

SCHEDULES

SCHEDULE 30

Section 140(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

Children and Young Persons Act 1933 (c. 12)

- 1 In section 1(7) of the Children and Young Persons Act 1933 (saving for right of parents etc. to administer corporal punishment), for “teacher, or other person” substitute “or (subject to section 548 of the Education Act 1996) any other person,”.

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

- 2 (1) Subject to sub-paragraph (2), in the Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities to public bodies) “public body” shall include any Education Action Forum established in an education action zone.
- (2) The provision in sub-paragraph (1) shall have effect as if made by an order under section 1(5) of that Act (power to provide that a person shall be a public body for the purposes of the Act).
- (3) An order under section 1(5) may accordingly vary or revoke the provisions of sub-paragraph (1) above as they apply to an Education Action Forum specified in the order.

Local Government Act 1972 (c. 70)

- 3 (1) Section 177 of the Local Government Act 1972 (provisions supplementary to sections 173 to 176) shall be amended as follows.
- (2) In subsection (1), omit the words from the beginning to “committees),”.
- (3) After subsection (1) insert—
- “(1A) Subsection (1) above has effect without prejudice to the operation of the following provisions of the School Standards and Framework Act 1998, namely—
- (a) paragraph 3 of Schedule 4 (allowances for school organisation committees);
 - (b) paragraph 3 of Schedule 18 (allowances for exclusion appeals panels); and
 - (c) paragraph 5 of Schedule 24 (allowances for admission appeals panels).”

Local Government Act 1974 (c. 7)

- 4 (1) The Local Government Act 1974 shall be amended as follows.

Status: This is the original version (as it was originally enacted).

(2) For section 25(5) (authorities subject to investigation by Local Commissioner) substitute—

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

- (a) a school organisation committee constituted in accordance with section 24 of the School Standards and Framework Act 1998,
- (b) an exclusion appeals panel constituted in accordance with Schedule 18 to that Act,
- (c) an admission appeals panel constituted in accordance with Schedule 24 or paragraph 3 of Schedule 25 to that Act, and
- (d) the governing body of any community, foundation or voluntary school so far as acting in connection with the admission of pupils to the school or otherwise performing any of their functions under Chapter I of Part III of that Act.”

Sex Discrimination Act 1975 (c. 65)

5 In section 22 of the Sex Discrimination Act 1975 (discrimination by bodies in charge of educational establishments), in the Table, in paragraph 1, for “governors” substitute “governing body”.

6 In section 27 of that Act (exception for single-sex establishments turning co-educational), after subsection (1) insert—

“(1A) Without prejudice to subsection (1), a transitional exemption order may be made in accordance with paragraph 21 or 22 of Schedule 6 or paragraph 16 or 17 of Schedule 7 to the School Standards and Framework Act 1998 (transitional exemption orders for purposes of the Sex Discrimination Act 1975: England and Wales).”

Race Relations Act 1976 (c. 74)

7 In section 17 of the Race Relations Act 1976 (discrimination by bodies in charge of educational establishments), in the Table, in paragraph 1, for “governors” substitute “governing body”.

National Health Service Act 1977 (c. 49)

8 In Schedule 1 to the National Health Service Act 1977 (additional provisions as to the medical inspection of pupils, etc.)—

- (a) in paragraph 3, for the words from “by which” to “grant-maintained schools” substitute “in respect of the schools (other than foundation, voluntary or foundation special schools) which they maintain or the governing bodies of foundation, voluntary or foundation special schools in respect of those schools”; and
- (b) in paragraph 4, after “1996” insert “or (as the case may be) the School Standards and Framework Act 1998”.

Representation of the People Act 1983 (c. 2)

9 The Representation of the People Act 1983 shall be amended as follows.

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

- 10 In section 95(2)(a) (schools and rooms for parliamentary election meetings), for “county schools voluntary schools and grant-maintained schools” substitute “community, foundation and voluntary schools”.
- 11 In section 96(2)(a) (schools and rooms for local election meetings), for “county voluntary or grant-maintained school” substitute “community, foundation or voluntary school”.
- 12 In Schedule 5 (use for parliamentary election meetings of rooms in school premises and meeting rooms), in paragraph 1(1), for “a grant-maintained school” substitute “a foundation or voluntary aided school”.

Local Government Act 1986 (c. 10)

- 13 In section 2A(4)(a) of the Local Government Act 1986 (prohibition on promoting homosexuality by teaching or publishing material), for the words from “a county” to the end substitute “a maintained school or maintained nursery school, within the meaning of the School Standards and Framework Act 1998;”.

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

- 14 In section 49(3) of the Education (No. 2) Act 1986 (appraisal of performance of teachers)—
- (a) for paragraph (b) substitute—
- “(b) at any special school which is not so maintained but is for the time being approved by the Secretary of State under section 342 of the Education Act 1996 (approval of special schools);”, and
- (b) omit paragraph (ba).

Local Government Act 1988 (c. 9)

- 15 In Schedule 1 to the Local Government Act 1988 (defined activities open to competition), in paragraph 8(5), for the words from “county or” to “education authority;” substitute “community, foundation or voluntary schools or community or foundation special schools;”.

Education Reform Act 1988 (c. 40)

- 16 The Education Reform Act 1988 shall be amended as follows.
- 17 In section 218 (school and further and higher education regulations), for subsection (12) substitute—
- “(12) In this section (except in subsection (6)(d) or (6A) above) “school” means any school maintained by a local education authority or any special school not so maintained.”
- 18 In section 221(1)(b) (avoidance of certain contractual terms), for “an aided or grant-maintained school;” substitute “a foundation, voluntary aided or foundation special school;”.
- 19 In section 226(4) (services to schools in member States providing education to British children), for the words from “any county” to the end substitute “any community, foundation or voluntary school.”

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- 20 In Schedule 8 (provisions relating to the body to be known as the Education Transfer Council)—
- (a) omit paragraph 6(3); and
 - (b) in paragraph 8—
 - (i) in sub-paragraph (4), omit “given with the consent of the Treasury”; and
 - (ii) in sub-paragraph (7), for “Treasury” substitute “Secretary of State”.

Children Act 1989 (c. 41)

- 21 In Schedule 9 to the Children Act 1989 (child minding and day care for young children), in paragraph 3(3), for the definitions of “assisted” and “maintained” substitute—
- ““assisted” has the same meaning as in the Education Act 1996;
- “maintained” has the same meaning as in the School Standards and Framework Act 1998; and”.

Local Government and Housing Act 1989 (c. 42)

- 22 In section 13(5) of the Local Government and Housing Act 1989 (voting rights of certain members of committees)—
- (a) after “is required” insert “either”; and
 - (b) at the end insert “or pursuant to regulations under subsection (6) of that section.”

Environmental Protection Act 1990 (c. 43)

- 23 In section 98(2) of the Environmental Protection Act 1990 (definitions), for paragraphs (f) and (g) substitute—
- “(f) any community, foundation or voluntary school;
 - (g) any community or foundation special school.”

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

- 24 The School Teachers' Pay and Conditions Act 1991 shall be amended as follows.
- 25 In section 1 (establishment of review body on statutory conditions of employment)—
- (a) in subsection (5)—
 - (i) in paragraph (b), for the words from “governors of” to “grant-maintained schools” substitute “governing bodies of foundation, voluntary and foundation special schools”, and
 - (ii) omit the words from “and, where” to “that subsection”; and
 - (b) omit subsection (6).
- 26 In section 2 (orders relating to statutory conditions of employment)—
- (a) in subsection (1)(b), for the words from “governors of” to “grant-maintained schools” substitute “governing bodies of foundation, voluntary and foundation special schools”;

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- (b) omit subsection (2);
 - (c) in subsection (3), for “by Her Majesty’s Stationery Office” substitute “in accordance with the order”;
 - (d) in subsection (4)—
 - (i) in paragraph (a), omit “, in the case of a grant-maintained school,” and the words from “and provide” to the end,
 - (ii) in paragraph (g), after “authorities” insert “or governing bodies of schools”, and
 - (iii) omit paragraph (h);
 - (e) in subsection (5), omit the words from “and, where” to “(2) above”; and
 - (f) in subsection (6)(a), omit the words from “or, in” to “such schools,”.
- 27 In section 3A (special provisions for teachers on transfer of employment)—
- (a) for subsection (1) substitute—

“(1) This section applies where—

 - (a) a community, foundation or voluntary or community or foundation special school is established in place of an independent school in pursuance of proposals published under section 28 or 31 of the School Standards and Framework Act 1998, and
 - (b) a school teacher employed to teach at that independent school becomes employed by the local education authority or (as the case may be) the governing body in accordance with the Transfer of Undertakings (Protection of Employment) Regulations 1981.”; and
 - (b) in subsection (3), for “an aided school” substitute “a foundation, voluntary aided or foundation special school”.
- 28 (1) Section 5 (interpretation, etc.) shall be amended as follows.
- (2) In subsection (1)—
- (a) in the definition of “school teacher”, for “voluntary or grant-maintained” substitute “foundation, voluntary aided or foundation special”;
 - (b) in the definition of “school which has a delegated budget”, for “Part II of the Education Act 1996” substitute “Part II of the School Standards and Framework Act 1998”; and
 - (c) for the words from “other expressions” to the end substitute “where any other expression used in this Act is defined for the purposes of the Education Act 1996 or the School Standards and Framework Act 1998, it shall have the same meaning in this Act as in that Act.”
- (3) For the sidenote substitute “Interpretation, orders and application of provisions of Education Acts.”

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

- 29 The Diocesan Boards of Education Measure 1991 shall be amended as follows.
- 30 In section 3 (transactions for which advice or consent of Board is required)—
- (a) in subsection (1), for the words from “before making” to the end substitute “before—

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- (a) publishing proposals for any prescribed alteration to the school under section 28(2)(b) of the School Standards and Framework Act 1998;
- (b) publishing proposals for the discontinuance of the school under section 29(2) of that Act;
- (c) serving notice of an intention to discontinue the school under section 30(1) of that Act;
- (d) publishing proposals for changing the category of the school under paragraph 2 or 3 of Schedule 8 to that Act; or
- (e) making any application to, or entering into any agreement with, any body or person for or in connection with any disposal (whether by sale or otherwise) of the premises of the school or any part of them.”;
- (b) in subsection (2), for “an aided or special agreement school” substitute “a voluntary aided school”;
- (c) omit subsections (4) and (5); and
- (d) in subsection (6)—
 - (i) omit “or (5)”, and
 - (ii) for “the secretary of the governing body” substitute “the clerk to the governing body”.

31 In section 7 (powers of Board to give directions to governing bodies)—

- (a) for subsection (1) substitute—

“(1) Where the Board is satisfied that the governing body of a voluntary aided church school in the diocese in discharging, or failing to discharge, its functions so far as relating to—

 - (a) the making of any prescribed alteration to the school under Chapter II of Part II of the School Standards and Framework Act 1998, or
 - (b) the discontinuance of the school under that Chapter, or
 - (c) changing the school’s category in accordance with paragraph 2 or 3 of Schedule 8 to that Act,

is acting in a manner which is not in the interests of that school or of church schools generally, the Board may, subject to subsection (1A) below, give directions to the governing body as to the discharge of those functions.

(1A) The Board may not, under subsection (1) above, give directions as to the publication of proposals under paragraph 2 or 3 of Schedule 8 to that Act which would prevent the publication of proposals for the school to become a foundation school.”;
- (b) in subsection (2), for “the secretary of the governing body” substitute “the clerk to the governing body”;
- (c) in subsection (3), for the words from the beginning of paragraph (a) onwards substitute—

“(a) publication of proposals for any prescribed alteration to the school under section 28(2)(b) of the School Standards and Framework Act 1998; or

 - (b) publication of proposals under paragraph 2 or 3 of Schedule 8 to that Act,

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- the Board may itself publish those proposals, and the provisions of that Act shall apply to anything done by the Board by virtue of this subsection as if it had been done by the governing body of the school.”;
- (d) omit subsection (5); and
- (e) for the sidenote substitute “Powers of Board to give directions to governing bodies of voluntary aided church schools.”
- 32 (1) Section 10 (interpretation) shall be amended as follows.
- (2) In subsection (1)—
- (a) omit the definition of “Church of England voluntary school”, and
- (b) for the definition of “church school” substitute—
- ““church school” means a foundation or voluntary school which is a Church of England school as defined by section 142(1) of the School Standards and Framework Act 1998;”.
- (3) Omit subsection (2).
- (4) For subsection (3) substitute—
- “(3) Expressions used in this Measure which are also used in the School Standards and Framework Act 1998 shall, unless the context otherwise requires, have the same meaning as in that Act.”

Further and Higher Education Act 1992 (c. 13)

- 33 The Further and Higher Education Act 1992 shall be amended as follows.
- 34 In section 5(4) (administration of funds by councils), for “grant-maintained school” substitute “maintained school”.
- 35 In section 21 (initial instruments and articles)—
- (a) in subsection (1), omit—
- (i) paragraph (a), and
- (ii) “(b) in any other case,”;
- (b) in subsection (2), omit—
- (i) “orders and”,
- (ii) in paragraph (a), “grant-maintained school or other”, and
- (iii) in paragraph (b), “grant-maintained schools or other”; and
- (c) in subsection (3), for the words from “a grant-maintained” to “earlier enactment)” substitute “a maintained school, the governing body incorporated under Chapter III of Part II of the School Standards and Framework Act 1998”.
- 36 For section 25 substitute—

“25 Transfer of property, etc. from foundation bodies

- (1) This section applies where a further education corporation is established to conduct an institution which, on the date the corporation is established, is a foundation or voluntary school belonging to the group of schools for

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which a foundation body acts under section 21 of the School Standards and Framework Act 1998.

- (2) Regulations may make such provision as the Secretary of State considers necessary or expedient in connection with the transfer, in any such case, of property, rights and liabilities from the foundation body to the further education corporation.
- (3) Regulations under subsection (2) may, in relation to any such transfer of property, rights or liabilities—
 - (a) modify any provision made by or under any of sections 23, 24, 36 and 38 of this Act and Schedule 5 to this Act;
 - (b) apply any such provision with or without modifications;
 - (c) make provision corresponding or similar to any such provision.
- (4) In this section “foundation body” and “group of schools” have the same meaning as in the School Standards and Framework Act 1998.”

37

In section 26 (transfer of staff to further education corporation)—

- (a) in subsection (1), omit “or was a grant-maintained school”; and
- (b) in subsection (6)—
 - (i) for “that authority” substitute “references to that authority, and”, and
 - (ii) for paragraphs (b) and (c) substitute—
 - “(b) in relation to a corporation established to conduct an institution which, on that date, was a foundation or voluntary aided school, references to the governing body of that school.”

38

In section 28(2)(a) (designation of institutions as eligible for funds) after “school” insert “(other than one belonging to a group of schools for which a foundation body acts under section 21 of the School Standards and Framework Act 1998)”.

39

In section 32 (transfer of property, etc., to designated institutions), after subsection (2) insert—

“(2A) In the case of an institution which when designated was a voluntary aided school, on the designation date—

- (a) all land and other property which, immediately before that date, was property of the governing body of the school incorporated under Chapter III of Part II of the School Standards and Framework Act 1998, and
- (b) all rights and liabilities of that body subsisting immediately before that date,

shall be transferred to and, by virtue of this Act, vest in the governing body of the designated institution; and the governing body of the school shall be dissolved on that date.”

40

In section 37 (attribution of surpluses and deficits)—

- (a) in subsection (1), for “section 103 of the Education Act 1996 (schemes for financing schools)” substitute “section 48 of the School Standards and Framework Act 1998 (LEAs' financial schemes)”; and

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- (b) in subsection (7), in the definition of “budget share”, for “Part II of the Education Act 1996” substitute “Part II of the School Standards and Framework Act 1998”.
- 41 In section 44(1) (collective worship) for the words from “was a” to the end substitute “was—
- (a) (within the meaning of the Education Act 1996) a voluntary school, or
 - (b) (within the meaning of the School Standards and Framework Act 1998) a foundation or voluntary school having a foundation established otherwise than under that Act.”
- 42 In section 45(1) (religious education) for the words from “means” to the end substitute “has the same meaning as in section 44.”
- 43 In section 47(2) (transfer of higher education institutions to further education sector) for the words from “any provision” to the end substitute “provision as to the initial name of the corporation as a further education corporation.”
- 44 In section 48 (statutory conditions of employment)—
- (a) in subsection (1)(a), for “voluntary or grant-maintained” substitute “foundation or voluntary aided”; and
 - (b) in subsection (2)(a), for “voluntary or grant-maintained” substitute “foundation or voluntary aided”.
- 45 In section 58(3) (reorganisations of schools involving establishment of further education corporation), for paragraph (b) substitute—
- “(b) a prescribed alteration within the meaning of section 28 of the School Standards and Framework Act 1998 has been made to the school,”.
- 46 In section 90 (interpretation)—
- (a) after subsection (3) insert—
- “(3A) In this Act references to a voluntary aided school are—
- (a) in relation to any time before the appointed day within the meaning of the School Standards and Framework Act 1998, references to a voluntary aided school within the meaning of the Education Act 1996; or
 - (b) in relation to any time on or after that day, references to a voluntary aided school within the meaning of the 1998 Act.”; and
- (b) in subsection (5), at end insert “and section 140(2) of the School Standards and Framework Act 1998 has effect for defining the expressions there mentioned.”

Tribunals and Inquiries Act 1992 (c. 53)

- 47 In paragraph 15 of Schedule 1 to the Tribunals and Inquiries Act 1992 (tribunals under general supervision of Council on Tribunals)—
- (a) for paragraphs (b) and (c) substitute—
- “(b) exclusion appeal panels constituted in accordance with Schedule 18 to the School Standards and Framework Act 1998 (c. 31);

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- (c) admission appeal panels constituted in accordance with Schedule 24 or paragraph 3 of Schedule 25 to that Act;”;
- and
- (b) in paragraph (d), for “(c. 38)” substitute “(c. 57)”.

Charities Act 1993 (c. 10)

48 In section 3 of the Charities Act 1993 (the register of charities), after subsection (5A) (inserted by Schedule 3 to the Teaching and Higher Education Act 1998) insert—

“(5B) In addition, in subsection (5) above—

- (a) paragraph (a) shall be read as referring also to—
 - (i) any body to which section 23(1)(a) or (b) of the School Standards and Framework Act 1998 applies, and
 - (ii) any Education Action Forum established by virtue of section 10(1) of that Act; and
- (b) paragraph (b) shall be read as referring also to any foundation to which section 23(3) of that Act applies;

but an order of the Commissioners, or regulations made by the Secretary of State, may provide that section 23(3) of that Act shall cease to apply to any such foundation as is mentioned in that provision or to any such foundation of a description specified in the order or regulations.”

49 In section 79(9) of that Act (parochial charities), for the words from “voluntary or” to the end substitute “foundation or voluntary school within the meaning of the School Standards and Framework Act 1998.”

Welsh Language Act 1993 (c. 38)

50 In section 6(1) of the Welsh Language Act 1993 (meaning of “public body”), for paragraph (l) substitute—

- “(l) the governing body of a community, foundation or voluntary school or a community or foundation special school (within the meaning of the School Standards and Framework Act 1998);”.

Value Added Tax Act 1994 (c. 23)

51 In Schedule 9 to the Value Added Tax Act 1994 (exemptions), in paragraph (a) of Note (1) to Group 6 (education)—

- (a) in sub-paragraph (iii), for the words from “a county” to “Education Act 1996” substitute “a community, foundation or voluntary school within the meaning of the School Standards and Framework Act 1998, a special school within the meaning of section 337 of the Education Act 1996”; and
- (b) omit sub-paragraphs (v) and (vii).

Education Act 1994 (c. 30)

52 The Education Act 1994 shall be amended as follows.

53 In section 11A (general duty of Secretary of State with respect to training), omit “grant-maintained schools.”.

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

- 54 In section 12 (power of schools to provide courses of initial teacher training)—
- (a) in subsection (1), for “any county, voluntary or maintained special school or of any grant-maintained school” substitute “any community, foundation or voluntary or community or foundation special school”;
 - (b) omit subsections (4) and (5); and
 - (c) in subsection (6), for the words from “purposes of” onwards substitute “purposes of Chapter IV of Part II of the School Standards and Framework Act 1998 (financing of maintained schools), as being undertaken for the purposes of the school.”

Employment Rights Act 1996 (c. 18)

- 55 In section 134(1) of the Employment Rights Act 1996 (teachers in aided schools), for the words from “an aided school” to “1996” substitute “a foundation, voluntary aided or foundation special school is dismissed by the governing body of the school in pursuance of a requirement of the local education authority under section 55(5) of the School Standards and Framework Act 1998”.

Nursery Education and Grant-Maintained Schools Act 1996 (c. 50)

- 56 In section 4(1) of the Nursery Education and Grant-Maintained Schools Act 1996 (children with special educational needs), for the words from “(except where” to the end substitute “(except where a duty is already imposed under section 313(2) of the Education Act 1996 or section 123(1) of the School Standards and Framework Act 1998) to have regard to the provisions of the code of practice issued under section 313 (practical guidance in respect of the discharge of functions under Part IV of the Education Act 1996).”

Education Act 1996 (c. 56)

- 57 The Education Act 1996 shall be amended as follows.
- 58 In section 1(2) (the stages of education), omit paragraph (b) and the “and” preceding it.
- 59 In section 5 (primary, secondary and middle schools)—
- (a) in subsection (3) for “section 49, 198(6) or 291” substitute “section 28(4) of the School Standards and Framework Act 1998”, and
 - (b) in subsection (5) for “sections 49, 198(6) and 291” substitute “section 28(4) of the School Standards and Framework Act 1998”.
- 60 In section 6(2) (nursery schools and special schools), for the words from “and” onwards substitute “and (in the case of a school which is not maintained by a local education authority) is for the time being approved, as mentioned in section 337.”
- 61 In section 9 (pupils to be educated in accordance with parents' wishes), for the words from “State,” to “funding authorities” substitute “State and local education authorities”.
- 62 In section 14 (functions of local education authorities in respect of provision of primary and secondary schools), omit subsection (5).
- 63 After section 15 insert—

“15A Functions in respect of full-time education for 16 to 18 year olds

- (1) A local education authority may secure the provision for their area of full-time education suitable to the requirements of persons over compulsory school age who have not attained the age of 19, including provision for persons from other areas.
- (2) Subsections (6) and (7) of section 14 shall apply in relation to functions under this section as they apply in relation to functions under that section.”
- 64 (1) Section 16 (power to establish, maintain and assist primary and secondary schools) is amended as follows.
- (2) In subsection (1)—
 - (a) at the end of paragraph (a) insert “and”, and
 - (b) omit paragraph (c) and the “and” preceding it.
- (3) In subsection (2), for “, maintain and assist” substitute “and maintain”.
- (4) For the sidenote substitute “Power to establish and maintain primary and secondary schools.”
- 65 In section 17(2) (powers in respect of nursery education), for “establish, maintain and assist” substitute “establish and maintain”.
- 66 Omit sections 20 to 28 (the funding authorities).
- 67 In section 29 (provision of information by local education authorities)—
 - (a) omit subsection (2), and
 - (b) in subsection (3), omit the words “and the funding authority”.
- 68 Omit section 30 (provision of information by funding authorities).
- 69 Part II (schools maintained by local education authorities) shall be omitted.
- 70 Part III (grant-maintained schools) shall be omitted.
- 71 In section 312 (definitions for purposes of Part IV)—
 - (a) in subsection (4)(a) omit “or grant-maintained schools in their area”; and
 - (b) in subsection (5) for the definition of “maintained school” substitute—

““maintained school” means any community, foundation or voluntary school or any community or foundation special school not established in a hospital.”
- 72 In section 313(1) (code of practice on special educational needs), for “maintained or grant-maintained schools, or grant-maintained special schools,” substitute “maintained schools”.
- 73 In section 315(2) (review of arrangements for special educational provision), for the words from “the funding” onwards substitute “the governing bodies of community, foundation and voluntary and community and foundation special schools in their area.”
- 74 (1) Section 317 (duties of governing body or local education authority in relation to pupils with special educational needs) shall be amended as follows.

- (2) In subsection (1), for “a county, voluntary or grant-maintained school,” substitute “a community, foundation or voluntary school.”
 - (3) In subsection (2), for “a county, voluntary or grant-maintained school,” substitute “a community, foundation or voluntary school.”
 - (4) In subsection (3)—
 - (a) in paragraph (a)—
 - (i) for “county, voluntary and grant-maintained schools” substitute “community, foundation and voluntary schools”, and
 - (ii) omit “, the funding authority”; and
 - (b) in paragraph (b), for the words from “the funding” onwards substitute “the governing bodies of community, foundation and voluntary schools.”
 - (5) In subsection (4), for “a county, voluntary or grant-maintained school” substitute “a community, foundation or voluntary school”.
 - (6) In subsection (5), for “each county, voluntary, maintained special or grant-maintained school” substitute “each community, foundation or voluntary or community or foundation special school”.
 - (7) In subsection (6), for “each county, voluntary or grant-maintained school” substitute “each community, foundation or voluntary school”.
 - (8) In subsection (7), for the words from “the articles” onwards substitute “section 42 of the School Standards and Framework Act 1998.”
- 75 (1) Section 318 (provision of goods and services in connection with special educational needs) shall be amended as follows.
- (2) In subsection (1)—
 - (a) in paragraph (a), for “county, voluntary or grant-maintained schools” substitute “community, foundation or voluntary schools”, and
 - (b) in paragraph (b), for “maintained or grant-maintained special schools” substitute “community or foundation special schools”.
 - (3) In subsection (2), for the words from “this section” to “in any other area” substitute “this section to the governing bodies of community, foundation or voluntary schools or community or foundation special schools in any other area”.
 - (4) For subsection (3) substitute—
 - “(3) A local education authority may supply goods and services to any authority or other person (other than a governing body within subsection (1)) for the purpose only of assisting them in making for any child to whom subsection (3A) applies any special educational provision which any learning difficulty of the child calls for.
 - (3A) This subsection applies to any child—
 - (a) who is receiving relevant nursery education within the meaning of section 123 of the School Standards and Framework Act 1998, or
 - (b) in respect of whose education grants are (or are to be) made under section 1 of the Nursery Education and Grant-Maintained Schools Act 1996.”

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

- 76 In section 321(3) (general duty of local education authority towards children for whom they are responsible)—
- (a) in paragraph (a), for the words from “maintained” onwards substitute “maintained school”, and
 - (b) for paragraph (b) substitute—
 - “(b) education is provided for him at a school which is not a maintained school but is so provided at the expense of the authority.”.
- 77 In section 324 (statement of special educational needs)—
- (a) in subsection (5)(b), for “maintained, grant-maintained or grant-maintained special school” substitute “maintained school”; and
 - (b) after subsection (5) insert—
 - “(5A) Subsection (5)(b) has effect regardless of any duty imposed on the governing body of a school by section 1(6) of the School Standards and Framework Act 1998.”
- 78 In section 327 (access for local education authority to certain schools), for subsection (b) substitute—
- “(b) in pursuance of the statement education is provided for the child at a school maintained by another local education authority.”
- 79 Omit section 330 (assessment of education needs at request of governing body of grant-maintained school).
- 80 For section 337 substitute—

“337 Special schools

- (1) A school is a special school if it is specially organised to make special educational provision for pupils with special educational needs.
 - (2) There are the following categories of special school—
 - (a) special schools maintained by local education authorities, comprising—
 - (i) community special schools, and
 - (ii) foundation special schools; and
 - (b) special schools which are not so maintained but are for the time being approved by the Secretary of State under section 342.”
- 81 Omit sections 338 to 341 (establishment of maintained and grant-maintained special schools).
- 82 For section 342 substitute—

“Approval of non-maintained special schools

342 Approval of non-maintained special schools

- (1) The Secretary of State may approve under this section any school which—
 - (a) is specially organised to make special educational provision for pupils with special educational needs, and
 - (b) is not a community or foundation special school,

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and may give his approval before or after the school is established.

- (2) Regulations may make provision as to the requirements which are to be complied with as a condition of approval under subsection (1) above.
- (3) Any school which was a special school immediately before 1st April 1994 shall be treated, subject to subsection (4) below, as approved under this section.
- (4) Regulations may make provision as to—
 - (a) the requirements which are to be complied with by a school while approved under this section, and
 - (b) the withdrawal of approval from a school (including approval treated as given under subsection (3)) at the request of the proprietor or on the ground that there has been a failure to comply with any prescribed requirement.
- (5) Without prejudice to the generality of subsections (2) and (4), the requirements which may be imposed by the regulations include requirements—
 - (a) which call for arrangements to be approved by the Secretary of State, or
 - (b) as to the organisation of any special school as a primary school or as a secondary school.
- (6) Regulations shall make provision for securing that, so far as practicable, every pupil attending a special school approved under this section—
 - (a) receives religious education and attends religious worship, or
 - (b) is withdrawn from receiving such education or from attendance at such worship in accordance with the wishes of his parent.”

83 Omit sections 343 to 346 (government etc. of special schools).

84 In section 348 (provision of special education at non-maintained schools), for subsection (3) substitute—

“(3) In this section “maintained school” means a school maintained by a local education authority.”

85 In section 350 (definitions for purposes of Part V), for subsection (1) substitute—

“(1) In this Part “maintained school” means—

- (a) any community, foundation or voluntary school; or
- (b) except where otherwise stated, any community or foundation special school not established in a hospital.”

86 In section 352(1)(a) (basic curriculum for maintained schools), for “sections 376 to 381” substitute “Schedule 19 to the School Standards and Framework Act 1998”.

87 In section 356 (establishment of the National Curriculum by order)—

- (a) in each of subsections (4) and (8), for “by Her Majesty’s Stationery Office” substitute “as specified in the order”; and
- (b) in subsection (5)(a)(ii), omit the words “(except in the case of grant-maintained schools)”.

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- 88 In section 357 (implementation of National Curriculum in schools), omit subsection (2).
- 89 In section 362 (National Curriculum: development work and experiments)—
- (a) in subsection (3), for “a county, controlled or maintained special school” substitute “a community, voluntary controlled or community special school”, and
 - (b) in subsection (4), for “a grant-maintained, aided or special agreement school” substitute “a foundation, voluntary aided or foundation special school”.
- 90 In section 366 (information concerning directions under section 365)—
- (a) in subsection (1)(b), omit the words from “where” to “special school.”;
 - (b) in subsection (4), for “a county, voluntary or maintained special school” substitute “a maintained school”;
 - (c) omit subsection (5); and
 - (d) in subsection (6), for “subsection (1), (4) or (5)” substitute “subsection (1) or (4)”.
- 91 Omit sections 370 to 374 (functions of local education authority etc. in relation to curriculum).
- 92 Omit sections 376 to 389 (religious education and worship).
- 93 In section 390 (constitution of advisory councils), for subsection (2) substitute—
- “(2) The council shall consist of such groups of persons appointed by the authority as representative members (“representative groups”) as are required by subsection (4).”
- 94 (1) Section 391 (functions of advisory councils) shall be amended as follows.
- (2) In subsection (1), for paragraph (a) substitute—
- “(a) to advise the local education authority on such matters connected with—
- (i) religious worship in community schools or in foundation schools which (within the meaning of Part II of the School Standards and Framework Act 1998) do not have a religious character, and
 - (ii) the religious education to be given in accordance with an agreed or other syllabus in accordance with Schedule 19 to that Act,
- as the authority may refer to the council or as the council may see fit, and”.
- (3) Omit subsections (8) and (9).
- 95 In section 392 (advisory councils: supplementary provisions), omit subsection (4).
- 96 Omit section 393 (duty to constitute new standing advisory council).
- 97 (1) Section 394 (determination of cases in which requirement for Christian worship is not to apply) shall be amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a), for “county school” substitute “community school”;
 - (b) for paragraph (b) substitute—

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- “(b) any foundation school which has not been designated under section 69(3) of the School Standards and Framework Act 1998 by the Secretary of State as having a religious character.”; and
 - (c) for “section 386(2)” substitute “paragraph 3(2) of Schedule 20 to the School Standards and Framework Act 1998 (requirement for Christian collective worship)”.
 - (3) In subsection (4), for “section 387” substitute “paragraph 4 of Schedule 20 to the School Standards and Framework Act 1998 (disapplication of requirement for Christian collective worship)”.
 - (4) In subsection (8), for “a school which becomes a grant-maintained school” substitute “a community school which becomes a foundation school (by virtue of section 35 of, and Schedule 8 to, the School Standards and Framework Act 1998)”.
- 98 In section 395(1) (review of determinations under section 394), for “section 386(2)” substitute “paragraph 3(2) of Schedule 20 to the School Standards and Framework Act 1998”.
- 99 In section 396(1) (power of Secretary of State to direct council to revoke determination or discharge duty), for “section 386(2)” substitute “paragraph 3(2) of Schedule 20 to the School Standards and Framework Act 1998”.
- 100 In section 399 (determination of question whether religious education in accordance with trust deed), for “a voluntary or grant-maintained school” substitute “a foundation or voluntary school”.
- 101 In section 402(6) (obligation to enter pupils for public examinations), for “a maintained special school” substitute “a community or foundation special school”.
- 102 In section 403(2) (sex education: manner of provision), for “a maintained special school” substitute “a community or foundation special school”.
- 103 In section 404 (sex education: statements of policy)—
 - (a) in subsection (2), for “a maintained special school” substitute “a community or foundation special school”; and
 - (b) omit subsection (3).
- 104 In section 406(3) (political indoctrination), for “a maintained special school” substitute “a community or foundation special school”.
- 105 In section 407(2) (duty to secure balanced treatment of political issues), for “a maintained special school” substitute “a community or foundation special school”.
- 106 In section 408 (provision of information)—
 - (a) omit subsection (1)(b);
 - (b) in subsection (2)(d), for “pupils at such categories of school” substitute “such classes or descriptions of pupils”;
 - (c) omit subsection (3); and
 - (d) in subsection (4)—
 - (i) omit paragraphs (b) and (c); and
 - (ii) in paragraph (d), for “389” substitute “390”.
- 107 In section 409 (complaints and enforcement: maintained schools)—
 - (a) in subsection (1), for “of aided schools and of special agreement schools,” substitute “of foundation and voluntary aided schools,”;

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- (b) in subsection (2), for the words from “any county” to “special school” substitute “any community, foundation or voluntary school maintained by the authority or any community or foundation special school”;
 - (c) in subsection (3)(b), omit “other than grant-maintained schools”; and
 - (d) for the sidenote substitute “Complaints and enforcement: maintained schools.”
- 108 For the cross-heading “SCHOOL ADMISSIONS” preceding section 411 substitute—
 - “ADMISSION, REGISTRATION AND WITHDRAWAL OF PUPILS”.
- 109 Omit sections 411 to 432 (admission of pupils: general).
- 110 Omit section 433(4) (time for admission of pupils: admission for nursery education).
- 111 In section 434(4)(c) (registration of pupils: returns)—
 - (a) at the end of sub-paragraph (i) insert “and”; and
 - (b) omit sub-paragraph (ii).
- 112 Omit section 436 (effect of admission for nursery education).
- 113 In section 437 (school attendance orders)—
 - (a) in each of subsections (5) and (6), omit “or grant-maintained”; and
 - (b) in subsection (8), for the definition of “maintained school” substitute—
 - ““maintained school” means any community, foundation or voluntary school or any community or foundation special school not established in a hospital; and”.
- 114 In section 438 (choice of school: child without statement of special educational needs)—
 - (a) for subsection (4)(a) substitute—
 - “(a) within the period mentioned in subsection (3) the parent applies for the child to be admitted to a school maintained by a local education authority and, where that authority are not the authority by whom the notice was served, notifies the latter authority of the application, and”;
 - (b) for subsection (5) substitute—
 - “(5) If—
 - (a) within the period mentioned in subsection (3), the parent applies to the local education authority by whom the notice was served for education to be provided at a school which is not a school maintained by a local education authority, and
 - (b) the child is offered a place at the school and the authority are required by virtue of regulations under section 18(3) to pay the fees payable in respect of the education provided for him at the school,
 that school shall be named in the order.”; and
 - (c) in subsection (6)(a)(i), omit “and is not a grant-maintained school”.

- 115 (1) Section 439 (specification of schools in notices under section 438(2)) shall be amended as follows.
- (2) In subsection (2), for the words from “fixed” to “as the number” substitute “fixed in accordance with section 93 of the School Standards and Framework Act 1998 (fixing admission numbers) as the number”.
- (3) In subsections (3), (5) and (6), omit “or grant-maintained” wherever occurring.
- (4) After subsection (4) insert—
- “(4A) A local education authority shall not specify a school in a notice under section 438(2) if the admission of the child concerned would result in prejudice of the kind referred to in section 86(3)(a) of the School Standards and Framework Act 1998 (parental preferences) by reason of measures required to be taken as mentioned in subsection (4) of that section.”
- 116 In section 440 (amendment of order at request of parent: child without statement of special educational needs)—
- (a) in subsection (2)(a), omit “or grant-maintained school”;
- (b) in subsection (3), for paragraphs (a) and (b) substitute—
- “(a) the parent applies to the authority for education to be provided for the child at a school which is not a school maintained by a local education authority and which is different from the school named in the order,
- (b) the child is offered a place at the school and the authority are required by virtue of regulations under section 18(3) to pay the fees payable in respect of the education provided for him at the school, and”; and
- (c) in subsection (4)(a), omit “and is not a grant-maintained school”.
- 117 In section 444(4)(b) (offence: failure to secure regular attendance at school of registered pupil), omit the words “or the funding authority”.
- 118 Omit section 448 (exemption where child becomes five during term).
- 119 For section 449 and the cross-headings preceding it substitute—

“CHAPTER III

CHARGES IN CONNECTION WITH EDUCATION AT MAINTAINED SCHOOLS

Preliminary

449 Meaning of “maintained school” in Chapter III

In this Chapter “maintained school” means any school maintained by a local education authority.”

- 120 In section 451 (prohibition of charges for provision of education)—
- (a) in subsection (1), omit “Subject to subsection (5)”,
- (b) in subsection (3)(b), for the words from “or 384” onwards substitute “(implementation of National Curriculum) or section 69 of the School

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- Standards and Framework Act 1998 (duty to secure due provision of religious education).”,
- (c) in subsection (4)(b), for “384” substitute “section 69 of the School Standards and Framework Act 1998”, and
- (d) omit subsection (5).
- 121 In section 456(1) (regulation of permitted charges), omit the words from “, other than” to “section 231(8)”.
- 122 In section 457 (charges and remissions policies)—
- (a) in subsection (1), omit the words from “This subsection” onwards; and
- (b) in subsection (3), omit “other than a grant-maintained school”.
- 123 In section 458 (charges for board and lodging at boarding schools)—
- (a) in subsection (1)—
- (i) for the words from “pupil concerned” to “charges” substitute “pupil concerned, to the local education authority, charges”, and
- (ii) omit “or governing body”;
- (b) in subsection (2)—
- (i) omit paragraph (a), and
- (ii) in paragraph (b), for “for his area” substitute “for that pupil’s area”;
- (c) omit subsection (3); and
- (d) in subsection (4)(b), omit “or to the governing body of a grant-maintained school”.
- 124 In section 463 (meaning of “independent school”)—
- (a) at the end of paragraph (b) insert “or”; and
- (b) omit paragraph (c) and the “or” preceding it.
- 125 In section 484 (grants for education support and training)—
- (a) in subsection (1), for “grants for education support and training,” substitute “education standards grants,”;
- (b) in subsections (3) and (4), for “any grant for education support and training” substitute “any education standards grant”; and
- (c) for the sidenote substitute “Education standards grants.”
- 126 In section 489 (conditions as to payment of grants under sections 484 to 488), in subsection (2)(a) for “grant for education support and training,” substitute “education standards grant,”.
- 127 In section 490(1) (grants in respect of special provision for ethnic minorities), omit paragraph (a).
- 128 For section 494 substitute—

“494 Recoupment: excluded pupils

- (1) Subsection (2) applies where a pupil is permanently excluded from any school maintained by a local education authority (“the old authority”) and, in the financial year in which the exclusion first takes effect, he is subsequently provided with education by another local education authority (“the new authority”), whether at a school maintained by that authority or otherwise than at school.

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- (2) The old authority shall pay to the new authority, in connection with the provision of education for that pupil in that financial year, such amount, if any, as is payable in accordance with regulations.
- (3) Where a pupil is permanently excluded from any school maintained by a local education authority and, in the financial year in which the exclusion first takes effect, the following events subsequently occur—
- (a) he is first provided by another local education authority (“the intermediate authority”) with education in a pupil referral unit or otherwise than at school, and
 - (b) at any time afterwards he is provided with education by a local education authority other than the intermediate authority (“the last authority”), whether at a school maintained by that authority or otherwise than at school,
- then, in connection with the provision of the education mentioned in paragraph (b), subsection (2) shall apply to the intermediate authority and the last authority as if they were an old authority and a new authority respectively.
- (4) Any dispute as to whether any local education authority are entitled to be paid any amount under this section by any other such authority shall be determined by the Secretary of State.
- (5) Regulations may prescribe the time when the permanent exclusion of a pupil is to be regarded as taking effect for the purposes of this section.”

- 129 In section 496 (power of Secretary of State to prevent unreasonable use of functions), in subsection (2)—
- (a) at the end of paragraph (a) insert “and”; and
 - (b) for paragraphs (b) and (c) substitute—
 - “(b) the governing body of any community, foundation or voluntary school or any community or foundation special school.”
- 130 In section 497 (general default powers of the Secretary of State), in subsection (2)—
- (a) at the end of paragraph (a) insert “and”; and
 - (b) for paragraphs (b) and (c) substitute—
 - “(b) the governing body of any community, foundation or voluntary school or any community or foundation special school.”
- 131 In section 498 (powers of Secretary of State where no properly constituted governing body), for subsection (2) substitute—
- “(2) This section applies to any community, foundation or voluntary school or any community or foundation special school.”
- 132 Omit sections 500 to 505 (rationalisation of school places).
- 133 In section 509 (provision of transport etc.)—
- (a) omit subsection (5)(a); and
 - (b) for subsection (6) substitute—

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- “(6) Regulations may require a local education authority to publish, at such times and in such manner as may be prescribed, such information as may be prescribed with respect to the authority’s policy and arrangements relating to the making of—
- (a) provision under this section for persons attending institutions mentioned in subsection (1)(c) or (d) who are over compulsory school age and have not attained the age of 19; or
 - (b) provision under section 509A (travel arrangements for children receiving nursery education otherwise than at school).”
- 134 In section 510 (provision of clothing)—
- (a) in subsection (1)(a) and (c), omit “or at a grant-maintained school” wherever occurring;
 - (b) in subsection (3)(a), omit “or a grant-maintained school”;
 - (c) in subsection (4)(a), omit “, at a grant-maintained school”; and
 - (d) in subsection (5)(a), omit “grant-maintained school or”.
- 135 In section 514 (provision of board and lodging otherwise than at school), in subsection (1)(a), for the words from “particular” onwards substitute “particular community, foundation or voluntary or community or foundation special school, but”.
- 136 In section 515(2) (provision of teaching services for day nurseries), for “voluntary school” substitute “foundation or voluntary school”.
- 137 Omit section 516 (supply by LEA of goods and services to grant-maintained schools).
- 138 Omit section 517 (payment of fees at schools not maintained by a local education authority).
- 139 (1) Section 519 (allowances for governors, etc.) shall be amended as follows.
- (2) In subsection (1), for the words from “travelling” to “section 115);” substitute “such allowances as may be prescribed to governors of—
 - (a) any community, foundation or voluntary school or community or foundation special school which does not have a delegated budget (within the meaning of Part II of the School Standards and Framework Act 1998);”. - (3) In subsection (3), for “travelling and subsistence allowances” substitute “such allowances as may be prescribed”.
 - (4) After subsection (6) add—
- “(7) Regulations may impose a limit on the amount which may be paid by way of any allowance under this section.”
- 140 Omit section 520(3) (medical inspection and treatment of pupils: grant-maintained schools excluded).
- 141 In section 521 (examination of pupils for cleanliness), in subsection (4), omit paragraph (b) and the “and” preceding it.
- 142 In section 524 (removal of pupil at direction of medical officer)—

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- (a) in subsection (1), for “excluded” substitute “suspended”;
 - (b) omit subsection (3)(b) and the “or” preceding it; and
 - (c) for the sidenote substitute “Suspension of a pupil pending examination or cleansing.”
- 143 In section 525 (offence of neglecting the cleanliness of a pupil), in subsection (3), omit “or a grant-maintained school”.
- 144 In section 527A (local education authority plans for children with behavioural difficulties), as inserted by section 9 of the Education Act 1997, for subsection (7) substitute—
 - “(7) In this section “relevant school”, in relation to a local education authority, means a school maintained by the authority (whether situated in their area or not).”
- 145 In section 529 (power to accept gifts on trust for educational purposes)—
 - (a) in subsection (2) for the words from “section 35(1)” onwards substitute “section 28 of the School Standards and Framework Act 1998 as an intention to establish a new community school (so that proposals for that purpose shall be published as required by that section); and Schedule 6 to that Act (statutory proposals: procedure and implementation) shall apply accordingly.”; and
 - (b) in subsection (3) for “a county school” substitute “a community school”.
- 146 In section 530 (compulsory purchase of land)—
 - (a) in subsection (2) for “voluntary school” substitute “foundation, voluntary or foundation special school”; and
 - (b) in subsection (3) for the words from “under” onwards substitute “under paragraph 18 of Schedule 6 to the School Standards and Framework Act 1998 (power to give assistance to governing body of voluntary aided school in carrying out statutory proposals).”
- 147 In section 531(2) (acquisition of land by agreement) for “voluntary school” substitute “foundation, voluntary or foundation special school”.
- 148 In section 533 (duties of governing bodies of maintained schools with respect to provision of school meals etc.)—
 - (a) in subsection (2), for “a voluntary” substitute “any such”; and
 - (b) in subsection (3), after “Part II” insert “of the School Standards and Framework Act 1998”.
- 149 Omit section 534 (duties of governing bodies of grant-maintained schools with respect to school meals).
- 150 In section 535(1) (provision of teaching services for day nurseries), for “a county or voluntary primary school” substitute “a community, foundation or voluntary primary school”.
- 151 Omit section 536 (medical inspection and treatment of pupils at grant-maintained schools).
- 152 In section 537 (power of Secretary of State to require information from governing bodies etc.)—
 - (a) for subsection (1) substitute—

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“(1) The Secretary of State may by regulations make provision requiring—

- (a) the governing body of every school which is—
 - (i) maintained by a local education authority, or
 - (ii) a special school which is not maintained by such an authority, and
 - (b) the proprietor of every independent school,
- to provide such information about the school as may be prescribed.”; and

(b) in subsection (7)(a), omit “or which is a grant-maintained school”.

153 For section 537A substitute—

“537A Provision of information about individual pupils

- (1) Regulations may make provision requiring—
 - (a) the governing body of every school which is—
 - (i) maintained by a local education authority, or
 - (ii) a special school which is not maintained by such an authority, and
 - (b) the proprietor of every independent school,

to provide to the relevant person such individual pupil information as may be prescribed.
- (2) In subsection (1) “the relevant person” means one or more of the following—
 - (a) the Secretary of State, and
 - (b) any prescribed person.
- (3) Where any person within paragraph (b) of subsection (2) receives information by virtue of subsection (1), the Secretary of State may require that person to provide any such information—
 - (a) to him, or
 - (b) to any prescribed person.
- (4) The Secretary of State may provide any individual pupil information—
 - (a) to any information collator,
 - (b) to any prescribed person, or
 - (c) to any person falling within a prescribed category.
- (5) Any information collator—
 - (a) may provide any individual pupil information—
 - (i) to the Secretary of State,
 - (ii) to any other information collator, or
 - (iii) to the governing body or proprietor of the school attended by the pupil or pupils to whom the information relates; and
 - (b) may, at such times as the Secretary of State may determine, provide such individual pupil information as may be prescribed—
 - (i) to any prescribed person, or
 - (ii) to any person falling within a prescribed category.

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- (6) Any person holding any individual pupil information (other than the Secretary of State or an information collator) may provide that information to—
- (a) the Secretary of State,
 - (b) any information collator, or
 - (c) any prescribed person.
- (7) No information received under or by virtue of this section shall be published in any form which includes the name of the pupil or pupils to whom it relates.
- (8) Regulations under this section may provide that, in such circumstances as may be prescribed, the provision of information to a person other than the Secretary of State is to be treated, for the purposes of any provision of such regulations or this section, as compliance with any requirement imposed by or by virtue of any such provision and relating to the provision of information to the Secretary of State.
- (9) In this section—
- “individual pupil information” means information relating to and identifying individual pupils or former pupils at any school within subsection (1), whether obtained under subsection (1) or otherwise;
- “information collator” means any body which, for the purposes of or in connection with the functions of the Secretary of State relating to education, is responsible for collating or checking information relating to pupils.”
- 154 In section 538 (provision of information to Secretary of State by governing bodies of maintained schools), for “a county, voluntary or maintained special school” substitute “a community, foundation or voluntary school or a community or foundation special school”.
- 155 Omit section 539 (provision of information by governing body of grant-maintained schools).
- 156 In section 540 (distribution of information about schools providing a secondary education), for subsection (2) substitute—
- “(2) In this section “school” means—
- (a) any community, foundation or voluntary school, or
 - (b) any community or foundation special school (which is not established in a hospital).”
- 157 In section 541 (distribution of information about further education institutions), for subsection (4) substitute—
- “(4) In this section “school” means—
- (a) any community, foundation or voluntary school, or
 - (b) any community or foundation special school (which is not established in a hospital).”
- 158 In section 542 (prescribed standards for school premises)—
- (a) in subsection (1), omit “and of grant-maintained schools”;
 - (b) omit subsection (3); and

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- (c) in subsection (4), for “subsections (2) and (3) have” substitute “subsection (2) has”.
- 159 In section 543 (relaxation of prescribed standards in special cases)—
 - (a) in subsection (1), for “or (4)” substitute “, (4) or (4A)”; and
 - (b) after subsection (4) insert—

“(4A) This subsection applies, in relation to any playing fields used by the school for the purposes of the school, if the Secretary of State is satisfied that, having regard to other facilities for physical education available to the school, it would be unreasonable to require conformity with any prescribed requirement relating to playing fields.

In this subsection “playing fields” has the same meaning as in section 77 of the School Standards and Framework Act 1998 (control of disposals or changing use of school playing fields).”
- 160 In section 544 (approval etc. of school premises and boarding houses)—
 - (a) in subsection (1), omit the words from “(or,” to “authority”); and
 - (b) in subsection (3)—
 - (i) at the end of paragraph (a) insert “and”, and
 - (ii) omit paragraph (b).
- 161 In section 545(2) (exemption from building byelaws of approved buildings), omit paragraph (b) and the “or” preceding it.
- 162 In section 546(2) (control of potentially harmful materials and apparatus in schools)—
 - (a) at the end of paragraph (a) insert “and”; and
 - (b) omit paragraph (b).
- 163 In section 547 (nuisance or disturbance on school premises)—
 - (a) in subsection (2), omit paragraph (b) and the “or” preceding it;
 - (b) in each of subsections (4) and (7), for “an aided, special agreement or grant-maintained school” substitute “a foundation, voluntary aided or foundation special school”; and
 - (c) in each of subsections (5) and (8), for “a voluntary or grant-maintained school” substitute “a foundation, voluntary or foundation special school”.
- 164 Omit sections 549 and 550 (provisions about corporal punishment).
- 165 In section 550B(2) (detention), as inserted by section 5 of the Education Act 1997, omit “(b) a grant-maintained or grant-maintained special school;”.
- 166 In section 551(2) (regulations as to duration of school day etc.)—
 - (a) at the end of paragraph (a) insert “and”; and
 - (b) omit paragraph (b).
- 167 Omit section 552 (transitional exemption orders for purposes of Sex Discrimination Act 1975).
- 168 (1) Section 554 (power to make new provision as to use of endowments) shall be amended as follows.
 - (2) For subsection (1) substitute—

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“(1) This section applies where—

- (a) in relation to any time before the appointed day, the premises of a voluntary or grant-maintained school (within the meaning of this Act) have ceased to be used for such a voluntary or (as the case may be) grant-maintained school; or
- (b) in relation to any time on or after the appointed day—
 - (i) the premises of a foundation or voluntary school (within the meaning of the School Standards and Framework Act 1998) have ceased to be used for such a foundation or (as the case may be) voluntary school; or
 - (ii) in the opinion of the Secretary of State it is likely such premises will cease to be so used;

and in this subsection “the appointed day” has the meaning given by section 20(7) of the School Standards and Framework Act 1998.”

(3) In subsection (3)—

- (a) for paragraph (a) substitute—
 - “(a) that the school was or has been maintained as a voluntary or grant-maintained school (within the meaning of this Act) or as a foundation or voluntary school (within the meaning of the School Standards and Framework Act 1998) since 1st April 1945 (the date when Part II of the Education Act 1944 came into force); and”;
- (b) in paragraph (b), for “(or any corresponding earlier enactment)”, substitute “of this Act (or any corresponding earlier enactment) or paragraph 3 or 4 of Schedule 19 to the School Standards and Framework Act 1998”.

(4) For subsection (4)(b) substitute—

- “(b) where religious education in accordance with such tenets is shown to have been given to any pupils at—
 - (i) a controlled school (within the meaning of this Act),
 - (ii) a grant-maintained school (within the meaning of this Act) which was a controlled school immediately before it became a grant-maintained school, or
 - (iii) a foundation or voluntary controlled school with a religious character (within the meaning of Part II of the School Standards and Framework Act 1998),the religious education shall be taken to have been given to them at the request of their parents, unless the contrary is shown.”

169 In section 556(2) (content of orders under section 554)—

- (a) in paragraph (a), for “voluntary schools or grant-maintained schools” substitute “foundation schools or voluntary schools”; and
- (b) in paragraph (b), for “voluntary” onwards substitute “school at the premises referred to in section 554(1).”

170 In section 557(9) (adoption of statutory trusts), in the definition of “relevant school” for “a voluntary school or a grant-maintained school” substitute “a foundation or voluntary school”.

171 In section 559 (power of local education authorities to prohibit or restrict employment of children)—

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

- (a) in subsection (1), for “county” substitute “community, foundation”; and
- (b) in subsection (2), for “county” substitute “community, foundation”.
- 172 In section 563(3) (educational records)—
 - (a) at the end of paragraph (a) insert “and”; and
 - (b) omit paragraph (b).
- 173 In section 566(1)(b) (evidence: documents), for “a county or voluntary school” substitute “a maintained school”.
- 174 Omit section 567 (stamp duty).
- 175 In section 568 (orders)—
 - (a) for subsection (2) substitute—
 - “(2) For the purposes of subsection (1) “the excepted provisions” are—
 - section 349;
 - sections 468, 471(1) and 474;
 - section 489(3);
 - section 497; and
 - section 545.”;
 - (b) in subsection (3), omit “section 517(6),”; and
 - (c) omit subsection (5)(b) and the “or” preceding it.
- 176 In section 569 (regulations)—
 - (a) in subsection (2), for “section 480 or 492 or paragraph 1(4) of Schedule 20,” substitute “section 492,”; and
 - (b) in subsection (3), for “section 480 or 492 or paragraph 1(4) of Schedule 20” substitute “section 492”.
- 177 In section 570 (revocation and variation of certain orders and directions)—
 - (a) in subsection (1)—
 - (i) at the end of paragraph (a) insert “or”, and
 - (ii) omit paragraph (b); and
 - (b) in subsection (2), omit “, the funding authority”.
- 178 In section 573 (meaning of expressions relating to alteration etc. of premises or character of schools)—
 - (a) in subsection (2), omit the words from “and “alterations”” onwards; and
 - (b) omit subsections (4) to (6).
- 179 Omit section 575 (meaning of expressions relating to employment).
- 180 In section 576 (meaning of “parent”)—
 - (a) in subsection (1), for “the provisions mentioned in subsection (2)” substitute “section 499(8)”; and
 - (b) omit subsection (2).
- 181 Omit section 577 (minor authorities).
- 182 In section 578 (meaning of “the Education Acts”), insert at the appropriate place—

“the School Standards and Framework Act 1998”.
- 183 In section 579 (general interpretation)—
 - (a) in subsection (1)—

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(i) at the appropriate place insert—

““assist”, in relation to any school, institution or university, shall be construed in accordance with subsections (5) to (7) below;”,

(ii) omit the definitions of “the appropriate further education funding council”, “exclude”, “governing body” (and “governors”), “the local education authority”, “reception class” and “relevant age group”,

(iii) in the definition of “proprietor”, for “a county, voluntary or grant-maintained school,” substitute “a community, foundation or voluntary or community or foundation special school,”, and

(iv) for the definition of “trust deed” substitute—

““trust deed” includes any instrument (other than an instrument of government) regulating the constitution of the school’s governing body or the maintenance, management or conduct of the school;”,
and

(b) omit subsection (3).

184 In Schedule 1 (pupil referral units)—

(a) in paragraph 6—

(i) for sub-paragraphs (1) and (2) substitute—

“(1) In relation to every pupil referral unit, the local education authority, the management committee (where applicable) and the teacher in charge shall exercise their functions with a view to securing that the curriculum for the unit satisfies the requirements of section 351(1) (balanced and broadly based curriculum).

(2) Regulations may make provision for the determination and organisation of the curriculum in relation to every pupil referral unit, including provision as to making, and keeping up to date, a written statement of the policy in relation to that curriculum for the unit; and such regulations may require—

(a) the local education authority, the management committee (where applicable), or the teacher in charge to exercise, or

(b) such of them as may be prescribed to collaborate with each other in exercising,

such functions in relation to the curriculum as may be prescribed.”, and

(ii) in sub-paragraph (3)(a), for “or under any enactment referred to in sub-paragraph (2)” substitute “sub-paragraph (1) or (2)”;

(b) omit paragraphs 12 and 13; and

(c) in paragraph 15(2)(c) omit the words “(including grant-maintained schools)”.

185 Schedules 2 to 25A shall be omitted.

186 (1) Schedule 27 (making and maintenance of statements under section 324) shall be amended as follows.

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

- (2) In paragraph 3—
 - (a) in sub-paragraph (1), for “the maintained, grant-maintained or grant-maintained special school” substitute “the maintained school”; and
 - (b) in sub-paragraph (4), for “any maintained, grant-maintained or grant-maintained special school” substitute “any maintained school”.
- (3) In paragraph 8(1)(a), for “a maintained, grant-maintained or grant-maintained special school” substitute “a maintained school”.
- 187 Schedule 28 (government and conduct of grant-maintained special schools) shall be omitted.
- 188 In Schedule 31 (agreed syllabuses of religious education), omit paragraphs 11 and 15.
- 189 The following provisions shall be omitted—
 - (a) Schedule 32 (reduction of standard number for admission of pupils);
 - (b) Schedule 33 (admission appeals);
 - (c) Schedule 33A (children to whom section 411A(2) applies: appeals by governing bodies);
 - (d) Schedule 33B (restrictions on admissions to grant-maintained schools);
 - (e) in Schedule 37 (consequential amendments), paragraphs 9, 27, 33, 37(a), 41, 42(4)(b), 75, 82(1)(b) and the “and” preceding it, 82(2)(a), 82(2)(c) and the “and” preceding it, 82(3), 96(2), 97, 102, 103, 104(3), 105 to 108, 110(2) and (3)(a), 122 and 125(c) and (d);
 - (f) in Schedule 39 (transitional provisions and savings), paragraphs 2(3) and 15; and
 - (g) Schedule 40 (transitory provisions).

School Inspections Act 1996 (c. 57)

- 190 The School Inspections Act 1996 shall be amended as follows.
- 191 (1) Section 10 (inspection of certain schools by registered inspectors) shall be amended as follows.
 - (2) In subsection (3)—
 - (a) omit “(4) or”;
 - (b) for paragraph (a) substitute—
 - “(a) community, foundation and voluntary schools;”;
 - (c) omit paragraph (b);
 - (d) for paragraph (c) substitute—
 - “(c) community and foundation special schools;”;
 - (e) for paragraph (d) substitute—
 - “(d) special schools which are not community or foundation special schools but are for the time being approved by the Secretary of State under section 342 of the Education Act 1996 (approval of special schools);”.
 - (3) Omit subsection (4).
 - (4) For subsection (4B) substitute—

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

“(4B) In subsection (4A) a “closing school” means—

- (a) a community, foundation or voluntary or community or foundation special school in respect of which proposals to discontinue the school have been approved, adopted or determined under Schedule 6 or 7 to the School Standards and Framework Act 1998;
- (b) a foundation or voluntary school in respect of which the governing body have given notice of discontinuance under section 30 of that Act;
- (c) a community, foundation or voluntary or community or foundation special school in respect of which the Secretary of State has given a direction to discontinue the school under section 19 or 32 of that Act;
- (d) a city technology college or city college for the technology of the arts in respect of which notice of termination of an agreement made under section 482 of the Education Act 1996 has been given;
- (e) a special school which is not a community or foundation special school but which is for the time being approved by the Secretary of State under section 342 of the Education Act 1996 and which the proprietor has decided to close; or
- (f) an independent school falling within subsection (3)(e) which the proprietor has decided to close.”

192 (1) Section 11 (application of provisions for inspections) shall be amended as follows.

(2) In subsection (2), for the words from “county” onwards substitute “community, foundation or voluntary or community or foundation special schools.”

(3) In subsection (4)—

- (a) in the definition of “appropriate appointing authority”, for “aided or special agreement school” substitute “voluntary aided”; and
- (b) for the definition of “appropriate authority” substitute—

““appropriate authority” means in relation to a community, foundation or voluntary or community or foundation special school, the school’s governing body or, if the school does not have a delegated budget within the meaning of section 49 of the School Standards and Framework Act 1998, the local education authority.”

(4) In subsection (5)—

- (a) in paragraph (a), for “paragraph (e),” substitute “paragraph (d), (e),”; and
- (b) in paragraph (b), omit “whose governing body does not have a delegated budget”.

193 In section 15(3)(b) (timing of inspections), for “a county, voluntary or maintained special school” substitute “a community, foundation or voluntary or community or foundation special school”.

194 (1) Section 16 (destination of reports) shall be amended as follows.

(2) In subsection (1)—

- (a) in paragraph (a), omit the words from “and, if” to “of State”; and
- (b) in paragraph (b), for “a county, voluntary or maintained special school” substitute “a community, foundation or voluntary or community or foundation special school”.

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

- (3) In subsection (3)—
 - (a) in paragraph (c)—
 - (i) for “a county, voluntary or maintained special school” substitute “a community, foundation or voluntary or community or foundation special school”, and
 - (ii) at the end insert “and”; and
 - (b) omit paragraphs (e) and (f).
- 195 (1) Section 17 (special measures by appropriate authority) shall be amended as follows.
 - (2) In subsection (3)—
 - (a) in paragraph (b)—
 - (i) for “a county, voluntary or maintained special school” substitute “a community, foundation or voluntary or community or foundation special school”, and
 - (ii) at the end add “and”; and
 - (b) omit paragraph (c).
 - (3) In subsection (4), for “a county, voluntary or maintained special school” substitute “a community, foundation or voluntary or community or foundation special school”.
 - (4) Omit subsection (5)(b) and (c).
 - (5) In subsection (7), for the words from “referred to” to “the case may be,” substitute “under section 42 of the School Standards and Framework Act 1998 (governors' reports),”.
- 196 (1) Section 18 (additional special measures by local education authority) shall be amended as follows.
 - (2) In subsection (1)(a), for “a county, voluntary or maintained special school” substitute “a community, foundation or voluntary or community or foundation special school”.
 - (3) In subsection (2)(b), for “an aided or special agreement school” substitute “a voluntary aided school”.
- 197 In section 20(3) (destination of reports)—
 - (a) in paragraph (a), for “a maintained or grant-maintained special school” substitute “a community or foundation special school”; and
 - (b) omit “the funding authority, or”.
- 198 In section 21(4) (special measures by appropriate authority)—
 - (a) in paragraph (a), for “a maintained or grant-maintained special school” substitute “a community or foundation special school”; and
 - (b) omit “the funding authority, or”.
- 199 (1) Section 23 (inspection of religious education) shall be amended as follows.
 - (2) For subsection (1) substitute—
 - “(1) It shall be the duty of the governing body of any voluntary or foundation school, which has been designated under section 69(3) of the School Standards and Framework Act 1998 by the Secretary of State as having a religious character, to secure that—
 - (a) denominational education given to any pupils, and

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- (b) the content of the school’s collective worship (required by section 70 of that Act),
are inspected under this section.”
- (3) Omit subsections (2) and (3).
- (4) In subsection (4)(ii), for “section 385 of that Act” substitute “section 70 of the School Standards and Framework Act 1998”.
- (5) In subsection (5)(a), for “a controlled school” substitute “a voluntary controlled school”.
- (6) In subsection (8)—
 - (a) in paragraph (a), omit “if the inspection is conducted by virtue of subsection (1),”; and
 - (b) in paragraph (b), omit “if the inspection is conducted by virtue of subsection (2),”.
- 200 Omit the following sections—
 - (a) sections 26 to 30 (miscellaneous powers over schools requiring special measures);
 - (b) sections 31 to 41 (education associations); and
 - (c) section 44 (stamp duty on transfer under section 38 or 39).
- 201 In section 45 (orders and regulations)—
 - (a) in subsection (1), omit the words “(except an order under section 38)”; and
 - (b) in subsection (2), omit the words “(except an order under section 31, 33, or 39)”.
- 202 (1) Section 46(1) (interpretation) shall be amended as follows.
 - (2) In the definition of “Church in Wales school” etc, for “section 311(1)” onwards substitute “section 142 of the School Standards and Framework Act 1998;”.
 - (3) In the definition of “delegated budget”, for “section 116” onwards substitute “section 49 of the School Standards and Framework Act 1998;”.
 - (4) Omit the definition of “the transfer date”.
- 203 In paragraph 1 of Schedule 3 (inspections under section 10), for the definition of “appropriate authority” substitute—
 - ““appropriate authority” means—
 - (a) in relation to a community, foundation or voluntary or community or foundation special school, the school’s governing body or, if the school does not have a delegated budget within the meaning of section 49 of the School Standards and Framework Act 1998, the local education authority;
 - (b) in relation to a maintained nursery school, the local education authority;
 - (c) in the case of a school falling within paragraph (d), (e), (f) or (g) of section 10(3), the proprietor of the school;”.
- 204 In paragraph 3 of Schedule 4 (inspections of denominational education)—
 - (a) in sub-paragraph (2), for the words from “governors and” to “and to such” substitute “governors, to the local education authority and to such”, and

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- (b) in sub-paragraph (5), for the words from “means” onwards substitute “means the governors’ report under section 42 of the School Standards and Framework Act 1998.”

205 Schedule 5 (education associations) shall be omitted.

206 In Schedule 6 (consequential amendments), omit paragraph 7.

Education Act 1997 (c. 44)

207 The Education Act 1997 shall be amended as follows.

208 Omit the following provisions—

- (a) sections 2 and 3 (school discipline);
- (b) sections 6 to 8 (exclusion of pupils);
- (c) Part III (school admissions).

209 In section 15 (baseline assessments: interpretation), in the definition of “maintained primary school”, for paragraphs (a) to (c) substitute—

- “(a) a community, foundation or voluntary school, or
- (b) a community or foundation special school (other than one established in a hospital).”

210 In section 16(5) (adoption of baseline assessment schemes), for “a school which is maintained by a local education authority,” substitute “a maintained primary school,”.

211 In section 17 (assessment of pupils)—

- (a) in subsection (5), for paragraph (b) substitute—
 - “(b) the local education authority by whom the school is maintained.”; and
- (b) in subsection (7)(a), omit the words from “(except” to “school”).

212 In section 18 (regulations for Chapter I of Part IV)—

- (a) in subsection (1)(b), omit the words from “(except” to “school”); and
- (b) in subsection (2)(a), omit the words from “(in” to “school”).

213 In section 19 (school performance targets), for subsection (3) substitute—

- “(3) In this section “maintained school” means—
 - (a) a community, foundation or voluntary school, or
 - (b) a community or foundation special school (other than one established in a hospital).”

214 In section 23 (functions of Qualifications and Curriculum Authority)—

- (a) in subsection (3), for the words from “receiving nursery” onwards substitute “under compulsory school age.”; and
- (b) in subsection (5), in the definition of “maintained school”, for paragraphs (a) to (c) substitute—

- “(a) any community, foundation or voluntary school, and
- (b) any community or foundation special school.”

215 In section 29(3) (functions of Qualifications, Curriculum and Assessment Authority for Wales), for the words from “receiving nursery” onwards substitute “under compulsory school age.”

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

- 216 In section 42 (miscellaneous amendments relating to school inspections), omit the words “and the Nursery Education and Grant-Maintained Schools Act 1996”.
- 217 In section 43(2) (provision of careers education)—
- (a) for paragraph (a) substitute—
“(a) community, foundation and voluntary schools;”;
 - (b) omit paragraph (b); and
 - (c) for paragraph (c) substitute—
“(c) community or foundation special schools (other than those established in hospitals);”.
- 218 Omit section 50 (recoupment by local education authority of costs of teachers' premature retirement).
- 219 In section 52 (commencement of compulsory school age), omit subsections (4) and (5).
- 220 In section 57 (minor and consequential amendments, repeals etc), omit subsections (2) and (3).
- 221 In section 58(4) (commencement) omit “section 50,”.
- 222 Omit the following provisions—
- (a) Schedules 1 to 3;
 - (b) in Schedule 6, paragraph 5.
- 223 In Schedule 7 (minor and consequential amendments), omit paragraphs 15 to 22, 25, 31 to 35, 40 and 45 to 51.

Education (Schools) Act 1997 (c. 59)

- 224 In section 2 of the Education (Schools) Act 1997 (transitional arrangements for existing assisted pupils), after subsection (6) add—
- “(7) Nothing in subsection (1) shall be taken as prejudicing the operation of any regulations under section 3 by virtue of which assisted places authorised to be provided under that subsection by a former participating school may instead be so provided by another such school or a new school created on the merger of such a school with another school.”

Audit Commission Act 1998 (c. 18)

- 225 In section 36(3) of the Audit Commission Act 1998 (studies at request of educational bodies)—
- (a) for the words from “corporation, a” to “school” substitute “corporation or further education corporation”, and
 - (b) in paragraph (b), omit “or governing body”.