



# Education Act 1996

## 1996 CHAPTER 56

### PART X

#### MISCELLANEOUS AND GENERAL

### CHAPTER VI

#### GENERAL

#### *Orders, regulations and directions*

#### **569 Regulations.**

- (1) Any power of the Secretary of State [<sup>F1</sup>or the Welsh Ministers] to make regulations under this Act shall be exercised by statutory instrument.
  - (2) A statutory instrument containing regulations under this Act [<sup>F2</sup>made by the Secretary of State], [<sup>F3</sup>other than one falling within subsection (2A)],<sup>F4</sup>... , shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- [<sup>F5</sup>(2A) A statutory instrument which contains (whether alone or with other provision) regulations under section [<sup>F6</sup>550ZA(3)(f) or 550ZC(7)] may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.]
- [<sup>F7</sup>(2B) A statutory instrument containing regulations under sections [<sup>F8</sup>29(6A),] 332ZC, 332AA, 332BA, 332BB [<sup>F9</sup>, 336, [<sup>F10</sup>397,] 444A ][<sup>F11</sup>, 444B or (unless subsection (2BA) applies) Chapter 5A][<sup>F12</sup>, or under paragraph 6B or 6C of Schedule 1,] made by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- [ A statutory instrument which contains (whether alone or with other provision) <sup>F13</sup>(2BA) regulations made by the Welsh Ministers under both section 562J(4) and section 39(2) of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 may

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not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales.

(2BB) A statutory instrument which contains (whether alone or with other provision) regulations under section 579(3C) may not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales.]

(2C) Paragraphs 33 to 35 of Schedule 11 to the Government of Wales Act 2006 make provision about the National Assembly for Wales procedures that apply to any statutory instrument containing regulations or an order made in exercise of functions conferred upon the Secretary of State or the National Assembly for Wales by this Act that have been transferred to the Welsh Ministers by virtue of paragraph 30 of that Schedule.]

<sup>F14</sup>(3) . . . . .

(4) Regulations under this Act may make different provision for different cases, circumstances or areas and may contain such incidental, supplemental, saving or transitional provisions as the Secretary of State thinks fit [<sup>F15</sup>or the Welsh Ministers think fit].

(5) Without prejudice to the generality of subsection (4), regulations under this Act may make in relation to Wales provision different from that made in relation to England.

(6) Subsection (5) does not apply to regulations under section 579(4).

#### Extent Information

**E1** S. 569 extends to Scotland so far as relating to regulations under s. 493 see s. 583(7).

#### Textual Amendments

- F1** Words in s. 569(1) inserted (E.W.) (10.2.2012) by [Education \(Wales\) Measure 2009 \(nawm 5\)](#), **ss. 8(2), 26(3)** (as amended (5.5.2010) by [S.I. 2010/1148](#), arts. 1, 5(2)); [S.I. 2012/320](#), art. 2(c)
- F2** Words in s. 569(2) inserted (E.W.) (10.2.2012) by [Education \(Wales\) Measure 2009 \(nawm 5\)](#), **ss. 8(3), 26(3)** (as amended (5.5.2010) by [S.I. 2010/1148](#), arts. 1, 5(2)); [S.I. 2012/320](#), art. 2(c)
- F3** Words in s. 569(2) inserted (1.9.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), **ss. 242(2)(a), 269(4)**; [S.I. 2010/303](#), art. 6, Sch. 5 (as amended (26.7.2010) by [S.I. 2010/1891](#), art. 2(2) (with art. 3))
- F4** Words in s. 569(2) repealed (8.1.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(2), **Sch. 18 Pt. 2**
- F5** S. 569(2A) inserted (1.9.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), **ss. 242(2)(b), 269(4)**; [S.I. 2010/303](#), art. 6, Sch. 5 (as amended (26.7.2010) by [S.I. 2010/1891](#), art. 2(2) (with art. 3))
- F6** Words in s. 569(2A) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 2(6), 82(3)**; [S.I. 2012/924](#), art. 2
- F7** S. 569(2B)(2C) inserted (E.W.) (10.2.2012) by [Education \(Wales\) Measure 2009 \(nawm 5\)](#), **ss. 8(4), 26(3)** (as amended (5.5.2010) by [S.I. 2010/1148](#), arts. 1, 5(2)); [S.I. 2012/320](#), art. 2(c)
- F8** Word in s. 569(2B) inserted (E.W.) (5.10.2015) by [Violence against Women, Domestic Abuse and Sexual Violence \(Wales\) Act 2015 \(anaw 3\)](#), **ss. 9(4), 25(3)**; [S.I. 2015/1680](#), art. 2(d)
- F9** Words in s. 569(2B) substituted (3.7.2013) by [The Anti-Social Behaviour Act 2003 \(Amendment to the Education Act 1996\) \(Wales\) Order 2013 \(S.I. 2013/1657\)](#), arts. 1, **2(2)**
- F10** Word in s. 569(2B) inserted (30.4.2021) by [Curriculum and Assessment \(Wales\) Act 2021 \(asc 4\)](#), s. 84(1), **Sch. 2 para. 22(a)** (with savings and transitional provisions in [S.I. 2022/111](#), regs. 1, **3**)

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- F11** Words in s. 569(2B) substituted (1.9.2021) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), **Sch. 1 para. 4(30)(a)(ii)**; S.I. 2021/373, art. 8(j)(x)
- F12** Words in s. 569(2B) inserted (30.4.2021) by Curriculum and Assessment (Wales) Act 2021 (asc 4), s. 84(1), **Sch. 2 para. 22(b)** (with savings and transitional provisions in S.I. 2022/111, regs. 1, 3)
- F13** S. 569(2BA)(2BB) inserted (1.9.2021) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), **Sch. 1 para. 4(30)(b)**; S.I. 2021/373, art. 8(j)(x)
- F14** S. 569(3) repealed (8.1.2007) by Education and Inspections Act 2006 (c. 40), s. 188(2), **Sch. 18 Pt. 2**
- F15** Words in s. 569(4) inserted (E.W.) (10.2.2012) by Education (Wales) Measure 2009 (nawm 5), **ss. 8(5), 26(3)** (as amended (5.5.2010) by S.I. 2010/1148, arts. 1, 5(2)); S.I. 2012/320, art. 2(c)

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**Modifications etc. (not altering text)**

- C1** S. 569 applied by 2010 c. 32, s. 2E(7) (as inserted (1.9.2018) by Children and Social Work Act 2017 (c. 16), **ss. 6(1), 70(2)**; S.I. 2018/497, reg. 4(a))

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**Changes and effects yet to be applied to :**

- s. 569(2B) words omitted by [2018 anaw 2 Sch. 1 para. 4\(30\)\(a\)\(i\)](#)
- s. 569(5)(6) omitted by [2018 anaw 2 Sch. 1 para. 4\(30\)\(c\)](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(2)(ba) substituted for s. 13(2)(aa)(b) by [2022 asc 1 Sch. 4 para. 8\(2\)](#)
- s. 15A(3A) inserted by [2022 asc 1 Sch. 4 para. 8\(3\)](#)
- s. 15B(3)(c) inserted by [2022 asc 1 Sch. 4 para. 8\(4\)](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/1012 art. 12\(1\)Sch. 2 para. 3](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/863 Sch. 2 para. 4](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/865 Sch. 2 para. 3](#)
- s. 17A functions made exercisable concurrently by [S.I. 2016/653 Sch. 3 para. 3](#)
- s. 17A-17D inserted by [2009 c. 22 s. 45](#)
- s. 17B-17D applied by [2009 c. 22 s. 86\(8\)](#)
- s. 457(4)(i)-(iia) repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 457(4)(iii) words repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 508(4) inserted by [2022 asc 1 Sch. 4 para. 8\(7\)](#)
- s. 537AA inserted by [2008 c. 25 Sch. 1 para. 8](#)
- s. 548(7A)(7B) inserted by [2008 c. 25 Sch. 1 para. 9\(5\)](#)
- s. 578(1) words repealed by [2005 c. 18 Sch. 19 Pt. 1](#)