
STATUTORY INSTRUMENTS

1996 No. 951

DEREGULATION

The Deregulation (Length of the School Day) Order 1996

Made - - - - 22nd March 1996

Coming into force - - 5th April 1996

Whereas:

- (a) the Secretary of State for Education and Employment and the Secretary of State for Wales (“the Secretaries of State”) are of the opinion that certain provisions of the Education (No. 2) Act 1986⁽¹⁾ require the imposition of burdens affecting persons in the carrying on of a trade, business, profession or otherwise and that by amending or repealing the provisions concerned and by making certain other provision it is possible to remove or reduce the burdens so imposed without removing any necessary protection;
- (b) the Secretaries of State have consulted such organisations as appear to them to be representative of interests substantially affected by their proposals and such other persons as they consider appropriate;
- (c) it appears to the Secretaries of State that it is appropriate, following that consultation, to proceed with the making of this Order;
- (d) a document setting out their proposals has been laid before Parliament as required by section 3 of the Deregulation and Contracting Out Act 1994⁽²⁾ and the period for Parliamentary consideration under section 4 of that Act has expired;
- (e) a draft of this Order has been approved by resolution of each House of Parliament.

Now, therefore, the Secretary of State for Education and Employment, in respect of England, and the Secretary of State for Wales, in respect of Wales, in exercise of the powers conferred by section 1 of the Deregulation and Contracting Out Act 1994, hereby make the following Order:

1.—(1) This Order may be cited as the Deregulation (Length of the School Day) Order 1996 and shall come into force 14 days after the day on which it is made.

(2) Expressions used in this Order shall have the same meaning as in the Education (No. 2) Act 1986⁽³⁾.

(1) 1986 c. 61.
(2) 1994 c. 40.
(3) 1986 c. 61.

2.—(1) Subject to paragraph (2) below, subsections (2) and (3) (which relate to sessions for county, controlled and maintained special schools) of section 21 of the Education (No. 2) Act 1986(4) are hereby repealed.

(2) Paragraph (1) above shall not have effect in relation to the said subsection (2) as applied by regulation 2 of the Education (Pupil Referral Units) (Application of Enactments) Regulations 1994(5).

3.—(1) The governing body of every county, controlled and maintained special school shall determine the times at which the school session or, if there is more than one, each school session is to begin and end on any day.

(2) Where the governing body propose to make any change in those times, they shall—

- (a) consult the local education authority and the head teacher before taking any of the actions mentioned in sub-paragraphs (b) to (h) below;
- (b) prepare a statement—
 - (i) indicating that they propose to make a change in those times;
 - (ii) specifying the proposed change and when they propose that it should take effect;
 - (iii) drawing attention to any comment on the proposal included as an annex to the statement by virtue of sub-paragraph (c) below and including such response to the comment as they may consider appropriate; and
 - (iv) giving details of the date, time and place of the meeting which they are required to hold by virtue of sub-paragraph (f) below;
- (c) if so required by the local education authority, include as an annex to that statement such written comment on the proposal as the authority may provide for that purpose;
- (d) produce that statement and any annex in such language or languages (in addition to English), if any, as they consider appropriate or as the local education authority may direct;
- (e) take such steps as are reasonably practicable to secure—
 - (i) that the parents of all registered pupils at the school and all persons employed at the school are given (free of charge) a copy of the statement and any annex not less than two weeks before the meeting which the governing body are required to hold by virtue of sub-paragraph (f) below; and
 - (ii) that copies of the statement and any annex are available for inspection (at all reasonable times and free of charge) at the school during the two week period immediately preceding that meeting;
- (f) provide an opportunity for discussion of the proposal at a meeting which is open to—
 - (i) all parents of registered pupils at the school;
 - (ii) the head teacher; and
 - (iii) such other persons as the governing body may invite;
- (g) consider any comments made at the meeting on the proposal before determining whether any change in those times should be made and (if so) whether the proposal should be implemented with or without any modification; and
- (h) not less than three months before any change in those times is to take effect—

(4) Section 21 was substituted by the Education Reform Act 1988 (c. 40), section 115. The functions required to be conferred or imposed by subsection (2), both as substituted by the Education Reform Act and by this Order, have effect in relation to pupil referral units as if conferred or imposed directly by that subsection with the substitution for the reference to the governing body of a reference to the local education authority, and the omission of the words from “and, where the governing body” to the end of the subsection; see S.I.1994/2103.

(5) S.I. 1994/2103.

- (i) inform the local education authority of the change and of when it is to take effect; and
- (ii) take such steps as are reasonably practicable to secure that the parents of all registered pupils at the school are so informed.

(3) No change in the times of a school session shall be made under this Article so as to take effect otherwise than at the beginning of a school year.

(4) The proceedings at any meeting required to be held by virtue of paragraph (2)(f) above shall be under the control of the governing body.

(5) Any question whether any person is to be treated for the purposes of this Article as the parent of a registered pupil at the school shall be determined by the local education authority.

4. Where, in the case of any county, controlled or maintained special school, the times at which the school session or, if there is more than one, each school session is to begin and end on any day are the times determined by the local education authority immediately before the coming into force of section 115 of the Education Reform Act 1988(6), those times shall be treated for the purposes of Article 3 of this Order as determined by the governing body.

5. In the definition of “school session” in section 42(4) of the Education (No. 2) Act 1986 for the words “section 21 of this Act” there shall be substituted the words “Article 3 of the Deregulation (Length of the School Day) Order 1996”.

6. Any provision included in the articles of government for a county, controlled or maintained special school in pursuance of section 21(2) of the Education (No. 2) Act 1986 shall cease to have effect.

21st March 1996

Gillian Shephard
Secretary of State for Education and
Employment

22nd March 1996

William Hague
Secretary of State for Wales

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Education (No. 2) Act 1986 so as to reduce a burden on the governing bodies of county, controlled and maintained special schools in respect of changes to the length of the school day. By virtue of section 21(2) of that Act it was necessary for any proposal by the governing body of such a school to amend the length of the school day to be discussed at the annual parents' meeting. Section 21(2) is repealed by this Order which now imposes the duties regarding such changes, formerly required by that section to be contained in the articles of government, directly on such governing bodies but with the change that such discussion can now take place at a meeting of parents other than the annual parents' meeting.

No change is made in respect of Pupil Referral Units and section 21(2) as applied by the Education (Pupil Referral Units) (Application of Enactments) Regulations 1994 remains in force in relation to such institutions.