

THE SCHEDULE

ENACTMENTS APPLYING TO GRANT-MAINTAINED SPECIAL SCHOOLS

PART I

—PRIMARY LEGISLATION

The provisions listed in the second column below of the enactments mentioned in the first column shall have effect in relation to grant-maintained special schools and their governing bodies as they have effect in relation to grant-maintained schools and their governing bodies with the modifications mentioned in the third column

Enactment	Provision	Modification
Education Act 1944 (c. 31)(1)	Sections 10 (school premises), 48(4) (medical and dental inspection and treatment), 54 (power to ensure cleanliness), 55(4) (non-discriminatory provision of transport and other facilities), 62(1) (duty of Secretary of State as to the training of teachers), 67(4) (determination of questions), 68 (as applied by section 219 (2) of the Education Reform Act 1988) (power to prevent unreasonable exercise of functions), 80(1) (registration of pupils), and 99(1) and (2) (as applied by section 219(3) of the Education Reform Act 1988) (powers of Secretary of State in default of governors)	
Education (Miscellaneous Provisions) Act 1948 (c. 40)(2)	Section 5(1) and (3) (provision of clothing)	

- (1) References to grant-maintained schools were inserted by Schedule 12 to the Education Reform Act 1988 (c. 40) in sections 10, 48(4), 62(1), 67(4) and 80(1), and in section 54 by paragraph 14 of Schedule 19 to the Education Act 1993 (c. 35). Section 55(4) was substituted by Schedule 8 to the Further and Higher Education Act 1992 (c. 13). In addition, section 10 was amended by section 7(1) of the Education (Miscellaneous Provisions) Act 1948 (c. 40) and section 3(3) of the Education Act 1968 (c. 17). Section 48(4) was amended by Schedule 4 to the National Health Service Reorganisation Act 1973 (c. 32) and Schedule 15 to the National Health Service Act 1977 (c. 49). Section 54 was amended by section 179(3) of the Local Government Act 1972 (c. 70), section 37(1) of the Criminal Justice Act 1982 (c. 48) and Schedule 13 to the Education Reform Act 1988. Section 62(1) was amended by Schedule 8 to the Further and Higher Education Act 1992. Section 67(4) was substituted by Schedule 1 to the Education Act 1968. Section 68 was amended by Schedule 2 to the Education Act 1946 (c. 50), Schedule 30 to the Local Government Act 1972 and Schedule 1 to the Education Act 1980 (c. 20). Section 80(1) was amended by Schedule 2 to the Education (Miscellaneous Provisions) Act 1948 and Schedule 1 to the Education Act 1980. Section 99(1) and (2) were amended by Schedule 1 to the Education Act 1980.
- (2) Sections 5(1) and (3) have been amended by Schedule 1 to the Education (Miscellaneous Provisions) Act 1953 (c. 33), section 29 of the Education Act 1980 (c. 20), Schedule 3 to the Education Act 1981 (c. 60), section 100(4) of and Schedule 12 to the Education Reform Act 1988 (c. 40) and Schedule 8 to the Further and Higher Education Act 1992 (c. 13).

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Enactment	Provision	Modification
Local Authorities (Goods and Services) Act 1970 (c. 39)(3)	The whole Act (supply of goods and services by local authorities to public bodies) as extended by paragraph 11 of Schedule 12 to the Education Reform Act 1988	The extension of these provisions to the governing bodies of(3) grant-maintained special schools shall have effect as if made by an order under section 1(5) of the Local Authorities (Goods and Services) Act 1970.
Local Government Act 1972 (c. 70)(4)	Section 134(1) and (2) (use of school room etc. in parish or community)	
Education (Work Experience) Act 1973 (c. 23)(5)	Section 1(1) (Work experience in last year of compulsory schooling)	
Sex Discrimination Act 1975 (c. 75)(6)	Sections 22 (discrimination by bodies in charge of educational establishments), and 25 (general duty in public sector of education)	
Race Relations Act 1976 (c. 74)(7)	Sections 17 (discrimination by bodies in charge of educational establishments), and 19 (general duty in public sector of education)	
National Health Service Act 1977 (c. 49)(8)	Sections 5(1) to (1B), paragraph 3 of Schedule 1 (medical and dental inspection and treatment of pupils) and paragraph 1(1) of Schedule 8 (care of mothers and young children)	
Employment Protection (Consolidation) Act 1978 (c. 44)(9)	Section 29(1) (time off for public duties)	

(3) The amendments made to this Act are not material to its application under this Schedule.

(4) The amendments made to this Act are not material to its application under this Schedule.

(5) Sections 134(1) and (2) were amended by Schedule 12 to the Education Reform Act 1988 (c. 40).

(6) Section 1(1) was amended by Schedule 12 to the Education Reform Act 1988.

(7) In section 22 paragraph 3A of the Table, and in section 25 a reference to that paragraph, were inserted by Schedule 12 to the Education Reform Act 1988.

(8) In section 17 paragraph 3A of the Table, and in section 19 a reference to that paragraph, were inserted by Schedule 12 to the Education Reform Act 1988.

(9) Section 5(1) was amended, and subsections (1A) and (1B) inserted, by section 10(1) of and Schedule 3 to the Health and Medicines Act 1988 (c. 49) and Schedule 12 to the Education Reform Act 1988, which also amended paragraph 3 of Schedule 1 and paragraph 1(1) of Schedule 8.

(9) Section 29(1) was amended by Schedule 12 to the Education Reform Act 1988.

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Enactment	Provision	Modification
Education Act 1980 (c. 20)(10)	Section 22(3A) and (3B) (provision of milk, meals and other refreshment)	
Local Government (Miscellaneous Provisions) Act 1982 (c. 30)(11)	Section 40 (nuisance and disturbance on educational premises)	
Education (No.2) Act 1986 (c. 61)(12)	Sections 46A (application of provisions relating to politics and sex education) and 62 (access to documents and information)	
Education Reform Act 1988 (c. 40)(13)	In Chapter 1 of Part I (the curriculum) sections 1, 2 (other than subsection (1) (a)), 5, 9(1) and (1A), 10(2) and (3), 14(3), 16, 17A, 19, 22 and 25. Sections 106 to 111 (charges and recovery of examination fees), 117 (entry for prescribed examinations), 118 (charges: supplementary), 197(7) (information for Education Assets Board), 211 (grants under-section 11, Local Government Act 1966, 220 (extension of functions of Audit Commission), and 221 (avoidance of certain contractual terms).	In relation to grant-maintained schools established in a hospital these provisions shall not apply. For the reference in section 109(3) to section 57(5) of the Education Reform Act 1988 there shall be substituted a reference to section 68(8) of the Education Act 1993. For the date “20th November 1987” in section 221(1) there shall be substituted “1st April 1994”.
Children Act 1989 (c. 41)(14)	Paragraph 3 of Schedule 9 (exemption from registration under section 71 (child minding and day care))	

(10) Section 22(3A) and (3B) were inserted by Schedule 12 to the Education Reform Act 1988 and Schedule 8 to the Further and Higher Education Act 1992.

(11) Section 40 was amended by section 37(3) of the Criminal Justice Act 1982 (c. 48) and Schedule 12 to the Education Reform Act 1988.

(12) Section 46A was inserted and section 62 amended by Schedule 12 to the Education Reform Act 1988.

(13) Sections 2 and 117 were amended by section 240 of the Education Act 1993 (c. 35). Section 9(1A) was inserted by section 12 of the Further and Higher Education Act 1992. Sections 14(3) and 16 were amended by Schedule 15 to the Education Act 1993 and section 16 by Schedule 19 to that Act. Section 17A is inserted by section 241 of that Act, which was not in force at the date of making these Regulations. Section 19 is amended by paragraph 121 of Schedule 19 to the Education Act 1993, which was not in force at the date of making these Regulations. Section 22 was amended by paragraph 123 of that Schedule. Section 25 was amended by Schedule 21 to the Education Act 1993. Sections 106, 110 and 111 were amended by Schedules 19 and 21 to that Act. Section 197(7) was amended by section 47(5) of that Act. Section 211 was amended by Schedule 8 to the Further and Higher Education Act 1992 and section 11 of the Local Government Act 1966 (c. 42) was substituted by the Local Government (Amendment) Act 1993 (c. 27). An amendment is made to section 220 by section 10(4) of the Education Act 1993.

(14) Paragraph 3 of Schedule 9 was amended by paragraph 153 of Schedule 19 to the Education Act 1993.

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Enactment	Provision	Modification
Environmental Protection Act 1990 (c. 43)	Section 98(2) (litter—definition of “educational institution”)	
School Teachers' Pay and Conditions Act 1991 (c. 49)(15)	The whole Act	
Further and Higher Education Act 1992 (c. 13)	Sections 5(4) (exclusion of certain grants for provision of further education to persons with learning difficulties), 16(2) (grant-maintained schools which may be conducted by a further education corporation), and 54(1) (duty to give information to further education funding council)	
Education (Schools) Act 1992(c. 38)	Section 16(7) (provision of information)	
Charities Act 1993 (c. 10)	Schedule 2 (exempt charities)	

PART II

—SUBORDINATE LEGISLATION

A.

Applying to all grant-maintained special schools

The Regulations mentioned below shall have effect in relation to grant-maintained special schools and their governing bodies as they have effect in relation to grant-maintained schools and their governing bodies.

Regulations

The Education (School Teacher Appraisal) Regulations 1991(16)

The Education (Further Education in Schools) Regulations 1993(17)

B.

Applying to grant-maintained special schools not established in a hospital

The instruments mentioned in the left-hand column shall have effect in relation to grant-maintained special schools which are not established in a hospital and the governing bodies of such schools as

(15) Section 2 was amended by paragraph 161 of Schedule 19 to the Education Act 1993 and section 3A inserted by section 289 of that Act.

(16) S.I.1991/1511.

(17) S.I.1993/1987.

they have effect in relation to grant-maintained schools and their governing bodies subject to the modifications mentioned in the right-hand column.

Instrument	Modification
The Education (School Hours and Policies) (Information) Regulations 1989 (18)	In regulation 2(1), in the definition of “governors' report”, for the words “section 58(5)(j) of the Act” there shall be substituted the words “required by the school’s articles of government to be prepared once in every school year.”
The Education (School Curriculum and Related Information) Regulations 1989 (19)	In regulation 4(1) for the words “section 58(5) (j) of the 1988 Act” there shall be substituted the words “required by the school’s articles of government to be prepared once in every school year.”
The Education (National Curriculum) (Temporary Exceptions for Individual Pupils) Regulations 1989 (20)	
The Education (School Records) Regulations 1989 (21) , regulation 9(a)	
The Education (National Curriculum) (Attainment Targets and Programmes of Study in History) (England) Order 1991 (22)	
The Education (National Curriculum) (Attainment Targets and Programmes of Study in Geography) (Wales) Order 1991 (23)	
The Education (National Curriculum) (Attainment Targets and Programmes of Study in History) (Wales) Regulations 1991 (24)	
The Education (School Curriculum and Related Information) (Wales) Regulations 1991 (25)	In regulation 8(1) for the words “section 58(5) (j) of the 1988 Act” there shall be substituted the words “required by the school’s articles of government to be prepared once in every school year”; and in regulation 9(1) for the words “section 58(2) of the Education Reform Act 1988” there shall be substituted “paragraph 1 of Schedule 11 to the Education Act 1993”.
The Education (National Curriculum) (Attainment Targets and Programmes of	

(18) [S.I.1989/398](#).

(19) [S.I.1989/954](#), to which there are relevant amendments in [S.I.1991/1582](#) and revocations in [S.I.1991/1278](#) and [1992/1089](#).

(20) [S.I.1991/181](#).

(21) [S.I.1989/1261](#); regulation 9(a) was substituted in relation to England by [S.I.1992/1089](#) and in relation to wales by [S.I.1992/1205](#).

(22) [S.I.1991/681](#).

(23) [S.I.1991/751](#).

(24) [S.I.1991/752](#), amended by [S.I.1991/1668](#).

(25) [S.I.1991/1658](#), amended by [S.I.1991/1813](#) and [1993/998](#).

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Instrument	Modification
Study in Geography) (England) (No.2) Order 1991(26)	
The Education (National Curriculum) (Attainment Targets and Programmes of Study in Modern Foreign Languages) Order 1991(27)	
The Education (National Curriculum) (Exceptions in History and Geography at Key Stage 4) Regulation 1992(28)	
The Education (National Curriculum) (Attainment Targets and Programmes of Study in Music) (England) Order 1992(29)	
The Education (National Curriculum) (Attainment Targets and Programme of Study in Art) (England) Order 1992(30)	
The Education (National Curriculum) (Attainment Targets and Programmes of Study in Art) (Wales) Order 1992(31)	
The Education (National Curriculum) (Attainment Targets and Programmes of Study in Music) (Wales) Order 1992(32)	
The Education (National Curriculum) (Assessment Arrangements for English, Mathematics, Science, Technology, History and Geography) (Key Stage 1) Order 1992(33)	
The Education (School Performance Information) (Wales) Order 1992(34)	In regulation 7 for the reference to section 58(5)(j) of the Education Reform Act 1988 there is substituted a reference to the school's articles of government, and in regulation 8 the words "pursuant to section 58(5)(j) of the 1988 Act" are omitted.
The Education (Individual Pupils' Achievements) (Information) (Wales) Regulations 1993(35)	
The Education (School Information) (England) Regulations 1993(36)"	In the definition of "local average figures" there shall be inserted after regulation 3(1) "grant-maintained schools" the words "grant-

(26) [S.I.1991/2562](#).

(27) [S.I.1991/2563](#).

(28) [S.I.1992/156](#).

(29) [S.I.1992/597](#).

(30) [S.I.1992/598](#).

(31) [S.I.1992/757](#).

(32) [S.I.1992/758](#).

(33) [S.I.1992/1857](#).

(34) [S.I.1992/2274](#).

(35) [S.I.1993/835](#).

(36) [S.I.1993/1502](#), to which there are amendments not relevant to regulation 3(1).

Instrument	Modification
The Education (School Performance Information) (England) (No.2) Regulations 1993(37)	maintained special schools (other than those established in a hospital)”
The Education (National Curriculum) (Assessment Arrangements for English, Welsh, Mathematics and Science) (Key Stage 1) (Wales) Order 1993(38)	
The Education (National Curriculum) (Assessment Arrangements for English, Welsh, Mathematics and Science) (Key Stage 3) (Wales) Order 1993(39)	
The Education (Acquisition of Grant-Maintained Status) (Transitional Functions) Regulations 1993(40)	
The Education (Individual Pupils' Achievements) (Information) Regulations 1993(41)	

7th March 1994

John Patten
Secretary of State for Education

10th March 1994

John Redwood
Secretary of State for Wales

(37) [S.I.1993/2077](#).
(38) [S.I.1993/2190](#).
(39) [S.I.1993/2191](#).
(40) [S.I.1993/3072](#).
(41) [S.I.1993/3182](#).