
STATUTORY INSTRUMENTS

1994 No. 436

EDUCATION, ENGLAND AND WALES

**Education Act 1993 (Commencement No. 2 and
Transitional Provisions) (Amendment) Order 1994**

Made - - - - 18th February 1994

In exercise of the powers conferred on the Secretary of State by sections 301(6) and 308(3) of the Education Act 1993⁽¹⁾ the Secretary of State for Education hereby makes the following Order:

Citation

1. This Order may be cited as the Education Act 1993 (Commencement No.2 and Transitional Provisions) (Amendment) Order 1994.

Amendment of Order

2.—(1) Paragraph 2 of Schedule 2 to the Education Act 1993 (Commencement No.2 and Transitional Provisions) Order 1993⁽²⁾ is amended as follows.

(2) In sub-paragraph (2), at the beginning, there are inserted the words “Subject to sub-paragraph (8) below,”.

(3) After sub-paragraph (7), there is inserted the following sub-paragraph—

“(8) Where in the case of any school to which this paragraph applies the Secretary of State, in exercise of his powers under section 61(11) of the 1988 Act, declares void the ballot required to be held in relation to the school by that section or section 60 of that Act, section 31(3) of the Act shall have effect—

- (a) as if the references therein to subsection (2) of that section and section 29(1) of the Act were references to, respectively, sections 61(11) and 61(14) of the 1988 Act; and
- (b) as if for the words ““registered”” to the end there were substituted the words “for the words “immediately following the end of the period of fourteen days beginning with the date on which the relevant resolution or request was passed or received by the governing body” there were substituted the words “specified for the purposes of section 31(3)(b) of the Education Act 1993”.”.”

(1) 1993 c. 35.

(2) S.I.1993/3106 (c.62).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

18th February 1994

John Patten
Secretary of State for Education

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Education Act 1993 (Commencement No.2 and Transitional Provisions) Order 1993 by providing a further transitional provision so that where, in relation to a school which has held a ballot of parents on the question whether grant-maintained status should be sought for the school, the Secretary of State exercises his powers under section 61(11) of the Education Reform Act 1988 to declare the ballot void and require a fresh ballot to be held, the power in section 31(3) of the Education Act 1993 applies. That section empowers the Secretary of State, where the fresh ballot is to be held in the school year following that in which eligibility to vote in the ballot declared void was required to be determined, to specify a date which will be the effective date for determining eligibility for the fresh ballot.