STATUTORY INSTRUMENTS

1978 No. 1146

EDUCATION, ENGLAND AND WALES

The Handicapped Pupils and Special Schools (Amendment) Regulations 1978

Made - - -	*2nd August* 1978
Laid before Parliament	*10th August* 1978
Coming into Operation	*1st September* 1978

The Secretary of State for Education and Science, in exercise of the powers conferred by section 33 of the Education Act 1944(**a**) and vested in her(**b**), hereby makes the following Regulations:—

1. These Regulations may be cited as the Handicapped Pupils and Special Schools (Amendment) Regulations 1978 and shall come into operation on 1st September 1978.

2. In these Regulations a reference to the principal Regulations is a reference to the Handicapped Pupils and Special Schools Regulations 1959(**c**), as amended(**d**).

3. For Regulation 16 of the principal Regulations (application of certain provisions of the Schools Regulations 1959) there shall be substituted the following Regulation:—

"**16.** The provisions of regulations 17 and 18 of the Schools Regulations 1959(**e**), as amended(**f**), and of Schedule II thereto (teachers and their employment) shall apply in relation to teachers in special schools, in the case of a special school not maintained by a local education authority, subject to any necessary modifications and except for paragraph 1 of the said schedule."

(**a**) 1944 c. 31. (**b**) S.I. 1964/490; 1970/1536; 1978/274. (**c**) S.I. 1959/365.

(**d**) The amending instruments are not relevant to the subject matter of these Regulations.

(**e**) S.I. 1959/364.

(**f**) The relevant amending instruments are S.I. 1964/1311; 1968/1281; 1971/342; 1978/1144

4. At the end of Regulation 24 of the principal Regulations (teachers in non-maintained special schools) there shall be added the following provision:—

"(3) A person shall be appointed as a teacher where the appointment would constitute his first employment as a qualified teacher or student teacher (within the meaning of the Schools Regulations 1959, as amended) in—

(*a*) a special school not maintained by a local education authority,

(*b*) a school maintained by a local education authority, or

(*c*) a school in respect of which grant is paid under regulation 5 of the Direct Grant Schools Regulations 1959(**a**), as amended(**b**),

only if he has satisfied the Secretary of State of his health and physical capacity for teaching.".

Given under the Official Seal of the Secretary of State for Education and Science on 2nd August 1978.

(L.S.)

Gordon Oakes,

Minister of State,

Authorised by the Secretary of State for Education and Science.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations amend the Handicapped Pupils and Special Schools Regulations 1959.

Regulation 16 of the Regulations of 1959 applies specified provisions of the Schools Regulations 1959. The present Regulations take account of amendments made to the last-mentioned Regulations, in particular, by the Schools (Amendment) Regulations 1978 and, as respects non-maintained special schools, make substantive provision for the Secretary of State to be satisfied of a teacher's health on first appointment.

(**a**) S.I. 1959/1832.

(**b**) The amending instruments are not relevant to the subject matter of these Regulations.

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