13(4) of the Fifth Schedule, “either”.
1972 c. 70.	The Local Government Act 1972.	Section 101(9)(a).
1973 c. 16.	The Education Act 1973.	Section 1(2)(b).
1980 c. 20.	The Education Act 1980.	In section 12(3), “voluntary”. In section 13(1), “after consultation with the authority”. In section 13(3), “voluntary”. Section 14(4). In paragraph 1 of Schedule 2, in sub-paragraph (3) “or of any education committee of the authority” in each place where it occurs, and in sub-paragraph (4) “or of any education committee of the authority” in each place in which it occurs and “by more than one”.
1981 c. 60.	The Education Act 1981.	In Schedule 3, paragraphs 4 and 13. Sections 2(4) to (7), 3, 11(2) and (3), 12, 13 and 14. In Schedule 1, paragraphs 1(3) and 4 and, in Schedule 3, paragraphs 1, 2, 10 and 13.

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1986 c. 61.	The Education (No.2) Act 1986.	<p>In section 5(4)(b), the words after “by the authority”.</p> <p>In section 9(5), the “or” at the end of paragraph (a)(ii), and paragraph (b).</p> <p>In section 11, the “or” at the end of subsection (2)(a)(ii), subsection (2)(b), “or (b)” in subsection (2)(c) and subsection (7).</p> <p>Section 12(3).</p> <p>In section 13(2), “or (b)”.</p> <p>In section 38, in subsection (4)(c) the words after “to the post” and, in subsection (6)(b), “or (4)(c)(ii)”.</p> <p>In section 50, in subsection (3)(c) the words “local education authorities, and other”, and subsection (4).</p> <p>Section 54(12)(f).</p> <p>In section 65(1), the definition of “the 1981 Act”.</p> <p>In Schedule 2, paragraph 2(2)(b), in paragraph 5(2)(b) the words after “proposal”, and in paragraph 7(7) the words after “by the authority”.</p>
1988 c. 9.	The Local Government Act 1988.	<p>Section 1(1)(j).</p> <p>In Schedule 2, the words from “A joint education committee” to “1944”.</p>
1988 c. 40.	The Education Reform Act 1988.	<p>Sections 52(1) and (2), 57, 73 and 79 to 101.</p> <p>In section 104, paragraphs (c), (d), (e), (i) and (j) of subsection (1), subsection (3) (other than the definition of</p>

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		“incorporation date”), and subsection (4).
		In section 111, subsection (4) and, in subsection (5)(b), the words “provided under arrangements made by the authority”.
		In section 119(2), “89 or 92”.
		In section 230, in subsection (1) “section 95(4)” and “section 96(2)”, subsections (2), (3) and (4)(b).
		In section 232(2), “53(2)” and “91, 94”.
		In Schedule 1, paragraph 9.
		In Schedule 2, paragraph 9 and in paragraph 10(5) the words from “and accordingly” to the end.
		In Schedule 12, paragraphs 26 and 33.
1989 c. 42.	The Local Government and Housing Act 1989. In section 13, subsections (2)(b) and (6).	In paragraph 4 of Schedule 1, in sub-paragraph (1) the definition of “education committee” and, in paragraph (a) of the definition of “ordinary committee”, “education committee, their” and in sub-paragraph (2), in paragraph (a) of the definition of “ordinary committee”, “education committee or”.
		In Schedule 11, paragraphs 4 and 98.
1990 c. 11.	The Planning (Consequential Provisions) Act 1990.	In Schedule 2, paragraph 78.
1992 c. 13.	The Further and Higher Education Act 1992.	Section 13. Section 59(5).
		In Schedule 8, paragraphs 18 and 29.

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1992 c. 14.	The Local Government Finance Act 1992.	In Schedule 13, paragraph 58.

SCHEDULE 3

Articles 3 and 4

TRANSITIONAL PROVISIONS

PART I

TRANSITIONAL PROVISIONS CONSEQUENTIAL ON THE COMMENCEMENT OF PARTS I AND II OF THE ACT

1.—(1) The requirement, imposed on the governing body of a grant-maintained school under section 96(3) of the Act, to have regard to any guidance given by the Secretary of State in determining the persons whom it is appropriate to consult before publishing proposals, shall not apply in relation to any proposals published under that section before 1st July 1994.

(2) Section 96(6)(a) of the Act shall not apply in relation to any proposals published before 1st April 1994 under section 89 of the Education Reform Act 1988 which have not been determined before that date.

2.—(1) Sub-paragraph (2) below applies where before 1st April 1994—

- (a) proposals have been published by the governing body of a grant-maintained school in England in accordance with section 89 of the Education Reform Act 1988; and
- (b) the Secretary of State has in accordance with section 90 of that Act directed the governing body to submit to him particulars of the premises or proposed premises of the school; but
- (c) he has not approved those particulars in accordance with that section.

(2) Any particulars so submitted in accordance with section 90 of the Education Reform Act 1988 shall be treated on and after 1st April 1994 as having been submitted to the funding authority in accordance with section 99(1) of the Act; and the Secretary of State shall as soon as reasonably practicable after that date send copies of those particulars to the funding authority.

3. The requirement, imposed on the governing body of a grant-maintained school under section 104(2) of the Act, to have regard to any guidance given by the Secretary of State in determining the persons whom it is appropriate to consult before passing a resolution under section 104(1)(a) of the Act, shall not apply in relation to any such resolution passed before 1st July 1994.

4. The amendment to section 11(3)(b) of the Education Reform Act 1988 made by section 147(1) of the Act shall not affect a person's appointment to a standing advisory council on religious education where that appointment was made under section 11(3)(b) of the Education Reform Act 1988 before 1st April 1994.

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PART II
TRANSITIONAL PROVISIONS CONSEQUENTIAL
ON THE COMMENCEMENT OF OTHER
PROVISIONS OF THE ACT ON 1ST APRIL 1994

5.—(1) Where—

- (a) before 1st April 1994 a local education authority apply to the Secretary of State for his approval under section 9(5) of the Education Act 1944⁽⁴⁾ for a school, proposed to be maintained by them, to be a special school within the meaning of that section; but
- (b) the application is not determined by the Secretary of State before that date, the application shall be treated on and after that date as if made in accordance with section 183(2)(a) and (6) and 184(1) to (3) of the Act; and sections 184(4) to (6) and 185 of the Act shall have effect accordingly.

(2) Where—

- (a) before 1st April 1994 a local education authority apply to the Secretary of State for his approval for the making of a change in the arrangements which are required to apply to a special school maintained by them in accordance with regulations made under section 12(1)(b) and (2) of the 1981 Act⁽⁵⁾; but
- (b) the application is not determined by the Secretary of State before that date, the application shall be treated on and after that date as if made in accordance with sections 183(2)(b) and (6) and 184(1) to (3) of the Act; and sections 184(4) to (6) and 185 of the Act shall have effect accordingly.

6.—(1) The requirement imposed by sections 12(1A) and 13(1B) of the Education Act 1980⁽⁶⁾ (as amended respectively by sections 229(1) and 230(1) of the Act), to have regard to any guidance given by the Secretary of State in determining the persons whom it is appropriate to consult before publishing proposals, shall not apply in relation to any proposals published under section 12 or 13 of the Education Act 1980 before 1st July 1994.

(2) The amendments to sections 12(3) and 13(3) of the Education Act 1980 made respectively by sections 229(2) and 230(2) of the Act shall not apply in relation to any proposals published before 1st April 1994 under section 12 or 13 of the Education Act 1980.

7.—(1) Sub-paragraph (2) below shall have effect notwithstanding the amendments made to section 50(1) of the Education (No.2) Act 1986 by section 278(6) of the Act and the repeal in section 50(3)(c) of that Act of the words “local education authorities”.

(2) The Education (Training Grants) Regulations 1993⁽⁷⁾, which were made under section 50 of the Education (No.2) Act 1986⁽⁸⁾, shall continue to have effect on and after 1st April 1994 in so far as they relate to the payment of grant on and after that date, or grant paid before that date, in respect of expenditure incurred on or before 31st March 1994.

8. Notwithstanding the repeal of section 6(2) of, and Part II of the First Schedule to, the Education Act 1944, in relation to any joint education committee constituted immediately before 1st April 1994—

⁽⁴⁾ 1944 c. 31; section 9(5) was substituted by section 11(1) of the Education Act 1981 (c. 60).

⁽⁵⁾ See the Education (Approval of Special Schools) Regulations 1983 (S.I. 1983/1499).

⁽⁶⁾ 1980 c. 20.

⁽⁷⁾ S.I. 1993/72.

⁽⁸⁾ 1986 c. 40.

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- (a) that section and that Schedule, other than paragraphs 1 and 7 thereof, shall continue to have effect; and
- (b) the repeal of, or (in the case of paragraphs (ii) and (v) below) the amendments made to—
 - (i) section 101(9)(a) of the Local Government Act 1972⁽⁹⁾ by paragraph 49 of Schedule 19 and Part II of Schedule 21 to the Act;
 - (ii) section 104(2)(a) of the Local Government Act 1972 by paragraph 50 of Schedule 19 to the Act;
 - (iii) section 1(1)(j) of the Local Government Act 1988⁽¹⁰⁾ by paragraph 110 of Schedule 19 and Part II of Schedule 21 to the Act;
 - (iv) the words from “A joint education committee” to “1944” in paragraph 2 of Schedule 2 to the Local Government Act 1988 by paragraph 111 of Schedule 19 and Part II of Schedule 21 to the Act;
 - (v) section 13 of the Local Government and Housing Act 1989⁽¹¹⁾ by paragraph 156(a), (b) and (d) of that Schedule; and
 - (vi) paragraph 4 of Schedule 11 to the Local Government and Housing Act 1989 by Part II of Schedule 21 to the Act, shall not have effect.

9.—(1) Notwithstanding the repeal on 1st April 1994 of paragraph 4 of Schedule 1 to the Education Act 1981, under which regulation 12 of the Education (Special Educational Needs) Regulations 1983⁽¹²⁾ was made, that regulation shall, subject to sub-paragraph (2) below, continue in force on and after that date.

(2) Regulation 12 of the Education (Special Educational Needs) Regulations 1983, as so continued in force, shall have effect as if made under section paragraph 7(2) of Schedule 10 to the Act and may be amended or revoked thereunder.

10.—(1) Notwithstanding the repeal on 1st April 1994 of sections 79 and 80 of the Education Reform Act 1988, the old grants code shall continue to have effect on and after that date in relation to—

- (a) any payments of maintenance grant under section 79(1) of that Act in respect of any financial year ending before that date; and
- (b) any payments of capital and special purpose grants under section 79(3) of that Act made before that date.

(2) The functions conferred on the Secretary of State by or under the old grants code (as it has effect by virtue of sub-paragraph (1) above) shall, so far as relating to any amounts which—

- (a) fall or may fall to be paid in any financial year beginning on or after 1st April 1994; or
- (b) have been paid by the Secretary of State before that date, in respect of any grant under that code, be exercisable by the funding authority.

(3) In this paragraph, “the old grants code” means sections 79 and 80 of the Education Reform Act 1988 as they apply in relation to England.

11. Notwithstanding the repeal on 1st April 1994 of section 81 of the Education Reform Act 1988⁽¹³⁾, that section shall continue to have effect on and after that date in relation to any sums

⁽⁹⁾ 1972 c. 70.

⁽¹⁰⁾ 1988 c. 9.

⁽¹¹⁾ 1989 c. 42.

⁽¹²⁾ 1983/29; regulation 12 was amended by S.I. 1988/1067.

⁽¹³⁾ Section 81 was amended by paragraph 98 of Schedule 11 to the Local Government and Housing Act 1989 (c. 42) and paragraph 58 of Schedule 13 to the Local Government Finance Act 1992 (c. 14).

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recoverable by the Secretary of State under section 81(1) of that Act for any financial year ending before that date.

12.—(1) Notwithstanding the repeal on 1st April of sections 79 and 81 of the Education Reform Act 1988 under which the Education (Grant-maintained Schools) (Finance) Regulations 1990(14) (“the 1990 Regulations”) were made, those Regulations shall, subject to sub-paragraphs (2) to (5) below, continue in force on and after that date.

(2) The 1990 Regulations, as so continued in force, shall have effect as if made under sections 81(2), 82(2), 83(2), 88, 89, 90 and 94 of the Act and may be amended or revoked.

(3) The 1990 Regulations, as so continued in force, shall not apply in relation to any school which is established as a grant-maintained school under Chapter IV of Part II of the Act.

(4) In the 1990 Regulations, as so continued in force, any reference to the incorporation date in respect of any school, shall be read as a reference to the date of implementation of the proposals in respect of the school (within the meaning of section 37(2) of the Act).

(5) In the 1990 Regulations, as so continued in force, any reference to the former maintaining authority shall be read as a reference to the local education authority named in a determination under section 93 of the Act applying that section in relation to the school (or that school and other schools) and financial year in question.

1st March 1994

John Patten
Secretary of State for Education

(14) S.I. 1990/549, amended by S.I. 1990/2279, 1991/353.