



# Education Act 1997

## 1997 CHAPTER 44

**E+W**

An Act to amend the law relating to education in schools and further education in England and Wales; to make provision for the supervision of the awarding of external academic and vocational qualifications in England, Wales and Northern Ireland; and for connected purposes. [21st March 1997]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### Extent Information

- E1** For the extent of this Act, see s. 58(5)-(7); amendments and repeals of enactments extending to S. and N.I. are co-extensive with those enactments.

### Modifications etc. (not altering text)

- C1** Act: functions transferred (1.7.1999) in relation to specified provisions by [S.I. 1999/672](#), art. 2, [Sch.1](#)  
Act applied (E.W.) (1.6.2001) by [S.I. 2001/1507](#), reg. 2, [Sch. 2 para. 2](#)
- C2** Act applied (1.4.2005) by [Central Sussex College \(Government\) Regulations 2005 \(S.I. 2005/397\)](#),  
[Sch. 2 para. 2](#)
- C3** Act modified (7.4.2005) by [Education Act 2005 \(c. 18\)](#), s. [96\(2\)](#)
- C4** Education Acts modified (*temp.*) (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3),  
[Sch. 6 para. 3\(3\)](#); [S.I. 2007/935](#), art. 5(bb)

## PART I **E+W**

### ASSISTED PLACES SCHEME

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**Textual Amendments**  
F1 S. 1 repealed (1.9.1997) by 1997 c. 59, ss. 6(3), 7(3)(a), **Sch. Pt.I** (with s. 1(3))

**PART II U.K.**

SCHOOL DISCIPLINE

*Responsibility for discipline*

F2 ..... **E+W**

**Textual Amendments**  
F2 Ss. 2-3 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 208(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

F3 ..... **E+W**

**Textual Amendments**  
F3 Ss. 2-3 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 208(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

*Power to restrain pupils*

F4 **Power of members of staff to restrain pupils. U.K.**

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**Textual Amendments**  
F4 S. 4 repealed (1.4.2007 for E., 31.10.2010 for W.) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 18 Pt. 6**; S.I. 2007/935, art. 4(d); S.I. 2010/2543, art. 2(m)

*Detention*

F5 **Detention outside school hours lawful despite absence of parental consent. U.K.**

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**Textual Amendments**

**F5** S. 5 repealed (1.4.2007 for E., 31.10.2010 for W.) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 18 Pt. 6](#); S.I. 2007/935, art. 4(d); S.I. 2010/2543, art. 2(m)

*Exclusion of pupils from school*

**F6** ..... **E+W**

**Textual Amendments**

**F6** Ss. 6-8 repealed (1.9.1999) by [1998 c. 31](#), s. 140(1)(3), [Sch. 30 para. 208\(b\)](#), [Sch.31](#) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), [Sch.1](#)

**F7** ..... **E+W**

**Textual Amendments**

**F7** Ss. 6-8 repealed (1.9.1999) by [1998 c. 31](#), s. 140(1)(3), [Sch. 30 para. 208\(b\)](#), [Sch.31](#) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), [Sch.1](#)

**F8** ..... **E+W**

**Textual Amendments**

**F8** Ss. 6-8 repealed (1.9.1999) by [1998 c. 31](#), s. 140(1)(3), [Sch. 30 para. 208\(b\)](#), [Sch.31](#) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), [Sch.1](#)

*LEA plans*

**F9** **LEA plans relating to children with behavioural difficulties.** **U.K.**

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**Textual Amendments**

**F9** S. 9 repealed (1.3.2005 for E., 1.9.2006 for W.) by [Children Act 2004 \(c. 31\)](#), [Sch. 5 Pt. 1](#); S.I. 2005/394, art. 2(1)(l); S.I. 2006/885, art. 3(b)

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**PART III U.K.**

SCHOOL ADMISSIONS

**CHAPTER I U.K.**

COUNTY AND VOLUNTARY SCHOOLS

*Partially-selective schools*

**F10** ..... **E+W**

**Textual Amendments**  
**F10** Pt. III (ss. 10-14) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 208(c), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

*Children permanently excluded from two or more schools*

**F11** ..... **E+W**

**Textual Amendments**  
**F11** Pt. III (ss. 10-14) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 208(c), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

**F12** ..... **E+W**

**Textual Amendments**  
**F12** Pt. III (ss. 10-14) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 208(c), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

PROSPECTIVE

*Home-school partnership documents*

**F13** ..... **E+W**

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**Textual Amendments**

**F13** Pt. III (ss. 10-14) repealed (1.2.1999 to the extent that it relates to the repeal of s. 13 of the amended Act) by 1998 c. 31, ss. 140(1)(3), Sch. 30 para. 208(c), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(3), **Sch.1 Pt. III**

**CHAPTER II U.K.**

GRANT-MAINTAINED SCHOOLS

**F14** 14 ..... **E+W**

**Textual Amendments**

**F14** Pt. III (ss. 10-14) repealed (1.9.1999) by 1998 c. 31, s.140(1)(3), Sch. 30 para. 208(c), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

**PART IV U.K.**

BASELINE ASSESSMENTS AND PUPILS’ PERFORMANCE

**F15** **CHAPTER I E+W**

BASELINE ASSESSMENTS

**Textual Amendments**

**F15** Pt. IV Ch. I repealed (2.9.2002 for E., 1.9.2011 for W.) by Education Act 2002 (c. 32), ss. 204, 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 4; S.I. 2011/1952, art. 2(1)(2)(a)(c)

**F15** 15 **Introductory E+W**

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**F15** 16 **Adoption of baseline assessment schemes. E+W**

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**F15** 17 **Assessment of pupils in accordance with scheme. E+W**

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**F15** 18 **Regulations for purposes of this Chapter. E+W**

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## CHAPTER II U.K.

### PUPILS' PERFORMANCE

#### 19 **School performance targets.** E+W

- (1) The Secretary of State may by regulations make such provision as the Secretary of State considers appropriate for requiring the governing bodies of maintained schools to secure that annual targets are set in respect of the performance of pupils—
- (a) in public examinations or in assessments for the purposes of the National Curriculum, in the case of pupils of compulsory school age; or
  - (b) in public examinations or in connection with the attainment of other external qualifications, in the case of pupils of any age over that age.
- (2) Regulations under this section may require—
- (a) such targets, and
  - (b) the past performance of pupils in the particular examinations or assessments, or in connection with the attainment of the particular qualifications, to which such targets relate,
- to be published in such manner as is specified in the regulations.

[<sup>F16</sup>(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).]

#### **Textual Amendments**

**F16** S. 19(3) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.213** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

#### 20 **Provision of information about individual pupils' performance.** E+W

After section 537 of the <sup>M1</sup>Education Act 1996 there shall be inserted—

##### **“537A Provision of information about individual pupils' performance.**

- (1) The Secretary of State may by regulations make provision requiring—
- (a) the governing body of every school which is—
    - (i) maintained by a [<sup>F17</sup>local authority], or
    - (ii) a grant-maintained school, or
    - (iii) a special school which is not maintained by a [<sup>F17</sup>local authority], and
  - (b) the proprietor of each independent school,
- to provide to the Secretary of State such individual performance information relating to pupils or former pupils at the school as may be prescribed.
- (2) In this section “individual performance information” means information about the performance of individual pupils (identified in the prescribed manner)—

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- (a) in any assessment made for the purposes of the National Curriculum or in accordance with a baseline assessment scheme (within the meaning of Chapter I of Part IV of the Education Act 1997);
  - (b) in any prescribed public examination;
  - (c) in connection with the attainment of any vocational qualification; or
  - (d) in any such other assessment or examination, or in connection with the attainment of any such other qualification, as may be prescribed.
- (3) The Secretary of State may provide any information received by him by virtue of subsection (1)—
  - (a) to any prescribed body or person, or
  - (b) to any body or person falling within a prescribed category.
- (4) Any body or person holding any individual performance information may provide that information to any body to which this subsection applies; and any body to which this subsection applies—
  - (a) may provide any information received by it under this subsection—
    - (i) to the Secretary of State, or
    - (ii) 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 to any prescribed body such information received by it under this subsection as may be prescribed.
- (5) Subsection (4) applies to 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 the performance of pupils—
  - (a) in any assessment or examination falling within subsection (2)(a), (b) or (d), or
  - (b) in connection with the attainment of any qualification falling within subsection (2)(c) or (d).
- (6) No individual performance 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.
- (7) References in this section to the attainment of a qualification of any description include references to the completion of any module or part of a course leading to any such qualification.”

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#### Textual Amendments

**F17** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 8(2)**

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#### Marginal Citations

**M1** 1996 c. 56.

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**PART V U.K.**

SUPERVISION OF CURRICULUM FOR SCHOOLS AND EXTERNAL QUALIFICATIONS

**CHAPTER I E+W+N.I.**

THE QUALIFICATIONS AND CURRICULUM AUTHORITY

*Establishment of the Authority*

**F1821 The Qualifications and Curriculum Authority. E+W+N.I.**

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**Textual Amendments**

**F18** Ss. 21-26A repealed (1.4.2010 for E., 1.11.2010 for W.) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 12 para. 13, Sch. 16 Pt. 4; S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2(a) (with arts. 3-5)

*Functions of the Authority*

**F1822 General function of Authority to advance education and training. E+W+N.I.**

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**Textual Amendments**

**F18** Ss. 21-26A repealed (1.4.2010 for E., 1.11.2010 for W.) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 12 para. 13, Sch. 16 Pt. 4; S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2(a) (with arts. 3-5)

**F1823 Functions of the Authority in relation to curriculum and assessment. E+W**

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**Textual Amendments**

**F18** Ss. 21-26A repealed (1.4.2010 for E., 1.11.2010 for W.) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 12 para. 13, Sch. 16 Pt. 4; S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2(a) (with arts. 3-5)

**F1824 Functions of the Authority in relation to external vocational and academic qualifications. E+W+N.I.**

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**Textual Amendments**

**F18** Ss. 21-26A repealed (1.4.2010 for E., 1.11.2010 for W.) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 12 para. 13, **Sch. 16 Pt. 4**; S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2(a) (with arts. 3-5)

**F18** **25 Other functions of the Authority.** **E+W**

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**Textual Amendments**

**F18** Ss. 21-26A repealed (1.4.2010 for E., 1.11.2010 for W.) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 12 para. 13, **Sch. 16 Pt. 4**; S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2(a) (with arts. 3-5)

**F18** **26 Supplementary provisions relating to discharge by Authority of their functions.** **E+W+N.I.**

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**Textual Amendments**

**F18** Ss. 21-26A repealed (1.4.2010 for E., 1.11.2010 for W.) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 12 para. 13, **Sch. 16 Pt. 4**; S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2(a) (with arts. 3-5)

**F18** **26A Power of Authority to give directions** **E+W+N.I.**

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**Textual Amendments**

**F18** Ss. 21-26A repealed (1.4.2010 for E., 1.11.2010 for W.) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 12 para. 13, **Sch. 16 Pt. 4**; S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2(a) (with arts. 3-5)

**CHAPTER II** **U.K.**

**[<sup>F19</sup>FUNCTIONS OF THE NATIONAL ASSEMBLY FOR WALES]**

**Textual Amendments**

**F19** Pt. V Ch. II heading substituted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 8** (with art. 7)

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#### Textual Amendments

- F20** S. 27 crossheading omitted (1.4.2006) by virtue of [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 9** (with art. 7)

### **F21** 27 **The Qualifications, Curriculum and Assessment Authority for Wales.** **E+W**

#### Textual Amendments

- F21** S. 27 omitted (1.4.2006) by virtue of [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 9** (with art. 7)

### *Functions of the [F22 National Assembly for Wales]*

#### Textual Amendments

- F22** Words in s. 28 cross-heading substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 10** (with art. 7)

### **28** **General function of [F23 National Assembly for Wales] to advance education and training.** **E+W**

- (1) The functions conferred on the [F24 National Assembly for Wales] by this Part shall be exercised by [F25 the National Assembly for Wales] for the purpose of advancing education and training in Wales.
- (2) [F26 The National Assembly for Wales] shall exercise [F27 its functions] under this Part with a view to promoting quality and coherence in education and training in relation to which [F28 it has] functions under this Part.

#### Textual Amendments

- F23** Words in s. 28 heading substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 10** (with art. 7)
- F24** Words in s. 28(1) substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 11(a)(i)** (with art. 7)
- F25** Words in s. 28(1) substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 11(a)(ii)** (with art. 7)

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- F26** Words in s. 28(2) substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 11(b)(i)** (with art. 7)
- F27** Words in s. 28(2) substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 11(b)(ii)** (with art. 7)
- F28** Words in s. 28(2) substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 11(b)(iii)** (with art. 7)

**29 Functions of the [F29 National Assembly for Wales] in relation to curriculum and assessment. E+W**

- (1) [F30 The National Assembly for Wales] shall have the functions set out in subsection (2) [F31 with respect to—
- (a) pupils at maintained schools in Wales who have not ceased to be of compulsory school age,
  - (b) pupils at maintained nursery schools in Wales, and
  - (c) children for whom funded nursery education is provided in Wales otherwise than at a maintained school or maintained nursery school.]

- (2) The functions are—
- (a) to keep under review all aspects of the curriculum for [F32 maintained schools or maintained nursery schools] and all aspects of school examinations and assessment;
  - [F33](b) .....
  - [F34](c) .....
  - (d) to publish and disseminate, and assist in the publication and dissemination of, information relating to the curriculum for such schools or to school examinations and assessment;
  - (e) to make arrangements with appropriate bodies for auditing the quality of assessments made in pursuance of assessment arrangements; [F35] ...
  - (f) [F35] .....

[F36](2A) In subsection (2) references to the curriculum for a maintained nursery school include references to the curriculum for any funded nursery education provided as mentioned in subsection (1)(c); and references to assessment in schools include references to assessment in funded nursery education.]

- (3) The Authority shall have, in relation to Wales, the function of developing learning goals and related materials for children who are [F37 under compulsory school age.]
- (4) The Authority shall have, in relation to Wales, the following functions in connection with baseline assessment schemes (within the meaning of Chapter I of Part IV), namely—
- (a) if designated by the Secretary of State for the purpose, any function of a designated body under that Chapter; and
  - (b) any other function which may be conferred on the Authority by the Secretary of State.

[F38](5) In this section—  
“assessment” includes examination and test;

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“funded nursery education” has the meaning given by section 98 of the Education Act 2002;

“maintained school” means—

- (a) any community, foundation or voluntary school, and
- (b) any community<sup>F39</sup> ... special school.

- (6) In the definition of “maintained school”, the reference to a community, foundation or voluntary school or to a community<sup>F40</sup> ... special school, is a reference to such a school within the meaning of the School Standards and Framework Act 1998.]

#### Textual Amendments

- F29** Words in s. 29 heading substituted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 12** (with art. 7)
- F30** Words in s. 29(1) substituted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 13(a)** (with art. 7)
- F31** Words in s. 29(1) substituted (19.12.2002) by Education Act 2002 (c. 32), **Sch. 17 para. 5(2)** (with ss. 210(8), 214(4)); S.I. 2002/3185, arts. 2, 4, Sch. Pt. 1
- F32** Words in s. 29(2)(a) substituted (19.12.2002) by Education Act 2002 (c. 32), s. 189, **Sch. 17 para. 5(3)(a)** (with ss. 210(8), 214(4)); S.I. 2002/3185, arts. 2, 4, Sch. Pt. 1
- F33** S. 29(2)(b) omitted (1.4.2006) by virtue of Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 13(b)(i)** (with art. 7)
- F34** S. 29(2)(c) omitted (1.4.2006) by virtue of Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 13(b)(ii)** (with art. 7)
- F35** S. 29(2)(f) and preceding word repealed (19.12.2002) by Education Act 2002 (c. 32), ss. 189, 215(2), Sch. 17 para. 5(3)(b), **Sch. 22 Pt. 2** (with ss. 210(8), 214(4)); S.I. 2002/3185, arts. 2, 4, Sch. Pt. 1
- F36** S. 29(2A) inserted (19.12.2002) by Education Act 2002 (c. 32), s. 189, **Sch. 17 para. 5(4)** (with ss. 210(8), 214(4)); S.I. 2002/3185, arts. 2, 4, Sch. Pt. 1
- F37** Words in s. 29(3) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 215** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F38** S. 29(5)(6) substituted for s. 29(5) (1.11.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(3), **Sch. 12 para. 14**; S.I. 2010/2413, art. 2(a) (with arts. 3-5)
- F39** Words in s. 29(5) omitted (W.) (1.10.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 18(2)(a)**; S.I. 2013/1800, art. 3(j)
- F40** Words in s. 29(6) omitted (W.) (1.10.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 18(2)(b)**; S.I. 2013/1800, art. 3(j)

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

- C5** S. 29 modified (temp.) (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), arts. 1(1), **7(4)** (with art. 7)

### 30 Functions of the <sup>F41</sup>National Assembly for Wales] in relation to <sup>F42</sup>relevant] qualifications **E+W**

- <sup>F43</sup>(1) This section applies for the purposes of the following functions—
- (a) to keep under review all aspects of relevant qualifications;

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- (b) to provide support and advice to any person providing courses leading to relevant qualifications with a view to establishing and maintaining high standards in the provision of such courses;
- (c) to publish and disseminate, and assist in the publication and dissemination of, information relating to relevant qualifications;
- (d) to develop and publish criteria for the recognition of any person who awards or authenticates a relevant qualification;
- (e) to recognise in respect of the award or authentication of a specified relevant qualification or description of relevant qualification, any person who meets such criteria and applies to be so recognised;
- (f) to determine that a specified relevant qualification or description of relevant qualification is to be subject to a requirement of accreditation;
- (g) in respect of relevant qualifications which are subject to that requirement, to develop and publish criteria for the accreditation of particular forms of any such qualifications;
- (h) where a relevant qualification is subject to that requirement, to accredit a particular form of the qualification which meets such criteria and is submitted for accreditation by a person recognised under paragraph (e) in respect of the qualification;
- (i) to publish and disseminate, and assist in the publication and dissemination of, information relating to persons recognised under paragraph (e);
- (j) to make arrangements (whether or not with others) for the development, setting or administration of tests or tasks which fall to be undertaken with a view to obtaining relevant qualifications and which fall within a prescribed description.]

[<sup>F44</sup>(1A) In subsection [<sup>F45</sup>(1)(g)]— “criteria” includes criteria that are to be applied for the purpose of ensuring that the number of different accredited qualifications in similar subject areas or serving similar functions is not excessive; and paragraph [<sup>F46</sup>(h)] of that subsection is to be construed accordingly.]

[<sup>F47</sup>(1B) The functions set out in subsection (1) are exercisable solely by the Welsh Ministers.]

<sup>F48</sup>(1C) .....

<sup>F49</sup>(1D) .....

<sup>F50</sup>(2) .....

[<sup>F51</sup>(3) The Authority shall have, in relation to Wales, the following functions with respect to external qualifications, namely—

- (a) if designated by the Secretary of State for the purpose, to advise the Secretary of State on the exercise of his powers under section 37 (approval of external qualifications); and
- (b) if designated by the Secretary of State for the purpose, to exercise any functions conferred on a designated body by regulations under that section.]

<sup>F52</sup>(4) .....

[<sup>F53</sup>(5) In this Chapter “relevant qualification” means an academic or vocational qualification awarded or authenticated in Wales other than an excluded qualification.

(5A) An excluded qualification is any of the following—

- (a) a foundation degree;

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- (b) a first degree;
- (c) a degree at a higher level.

(5B) For the purposes of subsection (5) a qualification is awarded or authenticated in Wales if there are, or may reasonably be expected to be, persons seeking to obtain the qualification who are, will be or may reasonably be expected to be assessed for those purposes wholly or mainly in Wales.

(5C) In this section and sections 32 to 32C a reference to the award or authentication of a qualification includes a reference to—

- (a) the award or authentication of credits in respect of components of a qualification, and
- (b) the award or authentication of a qualification by a person either alone or jointly with others.]

<sup>F54</sup>(6) .....

#### Textual Amendments

- F41** Words in s. 30 heading substituted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 14** (with art. 7)
- F42** Word in s. 30 heading substituted (1.11.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(3), **Sch. 12 para. 15(8)**; S.I. 2010/2413, art. 2(a) (with arts. 3-5)
- F43** S. 30(1) substituted (1.11.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(3), **Sch. 12 para. 15(2)**; S.I. 2010/2413, art. 2(a) (with arts. 3-5)
- F44** S. 30(1A)-(1C) inserted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 15(b)** (with art. 7)
- F45** Word in s. 30(1A) substituted (1.11.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(3), **Sch. 12 para. 15(3)(a)**; S.I. 2010/2413, art. 2(a) (with arts. 3-5)
- F46** Word in s. 30(1A) substituted (1.11.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(3), **Sch. 12 para. 15(3)(b)**; S.I. 2010/2413, art. 2(a) (with arts. 3-5)
- F47** S. 30(1B) substituted (1.11.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(3), **Sch. 12 para. 15(4)**; S.I. 2010/2413, art. 2(a) (with arts. 3-5)
- F48** S. 30(1C) repealed (1.11.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(3), Sch. 12 para. 15(5), **Sch. 16 Pt. 4**; S.I. 2010/2413, art. 2(a)(b) (with arts. 3-5)
- F49** S. 30(1D) repealed (1.11.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(3), Sch. 12 para. 15(5), **Sch. 16 Pt. 4**; S.I. 2010/2413, art. 2(a)(b) (with arts. 3-5)
- F50** S. 30(2) repealed (1.11.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(3), Sch. 12 para. 15(5), **Sch. 16 Pt. 4**; S.I. 2010/2413, art. 2(a)(b) (with arts. 3-5)
- F51** S. 30(3) repealed (1.4.2001 for W. and otherwise *prosp.*) by 2000 c. 21, ss. 103(4)(c), 153, 154, **Sch. 11**; S.I. 2001/1274, art. 2, **Sch. Pt. I**
- F52** S. 30(4) omitted (1.4.2006) by virtue of Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 15(d)** (with art. 7)
- F53** S. 30(5)-(5C) substituted for s. 30(5) (1.11.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(3), **Sch. 12 para. 15(6)**; S.I. 2010/2413, art. 2(a) (with arts. 3-5)
- F54** S. 30(6) repealed (1.11.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(3), Sch. 12 para. 15(7), **Sch. 16 Pt. 4**; S.I. 2010/2413, art. 2(a)(b) (with arts. 3-5)



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**F55 31 Other functions of the Authority. E+W**

.....

**Textual Amendments**

**F55** S. 31 omitted (1.4.2006) by virtue of Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 16** (with art. 7)

**32 Supplementary provisions relating to discharge by [F56the National Assembly for Wales of its functions] . E+W**

- (1) In carrying out [F57its functions] under this Part [F58the National Assembly for Wales] shall—
- F59**(a) .....
  - F60**(b) .....
  - (c) so far as relevant, have regard to—
    - (i) the requirements of [F61section 99 of the Education Act 2002] (general duties in respect of curriculum),
    - (ii) the [F62reasonable] requirements of industry, commerce, finance and the professions regarding education and training (including required standards of practical competence), and
    - [F63(iii) the reasonable requirements of persons with learning difficulties.]
- (2) In carrying out those functions [F64the National Assembly for Wales] shall in addition have regard to information supplied [F65to it] by [F66Her Majesty’s Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru] or by any body designated by the Secretary of State for the purposes of this section.
- (3) Where in carrying out any of [F67its functions] under this Part [F68the Assembly [F69recognises any person or] accredits]<sup>F70</sup>... any qualification, [F71it may] do so on such terms (including terms as to payment)<sup>F70</sup>... as [F71it may] determine.
- [F72(3A) Where in carrying out those functions [F73the National Assembly for Wales [F74recognises any person or] accredits] any qualification, [F75it may], at the time of [F76recognition or of] accreditation or later, impose such conditions on [F77recognition or] accreditation or continued [F78recognition or] accreditation as [F75it may] determine.]
- (4) Those conditions may in particular include conditions—
- F79**(a) limiting the amount of a fee that can be charged for the award or authentication of, or for the provision of any other service in relation to, the qualification in question;] and
  - F80**(b) requiring rights of entry to premises and to inspect and copy documents so far as necessary for [F81the National Assembly for Wales] —
    - (i) to satisfy [F82itself] that the appropriate standards are being [F83maintained by the recognised person in question in relation to the award or authentication of qualifications generally or in relation to the award or authentication of the qualification in question], or

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(ii) to determine whether to impose a condition falling within paragraph (a) and if so what that condition should be.]

<sup>F84</sup>(4A) .....

<sup>F85</sup>(5) .....

[<sup>F86</sup>(6) In this section “persons with learning difficulties” means—

- (a) children with special educational needs (as defined in section 312 of the Education Act 1996), and
- (b) other persons who—
  - (i) have a significantly greater difficulty in learning than the majority of persons of their age, or
  - (ii) have a disability which either prevents or hinders them from making use of educational facilities of a kind generally provided for persons of their age.

(7) But a person is not to be taken to have a learning difficulty solely because the language (or form of language) in which the person is or will be taught is different from a language (or form of language) which has at any time been spoken in the person's home.]

#### Textual Amendments

- F56** Words in s. 32 heading substituted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 17** (with art. 7)
- F57** Words in s. 32(1) substituted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 18(a)(i)** (with art. 7)
- F58** Words in s. 32(1) substituted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 18(a)(ii)** (with art. 7)
- F59** S. 32(1)(a) omitted (1.4.2006) by virtue of Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 18(a)(iii)** (with art. 7)
- F60** S. 32(1)(b) omitted (1.4.2006) by virtue of Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 18(a)(iii)** (with art. 7)
- F61** Words in s. 32(1)(c)(i) substituted (19.12.2002 for W., 1.3.2003 for E.) by Education Act 2002 (c. 32), s. 216(4), Sch. 21 para. 70 (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 4, Sch. Pt. 1; S.I. 2003/124, art. 2
- F62** Word in s. 32(1)(c)(ii) inserted (1.11.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(3), **Sch. 12 para. 16(2)(a)**; S.I. 2010/2413, art. 2(a) (with arts. 3-5)
- F63** S. 32(1)(c)(iii) substituted (1.11.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(3), **Sch. 12 para. 16(2)(b)**; S.I. 2010/2413, art. 2(a) (with arts. 3-5)
- F64** Words in s. 32(2) substituted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 18(b)(i)** (with art. 7)
- F65** Words in s. 32(2) substituted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 18(b)(ii)** (with art. 7)
- F66** Words in s. 32(2) substituted (1.1.2001) by 2000 c. 21, s. 73(a); S.I. 2000/3230, art. 2, **Sch.**



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- F67** Words in s. 32(3) substituted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 18(c)(i)** (with art. 7)
- F68** Words in s. 32(3) substituted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 18(c)(ii)** (with art. 7)
- F69** Words in s. 32(3) inserted (31.3.2009 for W.) by Education and Skills Act 2008 (c. 25), **ss. 162(7)**, 173(3)(4); S.I. 2009/784, art. 2(a)
- F70** Words in s. 32(3) repealed (19.12.2002) by Education Act 2002 (c. 32), ss. 189, 215(2), Sch. 17 para. 7(2), **Sch. 22 Pt. 2** (with ss. 210(8), 214(4)); S.I. 2002/3185, arts. 2, 4, Sch. Pt. 1
- F71** Words in s. 32(3) substituted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 18(c)(iii)** (with art. 7)
- F72** S. 32(3A) inserted (19.12.2002) by Education Act 2002 (c. 32), s. 189, **Sch. 17 para. 7(3)** (with ss. 210(8), 214(4)); S.I. 2002/3185, arts. 2, 4, Sch. Pt. 1
- F73** Words in s. 32(3A) substituted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 18(d)(i)** (with art. 7)
- F74** Words in s. 32(3A) inserted (31.3.2009 for W.) by Education and Skills Act 2008 (c. 25), **ss. 162(8)(a)**, 173(3)(4); S.I. 2009/784, art. 2(a)
- F75** Words in s. 32(3A) substituted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 18(d)(ii)** (with art. 7)
- F76** Words in s. 32(3A) inserted (31.3.2009 for W.) by Education and Skills Act 2008 (c. 25), **ss. 162(8)(b)**, 173(3)(4); S.I. 2009/784, art. 2(a)
- F77** Words in s. 32(3A) inserted (31.3.2009 for W.) by Education and Skills Act 2008 (c. 25), **ss. 162(8)(c)**, 173(3)(4); S.I. 2009/784, art. 2(a)
- F78** Words in s. 32(3A) inserted (31.3.2009 for W.) by Education and Skills Act 2008 (c. 25), **ss. 162(8)(d)**, 173(3)(4); S.I. 2009/784, art. 2(a)
- F79** S. 32(4)(a) substituted (1.11.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(3), **Sch. 12 para. 16(3)**; S.I. 2010/2413, art. 2(a) (with arts. 3-5)
- F80** S. 32(4)(b) substituted (19.12.2002) by Education Act 2002 (c. 32), s. 189, **Sch. 17 para. 7(4)** (with ss. 210(8), 214(4)); S.I. 2002/3185, arts. 2, 4, Sch. Pt. 1
- F81** Words in s. 32(4)(b) substituted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 18(e)(i)** (with art. 7)
- F82** Word in s. 32(4)(b) substituted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 18(e)(ii)** (with art. 7)
- F83** Words in s. 32(4)(b)(i) substituted (31.3.2009 for W.) by Education and Skills Act 2008 (c. 25), **ss. 162(9)**, 173(3)(4); S.I. 2009/784, art. 2(a)
- F84** S. 32(4A) repealed (1.11.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(3), Sch. 12 para. 16(4), **Sch. 16 Pt. 4**; S.I. 2010/2413, art. 2(a)(b) (with arts. 3-5)
- F85** S. 32(5) omitted (1.4.2006) by virtue of Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 18(g)** (with art. 7)
- F86** S. 32(6)(7) substituted for s. 32(6) (1.11.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(3), **Sch. 12 para. 16(5)**; S.I. 2010/2413, art. 2(a) (with arts. 3-5)

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**[<sup>F87</sup>32ZA] Qualifications functions of Welsh Ministers: co-operation and joint working etc. E+W**

- (1) The Welsh Ministers may co-operate or work jointly with a relevant authority where it is appropriate to do so in connection with the carrying out of any of their qualifications functions.
- (2) The Welsh Ministers may provide information to a relevant authority for the purpose of enabling or facilitating the carrying out of a relevant function of the authority.
- (3) Subject to subsection (4), the Welsh Ministers and any other relevant authority may establish a committee jointly, and any committee so established may establish sub-committees.
- (4) The Welsh Ministers may only exercise the power in subsection (3) if they consider it appropriate to do so for the purpose of the carrying out of any of their qualifications functions.
- (5) In this section a committee established under subsection (3) is referred to as a “joint committee” and a sub-committee established under that subsection is referred to as a “joint sub-committee”.
- (6) A joint committee and a joint sub-committee must include at least one member of staff of the Welsh Assembly Government.
- (7) A joint committee may regulate—
  - (a) its own procedure (including quorum), and
  - (b) the procedure (including quorum) of any sub-committee established by it.
- (8) The validity of proceedings of a joint committee or a joint sub-committee is not affected by—
  - (a) a vacancy, or
  - (b) a defective appointment.
- (9) The Welsh Ministers may delegate any of their qualifications functions to a joint committee to the extent and on the terms that they determine.
- (10) A joint committee may delegate any of its functions to a sub-committee established by it to the extent and on the terms that the joint committee determines.
- (11) The powers of a joint committee under subsection (10) are subject to the power of the Welsh Ministers and any other person with whom they established the joint committee to direct (acting jointly) what the committee may and may not do.
- (12) Nothing in subsection (2)—
  - (a) affects any power to disclose information that exists apart from that subsection, or
  - (b) authorises the disclosure of information in contravention of any provision made by or under any Act which prevents disclosure of the information.
- (13) In this section—
 

“qualifications functions” means functions in connection with relevant qualifications;

“relevant authority” means any person who carries out a function (whether or not in the United Kingdom) which is similar to any of the qualifications functions of the Welsh Ministers;

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“relevant function” means a function which is similar to any of the qualifications functions of the Welsh Ministers.]

**Textual Amendments**

**F87** S. 32ZA inserted (1.11.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(3), Sch. 12 para. 17; S.I. 2010/2413, art. 2(a) (with arts. 3-5)

**[<sup>F88</sup>32A Power of Welsh Ministers to give directions E+W**

[<sup>F89</sup>(1) Subsection (1A) applies if it appears to the Welsh Ministers that a recognised person has failed or is likely to fail to comply with a condition subject to which the recognition has effect.

(1A) The Welsh Ministers may direct the recognised person to take or refrain from taking specified steps with a view to securing compliance with the conditions subject to which the recognition has effect.

(2) Subsection (2A) applies if it appears to the Welsh Ministers that a recognised person who awards or authenticates a qualification accredited by them has failed or is likely to fail to comply with a condition subject to which the accreditation has effect.

(2A) The Welsh Ministers may direct the recognised person to take or refrain from taking specified steps with a view to securing compliance with the conditions subject to which the accreditation has effect.]

(3) It shall be the duty of the recognised person to comply with any direction under this section.

(4) Any direction under this section is enforceable, on the application of the Welsh Ministers, by a mandatory order.

(5) In this section [<sup>F90</sup>and sections [<sup>F91</sup>32AA to] 32C] “recognised person” means a person recognised by the Welsh Ministers.

<sup>F92</sup>(6) . . . . . ]

**Textual Amendments**

**F88** S. 32A substituted (31.3.2009 for W.) by Education and Skills Act 2008 (c. 25), ss. 162(10), 173(3)(4); S.I. 2009/784, art. 2(a)

**F89** Ss. 32A(1)-(2A) substituted for s. 32A(1)-(2) (1.5.2012) by Education Act 2011 (c. 21), ss. 24(2), 82(3); S.I. 2012/924, art. 3

**F90** Words in s. 32A(5) inserted (1.11.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(3), Sch. 12 para. 18(3); S.I. 2010/2413, art. 2(a) (with arts. 3-5)

**F91** Words in s. 32A(5) substituted (1.5.2012) by Education Act 2011 (c. 21), ss. 24(3), 82(3); S.I. 2012/924, art. 3

**F92** S. 32A(6) repealed (1.11.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(3), Sch. 12 para. 18(4), Sch. 16 Pt. 4; S.I. 2010/2413, art. 2(a)(b) (with arts. 3-5)

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### **[<sup>F93</sup>32AA Power of Welsh Ministers to impose monetary penalties** **E+W**

- (1) Subsection (2) applies if it appears to the Welsh Ministers that a recognised person has failed to comply with a condition subject to which the recognition has effect.
- (2) The Welsh Ministers may impose a monetary penalty on the recognised person.
- (3) Subsection (4) applies if it appears to the Welsh Ministers that a recognised person who awards or authenticates a qualification accredited by them has failed to comply with a condition subject to which the accreditation has effect.
- (4) The Welsh Ministers may impose a monetary penalty on the recognised person.
- (5) A “monetary penalty” is a requirement to pay to the Welsh Ministers a penalty of an amount determined by them in accordance with section 32AB.
- (6) Before imposing a monetary penalty on a recognised person, the Welsh Ministers must give notice to the person of their intention to do so.
- (7) The notice must—
  - (a) set out their reasons for proposing to impose the penalty, and
  - (b) specify the period during which, and the way in which, the recognised person may make representations about the proposal.
- (8) The period specified under subsection (7)(b) must not be less than 28 days beginning with the date on which the notice is received.
- (9) The Welsh Ministers must have regard to any representations made by the recognised person during the period specified in the notice in deciding whether to impose a monetary penalty on the person.
- (10) If the Welsh Ministers decide to impose a monetary penalty on the person, they must give the person a notice containing information as to—
  - (a) the grounds for imposing the penalty,
  - (b) how payment may be made,
  - (c) the period within which payment is required to be made (which must not be less than 28 days),
  - (d) rights of appeal,
  - (e) the period within which an appeal may be made, and
  - (f) the consequences of non-payment.

#### **Textual Amendments**

**F93** Ss. 32AA-32AD inserted (1.5.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 24(4)**, 82(3); S.I. 2012/924, art. 3

### **32AB Monetary penalties: amount** **E+W**

- (1) The amount of a monetary penalty imposed on a recognised person under section 32AA must not exceed 10% of the person's turnover.
- (2) The turnover of a person for the purposes of subsection (1) is to be determined in accordance with an order made by the Welsh Ministers.

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- (3) Subject to subsection (1), the amount may be whatever the Welsh Ministers decide is appropriate in all the circumstances of the case.

#### Textual Amendments

**F93** Ss. 32AA-32AD inserted (1.5.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 24(4)**, 82(3); S.I. 2012/924, art. 3

### 32AC Monetary penalties: appeals **E+W**

- (1) A recognised person may appeal to the First-tier Tribunal against—
- a decision to impose a monetary penalty on the person under section 32AA;
  - a decision as to the amount of the penalty.
- (2) An appeal under this section may be made on the grounds—
- that the decision was based on an error of fact;
  - that the decision was wrong in law;
  - that the decision was unreasonable.
- (3) The requirement to pay the penalty is suspended pending the determination of an appeal under this section.
- (4) On an appeal under this section the Tribunal may—
- withdraw the requirement to pay the penalty;
  - confirm that requirement;
  - vary that requirement;
  - take such steps as the Welsh Ministers could take in relation to the failure to comply giving rise to the decision to impose the requirement;
  - remit the decision whether to confirm the requirement to pay the penalty, or any matter relating to that decision, to the Welsh Ministers.

#### Textual Amendments

**F93** Ss. 32AA-32AD inserted (1.5.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 24(4)**, 82(3); S.I. 2012/924, art. 3

### 32AD Monetary penalties: interest and recovery **E+W**

- (1) This section applies if all or part of a monetary penalty imposed on a recognised person is unpaid at the end of the period ending on the applicable date.
- (2) The applicable date is—
- the last date on which the recognised person may make an appeal under section 32AC in respect of the penalty, if no such appeal is made;
  - if an appeal under section 32AC in respect of the penalty is made—
    - the date on which the appeal is determined, or
    - if the appeal is withdrawn before being determined, the date on which the appeal is withdrawn.

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- (3) The unpaid amount of the penalty for the time being carries interest at the rate for the time being specified in section 17 of the Judgments Act 1838 (and does not also carry interest as a judgment debt under that section).
- (4) The total amount of interest imposed under subsection (3) must not exceed the amount of the penalty.
- (5) The Welsh Ministers may recover from the person, as a civil debt due to them, the unpaid amount of the penalty and any unpaid interest.]

#### Textual Amendments

**F93** Ss. 32AA-32AD inserted (1.5.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 24(4)**, 82(3); S.I. 2012/924, art. 3

### [<sup>F94</sup>**32B** Power of Welsh Ministers to withdraw recognition **E+W**]

- (1) Subsection (2) applies if a recognised person has failed to comply with any condition subject to which the recognition has effect.
- [<sup>F95</sup>(2) The Welsh Ministers may withdraw recognition from the recognised person in respect of the award or authentication of—
  - (a) a specified qualification or description of qualification in respect of which the person is recognised, or
  - (b) every qualification or description of qualification in respect of which the person is recognised.]
- (3) Subsection (4) applies if a recognised person who awards or authenticates a qualification accredited by the Welsh Ministers has failed to comply with any condition subject to which the accreditation has effect.
- [<sup>F96</sup>(4) The Welsh Ministers may withdraw recognition from the recognised person in respect of the award or authentication of—
  - (a) the qualification or a specified description of qualification in respect of which the person is recognised, or
  - (b) every qualification or description of qualification in respect of which the person is recognised.]
- (5) Before withdrawing recognition from a recognised person in any respect the Welsh Ministers must give notice to the person of their intention to do so.
- (6) The notice must—
  - (a) set out the Welsh Ministers' reasons for proposing to withdraw recognition from the recognised person in the respect in question, and
  - (b) specify the period during which, and the way in which, the recognised person may make representations about the proposal.
- (7) The Welsh Ministers must have regard to any representations made by the recognised person during the period specified in the notice in deciding whether to withdraw recognition from the person in the respect in question.



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- (8) If the Welsh Ministers decide to withdraw recognition from a recognised person they must give notice to the person of their decision and of the date on which the withdrawal is to take effect.
- (9) At any time before a withdrawal takes effect the Welsh Ministers may vary the date on which it is to take effect by giving further notice to the recognised person.
- (10) The Welsh Ministers must establish arrangements for the review, at the request of a recognised person, of a decision to withdraw recognition under this section.
- (11) The arrangements established under subsection (10) may require or permit the decision on review to be made by a person other than the Welsh Ministers.

#### Textual Amendments

- F94** Ss. 32B, 32C inserted (1.11.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(3), [Sch. 12 para. 19](#); S.I. 2010/2413, art. 2(a) (with arts. 3-5)
- F95** S. 32B(2) substituted (1.5.2012) by [Education Act 2011 \(c. 21\)](#), [ss. 24\(5\)\(a\)](#), 82(3); S.I. 2012/924, art. 3
- F96** S. 32B(4) substituted (1.5.2012) by [Education Act 2011 \(c. 21\)](#), [ss. 24\(5\)\(b\)](#), 82(3); S.I. 2012/924, art. 3

#### <sup>F97</sup> **32BA** Costs recovery **E+W**

- (1) The Welsh Ministers may, by notice, require a recognised person on whom a sanction has been imposed to pay the costs incurred by the Welsh Ministers in relation to imposing the sanction, up to the time it is imposed.
- (2) The references in subsection (1) to imposing a sanction are to—
  - (a) giving a direction under section 32A;
  - (b) imposing a monetary penalty under section 32AA;
  - (c) withdrawing recognition under section 32B.
- (3) “Costs” includes in particular—
  - (a) investigation costs;
  - (b) administration costs;
  - (c) costs of obtaining expert advice (including legal advice).
- (4) A notice given to a recognised person under subsection (1) must contain information as to—
  - (a) the amount required to be paid,
  - (b) how payment may be made,
  - (c) the period within which payment is required to be made (which must not be less than 28 days),
  - (d) rights of appeal,
  - (e) the period within which an appeal may be made, and
  - (f) the consequences of non-payment.
- (5) The person may require the Welsh Ministers to provide a detailed breakdown of the amount specified in the notice.

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#### Textual Amendments

- F94** Ss. 32B, 32C inserted (1.11.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(3), [Sch. 12 para. 19](#); S.I. 2010/2413, art. 2(a) (with arts. 3-5)
- F97** Ss. 32BA-32BC inserted (1.5.2012) by [Education Act 2011 \(c. 21\)](#), [ss. 24\(6\)](#), 82(3); S.I. 2012/924, art. 3

### 32BB Costs recovery: appeals **E+W**

- (1) A recognised person may appeal to the First-tier Tribunal against—
  - (a) a decision under section 32BA(1) to require the person to pay costs;
  - (b) a decision as to the amount of those costs.
- (2) An appeal under this section may be made on the grounds—
  - (a) that the decision was based on an error of fact;
  - (b) that the decision was wrong in law;
  - (c) that the decision was unreasonable.
- (3) The requirement to pay the costs is suspended pending the determination of an appeal under this section.
- (4) On an appeal under this section the Tribunal may—
  - (a) withdraw the requirement to pay the costs;
  - (b) confirm that requirement;
  - (c) vary that requirement;
  - (d) take such steps as the Welsh Ministers could take in relation to the failure to comply giving rise to the decision to impose the requirement;
  - (e) remit the decision whether to confirm the requirement to pay the costs, or any matter relating to that decision, to the Welsh Ministers.

#### Textual Amendments

- F94** Ss. 32B, 32C inserted (1.11.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(3), [Sch. 12 para. 19](#); S.I. 2010/2413, art. 2(a) (with arts. 3-5)
- F97** Ss. 32BA-32BC inserted (1.5.2012) by [Education Act 2011 \(c. 21\)](#), [ss. 24\(6\)](#), 82(3); S.I. 2012/924, art. 3

### 32BC Costs: interest and recovery **E+W**

- (1) This section applies if all or part of an amount of costs that a recognised person is required to pay under section 32BA(1) is unpaid at the end of the period ending on the applicable date.
- (2) The applicable date is—
  - (a) the last date on which the recognised person may make an appeal under section 32BB in respect of the costs, if no such appeal is made;
  - (b) if an appeal under section 32BB in respect of the costs is made—
    - (i) the date on which the appeal is determined, or



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- (ii) if the appeal is withdrawn before being determined, the date on which the appeal is withdrawn.
- (3) The unpaid amount of the costs for the time being carries interest at the rate for the time being specified in section 17 of the Judgments Act 1838 (and does not also carry interest as a judgment debt under that section).
- (4) The total amount of interest imposed under subsection (3) must not exceed the amount of the costs.
- (5) The Welsh Ministers may recover from the person, as a civil debt due to them, the unpaid amount of the costs and any unpaid interest.]

#### Textual Amendments

- F94** Ss. 32B, 32C inserted (1.11.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(3), [Sch. 12 para. 19](#); S.I. 2010/2413, art. 2(a) (with arts. 3-5)
- F97** Ss. 32BA-32BC inserted (1.5.2012) by [Education Act 2011 \(c. 21\)](#), [ss. 24\(6\)](#), 82(3); S.I. 2012/924, art. 3

### 32C Surrender of recognition **E+W**

- (1) A recognised person may give notice to the Welsh Ministers that the person wishes to cease to be recognised in respect of the award or authentication of a specified qualification or description of qualification.
- (2) As soon as reasonably practicable after receipt of a notice under subsection (1) the Welsh Ministers must give notice to the recognised person of the date on which the person is to cease to be recognised in the respect in question (“the surrender date”).
- (3) At any time before the surrender date the Welsh Ministers may vary that date by giving further notice to the recognised person.
- (4) In deciding or varying the surrender date the Welsh Ministers must have regard to the need to avoid prejudicing persons who are seeking, or might reasonably be expected to seek, to obtain the qualification, or a qualification of the description, specified in the notice under subsection (1).]

#### Textual Amendments

- F94** Ss. 32B, 32C inserted (1.11.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(3), [Sch. 12 para. 19](#); S.I. 2010/2413, art. 2(a) (with arts. 3-5)

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### CHAPTER III **E+W+N.I.**

#### PROVISIONS SUPPLEMENTARY TO CHAPTERS I AND II

##### *Dissolution of existing bodies*

**F98 33** **Dissolution of existing bodies.** **E+W**

.....

**Textual Amendments**

**F98** S. 33 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 7**

##### *Transfer of property and staff*

**F99 34** **Transfer of property.** **E+W+N.I.**

.....

**Textual Amendments**

**F99** S. 34 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 7**

**F100 35** **Transfer of staff.** **E+W+N.I.**

.....

**Textual Amendments**

**F100** S. 35 repealed (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 8 para. 8**; S.I. 2012/924, art. 2

##### *Levy on bodies awarding accredited qualifications*

**F101 36** **Levy on bodies awarding qualifications accredited by relevant body.** **E+W**  
**+N.I.**

.....

**Textual Amendments**

**F101** S. 36 repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 12 para. 21**, **Sch. 16 Pt. 4**; S.I. 2010/1151, art. 2, **Sch. 1**

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## CHAPTER IV **U.K.**

### CONTROL OF CERTAIN COURSES LEADING TO EXTERNAL QUALIFICATIONS

#### **F102** 37 Requirement for approval of certain publicly-funded and school courses leading to external qualifications. **E+W**

.....

#### Textual Amendments

**F102** S. 37 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 7

## PART VI **U.K.**

### INSPECTION OF [<sup>F103</sup>LOCAL AUTHORITIES] AND SCHOOL INSPECTIONS

#### Textual Amendments

**F103** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), Sch. 2 para. 8(3)

## CHAPTER I **U.K.**

### INSPECTION OF [<sup>F103</sup>LOCAL AUTHORITIES]

#### **38** Inspection of [<sup>F103</sup>local authorities] . **E+W**

- (1) The Chief Inspector—
- (a) may, and
  - (b) if requested to do so by the Secretary of State, shall, arrange for any [<sup>F17</sup>local authority] to be inspected under this section.

<sup>F104</sup>(2) .....

[<sup>F105</sup>(2A) An inspection of a [<sup>F17</sup>local authority] in Wales under this section shall consist of a review of the way in which the authority are performing—

- [<sup>F106</sup>(a) any education function of theirs;]
- (b) the functions conferred on them under sections 25 and 26 [<sup>F107</sup>of the Children Act 2004] so far as relating to education, training or youth support services (within the meaning of section 123 of the Learning and Skills Act 2000).]

(3) A request by the Secretary of State under this section may relate to one or more [<sup>F103</sup>local authorities], and shall specify both—

- (a) the [<sup>F17</sup>local authority] or authorities concerned, and
- (b) the functions of theirs to which the inspection is to relate.

(4) Before making any such request the Secretary of State shall consult the Chief Inspector as to the matters to be specified in the request in accordance with subsection (3).

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- (5) Any inspection under this section shall be conducted—
- (a) by one of Her Majesty’s Inspectors of Schools in <sup>F108</sup>... Wales, or
  - (b) by any additional inspector authorised under <sup>F109</sup>... [<sup>F110</sup>paragraph 2 of Schedule 2 to [<sup>F111</sup>the Education Act 2005]];
 

but he may be assisted by such other persons (whether or not members of the Chief Inspector’s staff) as the Chief Inspector thinks fit.
- (6) For the purposes of this section a [<sup>F17</sup>local authority] shall provide the Chief Inspector with such information as may be prescribed, and shall do so in such form and—
- (a) within such period following a request made by the Chief Inspector in any prescribed circumstances, or
  - (b) at such other times,
 

as regulations may provide.
- (7) In this section and sections 39 to [<sup>F112</sup>41A] “the Chief Inspector” means—
- <sup>F113</sup>(a) .....
  - (b) in relation to a [<sup>F17</sup>local authority] in Wales, [<sup>F114</sup>Her Majesty’s Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru];
 

and in those sections references to “the inspector” in relation to an inspection under this section are references to the person conducting the inspection.

#### Textual Amendments

- F17** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 8(2)**
- F104** S. 38(2) repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), Sch. 14 para. 22(2), **Sch. 18 Pt. 5**; S.I. 2007/935, art. 5(gg)(ii)
- F105** S. 38(2)(2A) substituted for s. 38(2) (1.4.2005 for E., 31.7.2008 for W.) by [Children Act 2004 \(c. 31\)](#), **ss. 51, 67(7)(e)**; S.I. 2005/394, **art. 2(2)(e)**; S.I. 2008/1904, **art. 2**
- F106** S. 38(2A)(a) substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 8(4)**
- F107** Words in s. 38(2A)(b) inserted (1.4.2008) by [Childcare Act 2006 \(c. 21\)](#), s. 109(2), **Sch. 2 para. 28**; S.I. 2008/17, art. 3(b)
- F108** Words in s. 38(5)(a) repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), Sch. 14 para. 22(3)(a), **Sch. 18 Pt. 5**; S.I. 2007/935, art. 5(gg)(ii)
- F109** Words in s. 38(5)(b) repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), Sch. 14 para. 22(3)(b), **Sch. 18 Pt. 5**; S.I. 2007/935, art. 5(gg)(ii)
- F110** Words in s. 38(5)(b) substituted (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), **Sch. 9 para. 11**; S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1
- F111** Words in s. 38(5)(b) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), **Sch. 14 para. 22(3)(b)**; S.I. 2007/935, art. 5(gg)
- F112** Word in s. 38(7) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), **Sch. 14 para. 22(4)(a)**; S.I. 2007/935, art. 5(gg)
- F113** S. 38(7)(a) repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), Sch. 14 para. 22(4)(b), **Sch. 18 Pt. 5**; S.I. 2007/935, art. 5(gg)(ii)
- F114** Words in s. 38(7)(a) substituted (1.1.2001) by [2000 c. 21](#), **s. 73(a)**; S.I. 2000/3230, art. 2, **Sch.**

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

- C6** S. 38 modified (31.8.2008) by [Childcare Act 2006 \(c. 21\)](#), **ss. 28, 109(2)**; S.I. 2008/17, art. 2(a)

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C7 S. 38(5) applied (E.) (1.9.2005) by Children Act 2004 (Joint Area Reviews) Regulations 2005 (S.I. 2005/1973), reg. 1(1), **Sch. para. 2(a)**

### 39 Reports of inspections under s. 38 and action plan by <sup>F17</sup>local authority **E+W**

- (1) Where an inspection under section 38 has been completed, the inspector shall make a written report on the matters reviewed in the course of the inspection, and shall send copies of the report to—
  - (a) any <sup>F17</sup>local authority] to which the inspection relates; and
  - (b) the Secretary of State.
- (2) Where a <sup>F17</sup>local authority] receive a copy of a report under this section, they shall prepare a written statement of the action which they propose to take in the light of the report and the period within which they propose to take it.
- (3) The authority shall publish—
  - (a) the report, and
  - (b) the statement prepared under subsection (2),within such period, and in such manner, as may be prescribed.
- (4) The Chief Inspector may arrange for any report under this section to be published in such manner as he considers appropriate <sup>F115</sup>; and <sup>F116</sup><sup>F117</sup>... section 29(2) to (4) of <sup>F118</sup> the Education Act 2005 ]] shall apply in relation to the publication of any such report as they apply in relation to the publication of a report under any of the provisions mentioned in <sup>F119</sup><sup>F120</sup>... section 29(2)] .]

#### Textual Amendments

- F17** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), **Sch. 2 para. 8(2)**
- F115** Words in s. 39(4) inserted (1.10.1998) by 1998 c. 31, s. 134(3) (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch.1 Pt. I**
- F116** Words in s. 39(4) repealed (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 14 para. 23(a), **Sch. 18 Pt. 5**; S.I. 2007/935, art. 5(gg)(ii)
- F117** Words in s. 39(4) substituted (1.9.2005 for E., 1.9.2006 for W.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 9 para. 12(a)**; S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1
- F118** Words in s. 39(4) substituted (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 14 para. 23(b)**; S.I. 2007/935, art. 5(gg)
- F119** Words in s. 39(4) repealed (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 14 para. 23(c), **Sch. 18 Pt. 5**; S.I. 2007/935, art. 5(gg)(ii)
- F120** Words in s. 39(4) substituted (1.9.2005 for E., 1.9.2006 for W.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 9 para. 12(b)**; S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1

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

- C8** S. 39: functions of a local education authority made exercisable (E.) (1.4.2002) by authorised persons by Contracting Out (Local Education Authority Functions) (England) Order 2002 (S.I. 2002/928), art. 3, **Sch. 3(j)**

### <sup>F121</sup>40 Inspector's rights of entry etc. **E+W**

- (1) This section applies where a <sup>F17</sup>local authority] are inspected under section 38.

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- (2) The inspector, and any person assisting him, shall have at all reasonable times a right of entry to—
- (a) the premises of the [<sup>F17</sup>local authority],
  - (b) the premises of any school maintained by the authority, and
  - (c) any other premises at which relevant section 19 education is provided, other than premises which are or form part of a private dwelling house but are not a school.
- (3) The inspector, and any person assisting him, shall also have at all reasonable times a right to inspect and take copies of—
- (a) any records kept by, and any other documents containing information relating to, the [<sup>F17</sup>local authority] or any school maintained by the authority, and
  - (b) any records kept by a person who provides relevant section 19 education that relate to the provision of that education, and any other documents containing information that so relates;
- which he considers relevant to the exercise of his functions.
- (4) [<sup>F122</sup>Section 58 of the Education Act 2005] (inspection of computer records) shall apply for the purposes of subsection (3) as it applies for the purposes of Part 1 of that Act.
- (5) Without prejudice to subsections (2) and (3), the [<sup>F17</sup>local authority] and the governing body of any school maintained by the authority—
- (a) shall give the inspector and any person assisting him, all assistance in connection with the exercise of his functions which they are reasonably able to give, and
  - (b) shall secure that all such assistance is also given by persons who work at the school.
- (6) It shall be an offence wilfully to obstruct the inspector or any person assisting him in the exercise of his functions in relation to the inspection.
- (7) A person guilty of an offence under subsection (6) shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (8) In this section—
- “document” and “records” each include information recorded in any form; and
- “relevant section 19 education” means education provided to a child by virtue of arrangements made by the [<sup>F17</sup>local authority] under section 19 of the Education Act 1996 (exceptional provision of education at schools or otherwise).]

#### Textual Amendments

- F17** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 8(2)**
- F121** S. 40 substituted (1.10.2002 except in relation to W. and 19.12.2002 otherwise) by [Education Act 2002 \(c. 32\)](#), **ss. 180, 216**, (with ss. 210(8), 214(4)); [S.I. 2002/2439](#), **art. 3**; [S.I. 2002/3185](#), **art. 4**
- F122** Words in s. 40(4) substituted (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), **Sch. 9 para. 13**; [S.I. 2005/2034](#), art. 4; [S.I. 2006/1338](#), art. 3, Sch. 1

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

- C9** S. 40(2)(3)(5)-(7) applied (E.) (1.9.2005) by [Children Act 2004 \(Joint Area Reviews\) Regulations 2005 \(S.I. 2005/1973\)](#), reg. 1(1), [Sch. para. 2\(a\)](#)

**<sup>F123</sup>41 Inspections involving collaboration of Audit Commission. E+W**

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**Textual Amendments**

- F123** S. 41 repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 14 para. 24](#), [Sch. 18 Pt. 5](#); [S.I. 2007/935](#), art. 5(gg)(ii)

**<sup>F124</sup>41A Inspections involving collaboration of Auditor General for Wales U.K.**

- (1) If requested to do so by the Chief Inspector, the Auditor General for Wales may assist with any inspection under section 38 of a [<sup>F17</sup>local authority] in Wales; and subsections (2) to (5) below have effect where the Auditor General for Wales assists with any such inspection.
- (2) Section 40 shall apply to the Auditor General for Wales and to any authorised person as it applies to the inspector.
- (3) Any information obtained by virtue of section 40 by a person falling within one of the categories mentioned in subsection (4) may be disclosed for the purposes of the inspection, or the preparation or making of the report under section 39(1), to a person falling within the other category.
- (4) Those categories are—
  - (a) the Auditor General for Wales and any authorised person; and
  - (b) the inspector and any person assisting him.
- (5) Any report prepared under section 39(1) shall be prepared by the inspector acting in conjunction with the Auditor General for Wales.
- (6) The Auditor General for Wales shall not provide assistance under this section unless, before he does so, the Chief Inspector has agreed to pay the Auditor General for Wales an amount equal to the full costs incurred by the Auditor General for Wales in providing the assistance.
- (7) In this section “authorised person” means a person authorised by the Auditor General for Wales for the purposes of this section.]

**Textual Amendments**

- F17** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [Sch. 2 para. 8\(2\)](#)
- F124** S. 41A inserted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), s. 73, [Sch. 2 para. 19](#); [S.I. 2005/558](#), art. 2, [Sch. 1](#)



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## CHAPTER II U.K.

### SCHOOL INSPECTIONS

#### <sup>F125</sup>42 **Miscellaneous amendments relating to school inspections.** E+W

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#### **Textual Amendments**

**F125** S. 42 repealed (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 19 Pt. 1](#); [S.I. 2005/2034](#), art. 4; [S.I. 2006/1338](#), art. 3, [Sch. 1](#) (with [Sch. 4 para. 6](#))

## PART VII U.K.

### CAREERS EDUCATION AND GUIDANCE

#### <sup>F126</sup>42A **Provision of careers guidance in schools in England** U.K.

- (1) The responsible authorities for a school in England within subsection (2) must secure that all registered pupils at the school are provided with independent careers guidance during the relevant phase of their education.
- (2) A school is within this subsection if it provides secondary education and is one of the following—
  - (a) a community, foundation or voluntary school;
  - (b) a community or foundation special school (other than one established in a hospital);
  - (c) a pupil referral unit.
- (3) The responsible authorities for a school within subsection (2) are—
  - (a) in the case of a school within subsection (2)(a) or (b), its governing body;
  - (b) in the case of a pupil referral unit, the local authority that maintain it.
- (4) The responsible authorities must secure that careers guidance provided under subsection (1)—
  - (a) is presented in an impartial manner,
  - (b) includes information on options available in respect of 16 to 18 education or training, including apprenticeships, and
  - (c) is guidance that the person giving it considers will promote the best interests of the pupils to whom it is given.
- (5) Careers guidance provided to pupils at a school is independent for the purposes of this section if it is provided other than by—
  - (a) a teacher employed or engaged at the school, or
  - (b) any other person employed at the school.
- (6) For the purposes of this section the relevant phase of a pupil's education is the period—
  - (a) beginning at the same time as the school year in which the majority of pupils in the pupil's class attain the age of 14, and



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- (b) ending with the expiry of the school year in which the majority of pupils in the pupil's class attain the age of 16.

(7) In this section—

“apprenticeship” includes employment and training leading to the issue of an apprenticeship certificate under section 3 or 4 of the Apprenticeships, Skills, Children and Learning Act 2009;

“career” includes undertaking any training, education, employment or occupation;

“careers guidance” means guidance about careers;

“class”, in relation to a pupil, means—

- (a) the teaching group in which the pupil is regularly taught, or
- (b) if the pupil is taught in different groups for different subjects, such one of those groups as is designated by the head teacher of the school or, in the case of a pupil at a pupil referral unit, by the teacher in charge of the unit;

“16 to 18 education or training” means education or training suitable to the requirements of persons who have ceased to be of compulsory school age but have not attained the age of 18;

“training” includes a voluntary or other placement apt to enable the development of any skill or competency (whether or not taking place at a time when the person concerned is still a registered pupil at a school in England).]

#### Textual Amendments

**F126** S. 42A inserted (1.2.2012 for specified purposes, 1.9.2012 in so far as not already in force) by Education Act 2011 (c. 21), ss. 29(2), 82(3); S.I. 2012/84, art. 3; S.I. 2012/1087, art. 3

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

**C10** S. 42A applied (with modifications) (E.) (1.9.2013) by The Careers Guidance in Schools Regulations 2013 (S.I. 2013/709), regs. 1, 2

**C11** S. 42A(4)(b) excluded (E.) (1.9.2013) by The Careers Guidance in Schools Regulations 2013 (S.I. 2013/709), regs. 1, 3

### 43 Provision of careers education in schools [<sup>F127</sup>in Wales] **E+W**

(1) All registered pupils at a school [<sup>F128</sup>in Wales] to which this section applies must be provided, during the relevant phase of their education, with a programme of careers education.

(2) This section applies to—

[<sup>F129</sup>(a) community, foundation and voluntary schools;]

[<sup>F130</sup>(b) .....

[<sup>F131</sup>(c) community <sup>F132</sup>... special schools (other than those established in hospitals);]

[<sup>F133</sup>(d) .....

(e) pupil referral units.

<sup>F134</sup>(2A) .....

<sup>F134</sup>(2B) .....

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- (3) It is the duty of each of the following to secure that subsection (1) <sup>F135</sup>... is complied with, namely—
- (a) in the case of a school falling within subsection (2)(a) to (c), the governing body of the school and its head teacher,
  - <sup>F136</sup>(b) .....
  - (c) in the case of a pupil referral unit, the [<sup>F17</sup>local authority] maintaining the unit and the teacher in charge of it.
- <sup>F137</sup>(4) .....
- (5) For the purposes of this section the relevant phase of a pupil’s education is the period—
- (a) beginning at the same time as the school year in which the majority of pupils in his class attain the age of 14; and
  - (b) ending with the expiry of the school year in which the majority of pupils in his class attain the age of 16.
- (6) In this section—
- “career” includes the undertaking of any training, employment or occupation or any course of education;
  - “careers education” means education designed to prepare persons for taking decisions about their careers and to help them implement such decisions;
  - “class” [<sup>F138</sup>has the same meaning as in section 42A;]
  - <sup>F139</sup> .....
  - <sup>F139</sup> .....

**Textual Amendments**

- F17** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), **Sch. 2 para. 8(2)**
- F127** Words in s. 43 heading inserted (1.9.2012) by Education Act 2011 (c. 21), **ss. 29(3)(g)**, 82(3); S.I. 2012/1087, art. 3
- F128** Words in s. 43(1) inserted (1.9.2012) by Education Act 2011 (c. 21), **ss. 29(3)(a)**, 82(3); S.I. 2012/1087, art. 3
- F129** S. 43(2)(a) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 217(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F130** S. 43(2)(b) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 217(b), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F131** S. 43(2)(c) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 217(c)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F132** Words in s. 43(2)(c) omitted (W.) (1.10.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 18(3)**; S.I. 2013/1800, art. 3(j)
- F133** S. 43(2)(d) omitted (1.9.2012) by virtue of Education Act 2011 (c. 21), **ss. 29(3)(b)**, 82(3); S.I. 2012/1087, art. 3
- F134** S. 43(2A)(2B) omitted (1.9.2012) by virtue of Education Act 2011 (c. 21), **ss. 29(3)(c)**, 82(3); S.I. 2012/1087, art. 3
- F135** Words in s. 43(3) omitted (1.9.2012) by virtue of Education Act 2011 (c. 21), **ss. 29(3)(d)(i)**, 82(3); S.I. 2012/1087, art. 3
- F136** S. 43(3)(b) omitted (1.9.2012) by virtue of Education Act 2011 (c. 21), **ss. 29(3)(d)(ii)**, 82(3); S.I. 2012/1087, art. 3

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- F137** S. 43(4) omitted (1.9.2012) by virtue of Education Act 2011 (c. 21), ss. 29(3)(e), 82(3); S.I. 2012/1087, art. 3
- F138** Words in s. 43(6) substituted (1.9.2012) by Education Act 2011 (c. 21), ss. 29(3)(f)(i), 82(3); S.I. 2012/1087, art. 3
- F139** Words in s. 43(6) omitted (1.9.2012) by virtue of Education Act 2011 (c. 21), ss. 29(3)(f)(ii), 82(3); S.I. 2012/1087, art. 3

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

- C12** Ss. 43, 44 modified (1.8.2001) by S.I. 2001/1987, reg. 2
- C13** S. 43: functions of a local education authority made exercisable (E.) (1.4.2002) by authorised persons by Contracting Out (Local Education Authority Functions) (England) Order 2002 (S.I. 2002/928) art. 3, {Sch. 3(k)}
- C14** S. 43 extended (E.) (1.9.2004) by Education (Extension of Careers Education) (England) Regulations 2003 (S.I. 2003/2645), regs. 1(1), 2

**44 Schools and other institutions [<sup>F140</sup>in Wales] to co-operate with careers advisers. **E+W****

- (1) Where a careers adviser has responsibilities in relation to persons attending an educational institution to which this section applies, he shall on request be provided with—
- the name and address of every relevant pupil or student at the institution; and
  - any information in the institution's possession about any such pupil or student which the careers adviser needs in order to be able to provide him with advice and guidance on decisions about his career or with other information relevant to such decisions.
- (2) If the registered address of a parent of any such pupil is different from the pupil's registered address, subsection (1)(a) requires the parent's address to be provided as well.
- (3) Paragraph (a) or (as the case may be) paragraph (b) of subsection (1) does not, however, apply to any pupil or student to the extent that—
- (where he is under [<sup>F141</sup>the age of 16]) a parent of his, or
  - (where he has attained that age) he himself,
- has indicated that any information falling within that paragraph should not be provided to the careers adviser.
- (4) Where a careers adviser has responsibilities in relation to persons attending an educational institution to which this section applies, he shall on request be permitted to have, in the case of any relevant pupil or student specified by him, access to that person—
- on the institution's premises, and
  - at a reasonable time agreed by or on behalf of the head teacher, principal or other head of the institution,
- for the purpose of enabling him to provide that person with advice and guidance on decisions about his career and with any other information relevant to such decisions.
- (5) Such access shall include an opportunity for the careers adviser to interview that person about his career, if he agrees to be so interviewed.

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- (6) Where a careers adviser has responsibilities in relation to persons attending an educational institution to which this section applies, he shall on request be permitted to have, in the case of any group of relevant pupils or students specified by him, access—
- (a) to that group of persons in the manner specified in subsection (4)(a) and (b), and
  - (b) to such of the institution’s facilities as can conveniently be made available for his use,
- for the purpose of enabling him to provide those persons with group sessions on any matters relating to careers or to advice or guidance about careers.
- (7) Any request made for the purposes of subsection (1), (4) or (6) must be made in writing to the head teacher, principal or other head of the institution in question.
- (8) This section applies to—
- (a) the schools [<sup>F142</sup>in Wales listed in section 43(2)(a) and (c)]; and
  - (b) institutions [<sup>F143</sup>in Wales] within the further education sector.
- [<sup>F144</sup>(9) It is the duty of the each of the following to secure that subsections (1), (4) and (6) are complied with—
- (a) the governing body of the school or institution;
  - (b) its head teacher, principal or other head.]
- (10) For the purposes of this section—
- (a) a pupil at a school [<sup>F145</sup>in Wales] is a relevant pupil—
    - (i) at any time during the period which is the relevant phase of his education for the purposes of section 43, or
    - (ii) if he is over compulsory school age and receiving secondary education; and
  - (b) a person is a relevant student at an institution [<sup>F146</sup>in Wales] within the further education sector if he is receiving at the institution either—
    - (i) full-time education, or
    - (ii) part-time education of a description commonly undergone by persons in order to fit them for employment.
- (11) For the purposes of this section—
- (a) “careers adviser” means a person who is employed by a body providing services in pursuance of arrangements made or directions given under section 10 of the <sup>M2</sup>Employment and Training Act 1973 and who is acting, in the course of his employment by that body, for the purposes of the provision of any such services; and
  - (b) a careers adviser has responsibilities for any persons if his employment by that body includes the provision of any such services for them.
- (12) In this section “career” has the same meaning as in section 43.

#### Textual Amendments

**F140** Words in s. 44 heading inserted (1.9.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 29(4)(f)**, 82(3); [S.I. 2012/1087](#), **art. 3**

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- F141** Words in s. 43(3)(a) substituted (in force for specified purposes on 28.7.2000 and 1.4.2001 for E. and W.) by 2000 c. 21, s. 149, **Sch. 9 para. 72**; S.I. 2001/654, art. 2, **Sch. Pt. I**; S.I. 2001/1274, art. 2, **Sch. Pt. I**
- F142** Words in s. 44(8)(a) substituted (1.9.2012) by Education Act 2011 (c. 21), **ss. 29(4)(a)**, 82(3); S.I. 2012/1087, art. 3
- F143** Words in s. 44(8)(b) inserted (1.9.2012) by Education Act 2011 (c. 21), **ss. 29(4)(b)**, 82(3); S.I. 2012/1087, art. 3
- F144** S. 44(9) substituted (1.9.2012) by Education Act 2011 (c. 21), **ss. 29(4)(c)**, 82(3); S.I. 2012/1087, art. 3
- F145** Words in s. 44(10)(a) inserted (1.9.2012) by Education Act 2011 (c. 21), **ss. 29(4)(d)**, 82(3); S.I. 2012/1087, art. 3
- F146** Words in s. 44(10)(b) inserted (1.9.2012) by Education Act 2011 (c. 21), **ss. 29(4)(e)**, 82(3); S.I. 2012/1087, art. 3

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

- C15** Ss. 43, 44 modified (1.8.2001) by S.I. 2001/1987, **reg. 2**

**Marginal Citations**

- M2** 1973 c. 35.

**45 Provision of careers information at schools and other institutions. E+W**

- (1) Persons attending an educational institution to which this section applies must be provided with access to both—
- (a) guidance materials, and
  - (b) a wide range of up-to-date reference materials, relating to careers education and career opportunities.

- (2) This section applies to—
- (a) the schools [<sup>F147</sup>in Wales listed in section 43(2)(a) and (c)]; and
  - (b) institutions within the further education sector.

<sup>F148</sup> .....

<sup>F149</sup>(2A) .....

<sup>F149</sup>(2B) .....

- [<sup>F150</sup>(3) It is the duty of each of the following to secure that subsection (1) is complied with—
- (a) the governing body of the school or institution;
  - (b) its head teacher, principal or other head.]

- (4) The persons who under subsection (3) above are responsible for discharging that duty in relation to an institution shall seek assistance with discharging it from a body providing services in pursuance of arrangements made or directions given under section 10 of the <sup>M3</sup>Employment and Training Act 1973.

- (5) In this section “career” [<sup>F151</sup>and “careers education”] have the same meaning as in section 43.

- (6) Nothing in this section applies to any primary school.

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#### Textual Amendments

- F147** Words in s. 45(2)(a) substituted (1.9.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 29(5)(a)**, 82(3); S.I. 2012/1087, [art. 3](#)
- F148** Words in s. 45(2) omitted (1.9.2012) by virtue of [Education Act 2011 \(c. 21\)](#), **ss. 29(5)(b)**, 82(3); S.I. 2012/1087, [art. 3](#)
- F149** S. 45(2A)(2B) omitted (1.9.2012) by virtue of [Education Act 2011 \(c. 21\)](#), **ss. 29(5)(c)**, 82(3); S.I. 2012/1087, [art. 3](#)
- F150** S. 45(3) substituted (1.9.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 29(5)(d)**, 82(3); S.I. 2012/1087, [art. 3](#)
- F151** Words in s. 45(5) substituted (1.9.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 29(5)(e)**, 82(3); S.I. 2012/1087, [art. 3](#)

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

- C16** S. 45 modified (1.9.2013) by [The Operation of the Local Curriculum \(Wales\) Regulations 2013 \(S.I. 2013/1793\)](#), **regs. 1(1)**, 3(d), 7(b)

#### Marginal Citations

- M3** 1973 c. 35.

### [<sup>F152</sup>45A Guidance as to discharge of duties]<sup>F153</sup> : schools in England] **U.K.**

- (1) The persons responsible for discharging a relevant duty in relation to a school in England falling within section [<sup>F154</sup>42A(2)] must, in discharging the duty, have regard to any guidance given from time to time by the Secretary of State.
- (2) A “relevant duty” means a duty under [<sup>F155</sup>42A(1) or (4)].

#### Textual Amendments

- F152** S. 45A inserted (1.9.2009) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 81(4)**, 173(4); S.I. 2009/1513, [art. 3](#)
- F153** Words in s. 45A heading inserted (1.9.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 29(6)(c)**, 82(3); S.I. 2012/1087, [art. 3](#)
- F154** Word in s. 45A(1) substituted (1.9.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 29(6)(a)**, 82(3); S.I. 2012/1087, [art. 3](#)
- F155** Words in s. 45A(2) substituted (1.9.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 29(6)(b)**, 82(3); S.I. 2012/1087, [art. 3](#)

### [<sup>F156</sup>45B Provision of curriculum information]<sup>F157</sup> : Wales] **E+W**

- (1) Subject to subsections (2) and (3), a service provider may demand from a person mentioned in subsection (6) such curriculum information as is specified in the demand.
- (2) A service provider must not demand any curriculum information unless the provider reasonably considers that the information would assist it in providing its services.
- (3) A service provider must not demand any curriculum information which identifies, or allows to be identified, any pupil or student.
- (4) A person mentioned in subsection (6) must comply with a demand made under subsection (1) by providing the service provider with the information demanded.

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- (5) A service provider may publish in whatever form it sees fit any curriculum information provided under subsection (4).
- (6) The persons referred to in subsection (1) are—
- (a) the governing body and head teacher of a school in Wales falling within section 43(2)(a); and
  - (b) the governing body and principal of an institution within the further education sector in Wales.
- (7) In this section—
- “curriculum information” means—
    - (a) in relation to a school mentioned in subsection (6)(a), information about the curriculum for registered pupils at the school during the relevant phase of their education; and
    - (b) in relation to an institution within the further education sector, information about the courses of study and other education and training available at the institution;
  - “pupil” means, in relation to a school mentioned in subsection (6)(a), a person receiving education at the school;
  - “relevant phase” has the same meaning as in section 43(5);
  - “service provider” means a person providing services in pursuance of arrangements made with, or directions given by, the Welsh Ministers under section 10 of the Employment and Training Act 1973, and “services” shall be construed accordingly; and
  - “student” means, in relation to an institution within the further education sector, a person receiving education at the institution.]

#### Textual Amendments

**F156** S. 45B inserted (7.12.2009) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), **ss. 45(2)**, 49(2); [S.I. 2009/3174](#), **art. 2(1)(p)**

**F157** Word in s. 45B heading inserted (1.9.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 29(7)**, 82(3); [S.I. 2012/1087](#), **art. 3**

#### 46 Extension or modification of provisions of ss. 43 to 45. **E+W**

- (1) The Secretary of State may by regulations extend the scope of operation of section <sup>[**F158**</sup> 42A, 43 or 44 by substituting for the period specified in section 42A(6), 43(5) or 44(10)(a)(i) ] such other period as is specified.
- (2) The Secretary of State may by regulations make provision for extending the scope of operation of section 43, 44 or 45 to primary schools or to any specified description of such schools.
- <sup>[**F159**</sup>(2A) The Secretary of State may by regulations make provision for requiring—
- (a) the governing bodies of institutions in England within the further education sector, and
  - (b) the principals or other heads of such institutions,
- to secure that careers guidance is provided for any specified description of persons attending such institutions.]



*Status: Point in time view as at 01/10/2013. This version of this Act contains provisions that are prospective.*

*Changes to legislation: Education Act 1997 is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (3) The Secretary of State may by regulations make provision for requiring—
- (a) the governing bodies of institutions [<sup>F160</sup>in Wales ] within the further education sector, and
  - (b) the principals or other heads of such institutions,
- to secure that a programme of careers education is provided for any specified description of persons attending such institutions.
- (4) The Secretary of State may by regulations amend the definition of “careers adviser” set out in section 44(11)(a).
- (5) In this section—
- “careers education” has the same meaning as in section 43;
- [<sup>F161</sup>“careers guidance” has the same meaning as in section 42A;]
- “specified” means specified in the regulations in question.

#### Textual Amendments

- F158** Words in s. 46(1) substituted (1.2.2012 for specified purposes) by [Education Act 2011 \(c. 21\), ss. 29\(8\)\(a\), 82\(3\); S.I. 2012/84, art. 3](#)
- F159** S. 46(2A) inserted (1.2.2012 for specified purposes) by [Education Act 2011 \(c. 21\), ss. 29\(8\)\(b\), 82\(3\); S.I. 2012/84, art. 3](#)
- F160** Words in s. 46(3)(a) inserted (1.2.2012 for specified purposes) by [Education Act 2011 \(c. 21\), ss. 29\(8\)\(c\), 82\(3\); S.I. 2012/84, art. 3](#)
- F161** Words in s. 46(5) inserted (1.2.2012 for specified purposes) by [Education Act 2011 \(c. 21\), ss. 29\(8\)\(d\), 82\(3\); S.I. 2012/84, art. 3](#)

## PART VIII U.K.

### MISCELLANEOUS AND GENERAL

#### *Exceptional educational provision*

#### 47 **Functions of [<sup>F103</sup>local authorities] as regards exceptional educational provision. E+W**

- (1) Section 19 of the <sup>M4</sup>Education Act 1996 (exceptional provision of education in pupil referral units or elsewhere) shall be amended as follows.
- (2) In subsection (1) (duty of [<sup>F17</sup>local authority] to make arrangements for provision of suitable full-time or part-time education, at school or otherwise, for excluded children etc.), the words “full-time or part-time” shall be omitted.
- (3) In subsection (4) (power of [<sup>F17</sup>local authority] to make arrangements for provision of suitable full-time or part-time education, otherwise than at school, for excluded young persons etc.), the words “full-time or part-time” shall be omitted.
- (4) After that subsection there shall be inserted—
 

“(4A) In determining what arrangements to make under subsection (1) or (4) in the case of any child or young person a [<sup>F17</sup>local authority] shall have regard to any guidance given from time to time by the Secretary of State.”



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### Textual Amendments

- F17** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 8(2)**
- F103** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 8(3)**

### Marginal Citations

- M4** 1996 c. 56.

## *Management committees for pupil referral units*

### **48 Management committees for pupil referral units.** **E+W**

At the end of Schedule 1 to the Education Act 1996 (pupil referral units) there shall be added—

#### **Management committees**

- “15 (1) Regulations may make provision—
- (a) for requiring any [<sup>F17</sup>local authority] who maintain a pupil referral unit to establish a committee to act as the management committee for the unit; and
  - (b) for that committee to discharge on behalf of the authority such of their functions in connection with the unit as are delegated by them to the committee in accordance with the regulations.
- (2) Regulations under this paragraph may in particular make provision—
- (a) for enabling a [<sup>F17</sup>local authority] to establish a joint committee to act as the management committee for two or more pupil referral units maintained by the authority;
  - (b) for requiring the approval of the Secretary of State to be obtained before any such joint committee is established;
  - (c) as to the composition of a management committee established under the regulations and—
    - (i) the appointment and removal of its members, and
    - (ii) their terms of office,and in particular for requiring such a committee to include persons representing schools (including grant-maintained schools) situated in the area from which the unit or units in question may be expected to draw pupils;
  - (d) for requiring or (as the case may be) prohibiting the delegation by a [<sup>F17</sup>local authority] to a management committee of such functions in connection with pupil referral units as are specified in the regulations;
  - (e) for authorising a management committee to establish sub-committees;

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- (f) for enabling (subject to any provisions of the regulations) a [<sup>F17</sup>local authority] or a management committee to determine to any extent the committee’s procedure and that of any sub-committee;
- (g) for limiting the personal liability of members of any such committee or sub-committee in respect of their acts or omissions as such members;
- (h) for applying to any such committee or sub-committee, with or without modification—
  - (i) any provision of the Education Acts, or
  - (ii) any provision made by or under any other enactment and relating to committees or (as the case may be) sub-committees of a local authority.”

**Textual Amendments**

**F17** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 8(2)**

*Teachers not under contract of employment and persons having access to those under 19*

<sup>F162</sup>**49** **Power to make regulations: teachers not under contract of employment and persons having access to those under 19.** **E+W**

**Textual Amendments**

**F162** S. 49 repealed (31.3.2003 for W. for specified purposes, 1.6.2003 for E., 2.1.2008 for W. so far as not already in force) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 21 para. 71](#), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); [S.I. 2002/3185](#), art. 5, [Sch. Pt. II](#); [S.I. 2003/1115](#), art. 3; [S.I. 2007/3611](#), art. 4(1), [Sch. Pt. 1](#)

*Costs of teachers’ premature retirement*

<sup>F163</sup>**50** ..... **E+W**

**Textual Amendments**

**F163** S. 50 repealed (1.4.1999) by [1998 c. 31](#), s. 140(1)(3), [Sch. 30 para.218](#), **Sch. 31** (with ss. 138(9), 144(6)); [S.I. 1999/1016](#), art. 2(1), **Sch.1**

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### Definition of “school”

#### 51 Definition of “school”. **E+W**

In section 4 of the Education Act 1996 (definition of “school”), for subsection (1) there shall be substituted—

- “(1) In this Act “school” means an educational institution which is outside the further education sector and the higher education sector and is an institution for providing—
- (a) primary education,
  - (b) secondary education, or
  - (c) both primary and secondary education,
- whether or not the institution also provides part-time education suitable to the requirements of junior pupils or further education.”

### Compulsory school age

#### 52 Commencement of compulsory school age. **E+W**

(1) Section 8 of the <sup>M5</sup>Education Act 1996 (compulsory school age) shall be amended in accordance with subsections (2) and (3).

(2) For subsection (2) there shall be substituted—

- “(2) A person begins to be of compulsory school age—
- (a) when he attains the age of five, if he attains that age on a prescribed day, and
  - (b) otherwise at the beginning of the prescribed day next following his attaining that age.”

(3) For subsection (4) there shall be substituted—

- “(4) The Secretary of State may by order—
- (a) provide that such days in the year as are specified in the order shall be, for each calendar year, prescribed days for the purposes of subsection (2);
  - (b) determine the day in any calendar year which is to be the school leaving date for that year.”

F164(4) .....

F164(5) .....

#### Textual Amendments

**F164** S. 52(4)(5) repealed (1.10.1998) by 1998 c. 31, ss. 140(1)(3), Sch. 30 para.218, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch.1**, Pt. I

#### Commencement Information

**I1** S. 52, as partially repealed, wholly in force at 1.10.1998; s. 52 not in force at Royal Assent see s. 58(3); s. 52(4) in force at 1.9.1997 by S.I. 1997/1468, art. 2, **Sch. 1 Pt. II**; s. 52(1)-(3) in force at 1.8.1998 by S.I. 1998/386, art. 2, **Sch. 1 Pt. III**

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#### Marginal Citations

M5 1996 c. 56.

### *General provisions*

#### 53 Stamp duty. **E+W+N.I.**

- (1) Subject to subsection (2), stamp duty shall not be chargeable in respect of any transfer effected by virtue of section 30 or 34.
- (2) No instrument (other than a statutory instrument) made or executed in pursuance of either of the provisions mentioned in subsection (1) shall be treated as duly stamped unless it is stamped with the duty to which it would, but for this section (and, if applicable, section 129 of the <sup>M6</sup>Finance Act 1982), be liable or it has, in accordance with the provisions of section 12 of the <sup>M7</sup>Stamp Act 1891, been stamped with a particular stamp denoting that it is not chargeable with any duty or that it has been duly stamped.

#### Marginal Citations

M6 1982 c. 39.

M7 1891 c. 39.

#### [<sup>F165</sup>53A. Stamp duty land tax **E+W+N.I.**

- (1) For the purposes of stamp duty land tax, a land transaction effected by virtue of section 30 is exempt from charge.
- (2) Relief under this section must be claimed in a land transaction return or an amendment of such a return.
- (3) In this paragraph—
  - “land transaction” has the meaning given by section 43(1) of the Finance Act 2003;
  - “land transaction return” has the meaning given by section 76(1) of that Act.]

#### Textual Amendments

**F165** S. 53A inserted (1.12.2003) by [The Stamp Duty Land Tax \(Consequential Amendment of Enactments\) Regulations 2003 \(S.I. 2003/2867\)](#), reg. 1, **Sch. para. 26**

#### 54 Orders and regulations. **E+W+N.I.**

- (1) Any power of the Secretary of State to make orders or regulations under this Act <sup>F166</sup>... shall be exercised by statutory instrument.
- (2) A statutory instrument containing any order or regulations under this Act, except an order under section [<sup>F167</sup>32AB(2) or] 58, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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[<sup>F168</sup>(2A) A statutory instrument which contains (whether alone or with other provision) an order under section 32AB(2) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.]

(3) Any order or 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.

(4) Without prejudice to the generality of subsection (3), any order or regulations under this Act may make in relation to Wales provision different from that made in relation to England.

#### Subordinate Legislation Made

- P1** S. 54(3) power partly exercised (3.4.1997): 4.4.1997 appointed for specified provisions by [S.I. 1997/1153](#)  
s. 54(3) power partly exercised (5.6.1997): different dates appointed for specified provisions by [S.I. 1997/1468](#) (with savings and transitional provisions)  
S. 54(3) power partly exercised (24.2.1998): different dates appointed for specified provisions by [S.I. 1998/386](#) (with savings and transitional provisions)

#### Textual Amendments

- F166** Words in s. 54(1) repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009](#) (c. 22), s. 269(4), [Sch. 12 para. 22](#), [Sch. 16 Pt. 4](#); S.I. 2010/1151, art. 2, Sch. 1
- F167** Words in s. 54(2) inserted (1.5.2012) by [Education Act 2011](#) (c. 21), [ss. 24\(7\)\(a\)](#), 82(3); S.I. 2012/924, [art. 3](#)
- F168** S. 54(2A) inserted (1.5.2012) by [Education Act 2011](#) (c. 21), [ss. 24\(7\)\(b\)](#), 82(3); S.I. 2012/924, [art. 3](#)

## 55 Financial provisions. **E+W**

There shall be paid out of money provided by Parliament—

- (a) any sums required for the payment by the Secretary of State of grants under this Act;
- (b) any administrative expenses incurred by the Secretary of State in consequence of this Act; and
- (c) any increase attributable to this Act in the sums so payable under any other Act.

## 56 Construction. **E+W**

(1) In this Act—

“prescribed” means prescribed by regulations; and

“regulations” means regulations made by the Secretary of State under this Act.

(2) This Act shall be construed as one with the <sup>M8</sup>Education Act 1996.

(3) Where, however, an expression is given for the purposes of any provision of this Act a meaning different from that given to it for the purposes of that Act, the meaning given for the purposes of that provision shall apply instead of the one given for the purposes of that Act.

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### Marginal Citations

**M8** 1996 c. 56.

## 57 Minor and consequential amendments, repeals etc. **E+W**

(1) The minor and consequential amendments set out in Schedule 7 shall have effect.

<sup>F169</sup>(2) .....

<sup>F170</sup>(3) .....

(4) The enactments specified in Schedule 8 are repealed to the extent specified.

### Textual Amendments

**F169** S. 57(2) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.220, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(3), **Sch.3**

**F170** S. 57(3) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.220, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(3), **Sch.3**

### Commencement Information

**I2** S. 57 partly in force; S. 57(1) partly in force at Royal Assent see s. 58(4); s. 57(4) in force for certain purposes at 4.4.1997 by S.I. 1997/1153, **art. 2**; s. 57(1)(4) in force for certain purposes at 14.6.1997, 1.9.1997 and 1.10.1997 and s. 57(2)(3) in force at 1.9.1997 by S.I. 1997/1468, **art. 2, Sch. 1, Pts. I, II, III**; s. 57(1)(4) in force for certain purposes at 1.9.2001 by S.I. 2001/1215, **art. 2**

## 58 Short title, commencement and extent etc. **E+W+N.I.**

(1) This Act may be cited as the Education Act 1997.

(2) This Act shall be included in the list of Education Acts set out in section 578 of the <sup>M9</sup>Education Act 1996.

(3) Subject to subsection (4), this Act shall come into force on such day as the Secretary of State may by order appoint, and different days may be appointed for different provisions and for different purposes.

(4) The following provisions come into force on the day on which this Act is passed—

<sup>F171</sup>  
.....

section 54,

paragraph 48(2) of Schedule 7 and section 57(1) so far as relating thereto, and this section.

(5) Subject to subsections (6) and (7), this Act extends to England and Wales only.

(6) The following provisions extend to Northern Ireland—

<sup>F172</sup>  
.....

<sup>F173</sup>  
.....

<sup>F174</sup>  
.....

sections [<sup>F175</sup>35],

section 53,

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section 54,  
this section,  
F176  
.....

(7) The amendment or repeal by this Act of an enactment extending to Scotland or Northern Ireland extends also to Scotland or, as the case may be, Northern Ireland.

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#### Subordinate Legislation Made

- P2** S. 58(3) power partly exercised (3.4.1997): 4.4.1997 appointed for specified provisions by [S.I. 1997/1153](#)  
S. 58(3) power partly exercised (5.6.1997): different dates appointed for specified provisions by [S.I. 1997/1468](#) (with savings and transitional provisions)  
S. 58(3) power partly exercised (24.2.1998): different dates appointed for specified provisions by [S.I. 1998/386](#) (with savings and transitional provisions)
- P3** S. 58(3) power partly exercised (26.3.2001): 1.9.2001 appointed for specified provisions by [S.I. 2001/1215](#), [art. 2](#)

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#### Textual Amendments

- F171** Words in s. 58(4) repealed (1.9.1999) by [1998 c. 31, s. 140\(1\)\(3\), Sch. 30 para.221, Sch. 31](#) (with [ss. 138\(9\), 144\(6\)](#)); [S.I. 1999/2323, art. 2\(1\), Sch.1](#)
- F172** Words in s. 58(6) repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\), s. 269\(4\), Sch. 12 para. 23\(a\)\(i\), Sch. 16 Pt. 4](#); [S.I. 2010/1151, art. 2, Sch. 1](#)
- F173** Words in s. 58(6) repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\), s. 269\(4\), Sch. 12 para. 23\(a\)\(ii\), Sch. 16 Pt. 4](#); [S.I. 2010/1151, art. 2, Sch. 1](#)
- F174** Words in s. 58(6) repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\), s. 269\(4\), Sch. 12 para. 23\(a\)\(iii\), Sch. 16 Pt. 4](#); [S.I. 2010/1151, art. 2, Sch. 1](#)
- F175** Words in s. 58(6) substituted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\), s. 269\(4\), Sch. 12 para. 23\(b\)](#); [S.I. 2010/1151, art. 2, Sch. 1](#)
- F176** Words in s. 58(6) repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\), s. 269\(4\), Sch. 12 para. 23\(a\)\(iv\), Sch. 16 Pt. 4](#); [S.I. 2010/1151, art. 2, Sch. 1](#)

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#### Marginal Citations

- M9** [1996 c. 56.](#)



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## SCHEDULES

### <sup>F177</sup>SCHEDULE 1 **E+W**

#### Textual Amendments

**F177** Sch. 1 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 222(a), **Sch. 31** (with ss. 138(9), 144(6); S.I. 1999/2323, art. 2(1), **Sch.1**)

### <sup>F178</sup>SCHEDULE 2 **E+W**

#### Textual Amendments

**F178** Sch. 2 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 222(a), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**)

### <sup>F179</sup>SCHEDULE 3 **E+W**

#### Textual Amendments

**F179** Sch. 3 repealed (1.2.1999 to the extent that it relates to the repeal of paragraphs 1 and 2 of the Schedule inserted as Schedule 33B to the 1996 Act set out in Sch. 3, and wholly repealed (1.9.1999)) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 222(a), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch.1 Pt. III** and S.I. 1999/2323, art. 2(1), **Sch.1**)

### <sup>F180</sup>SCHEDULE 4 **E+W+N.I.**

Section 21.

#### Textual Amendments

**F180** Sch. 4 repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 12 para. 24, **Sch. 16 Pt. 4**; S.I. 2010/1151, art. 2, Sch. 1

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F181 SCHEDULE 5 E+W

Section 27.

Textual Amendments

F181 Sch. 5 omitted (1.4.2006) by virtue of [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), [Sch. 1 para. 25](#) (with art. 7)

F182 SCHEDULE 6 E+W

Section 42.

Textual Amendments

F182 Sch. 6 repealed (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 19 Pt. 1](#); [S.I. 2005/2034](#), art. 4; [S.I. 2006/1338](#), art. 3, [Sch. 1](#) (with [Sch. 4 para. 6](#))

SCHEDULE 7 U.K.

Section 57(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

*Public Records Act 1958 (c. 51)*

F183<sub>1</sub> .....

Textual Amendments

F183 Sch. 7 para. 1 repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), [Sch. 16 Pt. 4](#); [S.I. 2010/1151](#), art. 2, [Sch. 1](#)

F184 .....

Textual Amendments

F184 Sch. 7 para. 2 and cross-heading repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), [Sch. 16 Pt. 4](#); [S.I. 2010/1151](#), art. 2, [Sch. 1](#)

F184<sub>2</sub> .....

*Superannuation Act 1972 (c. 11)*

3 (1) In Schedule 1 to the Superannuation Act 1972, in the list of Other Bodies (bodies in respect of which there are superannuation schemes)—

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- (a) omit the entries relating to the Curriculum and Assessment Authority for Wales and the School Curriculum and Assessment Authority; <sup>F185</sup> ...
- <sup>F185</sup>(b) .....
- (2) Section 1 of that Act (persons to or in respect of whom benefits may be provided by schemes under that section) shall apply to persons who at any time before the coming into force of section 21 of this Act have ceased to serve in employment with the National Council for Vocational Qualifications.

**Textual Amendments**  
**F185** Sch. 7 para. 3(1)(b) and preceding word repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), **Sch. 16 Pt. 4**; S.I. 2010/1151, art. 2, Sch. 1

**Commencement Information**  
**I3** Sch 7 para. 3 wholly in force at 1.3.1998; Sch. 7 para. 3 not in force at Royal Assent see s. 58(3); Sch. 7 para. 3(1) in force at 1.10.1997 except so far as it omits the entry relating to SCAA by [S.I. 1997/1468, art. 2 Sch. 1 Pt. III](#); Sch. 7 para. 3(1) in force at 1.3.1998 insofar as not already in force and Sch. 7 para. 3(2) in force at 1.3.1998 by [S.I. 1998/386, art. 2, Sch. 1 Pt. I](#)

*House of Commons Disqualification Act 1975 (c. 24)*

- 4 (1) Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (disqualifying offices) shall be amended as follows.
  - (2) Omit the entries relating to the Curriculum and Assessment Authority for Wales and the School Curriculum and Assessment Authority.
  - <sup>F186</sup>(3) .....
  - (4) Omit the entry relating to the National Council for Vocational Qualifications.

**Textual Amendments**  
**F186** Sch. 7 para. 4(3) repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), **Sch. 16 Pt. 4**; S.I. 2010/1151, art. 2, Sch. 1

**Commencement Information**  
**I4** Sch 7 para. 4 wholly in force at 1.3.1998; Sch. 7 para. 4 not in force at Royal Assent see s. 58(3); Sch. 7 para. 4 in force at 1.10.1997 except so far as it omits the entry relating to SCAA by [S.I. 1997/1468, art. 2 Sch. 1 Pt. III](#); Sch. 7 para. 4 in force at 1.3.1998 insofar as not already in force by [S.I. 1998/386, art. 2, Sch. 1 Pt. I](#)

*Local Government Finance Act 1982 (c. 32)*

<sup>F187</sup>5 .....

**Textual Amendments**  
**F187** Sch. 7 para. 5 repealed (11.9.1998) by [1998 c. 18, ss. 54\(3\), 55\(2\)](#), **Sch.5**

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*Changes to legislation:* Education Act 1997 is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

*Finance Act 1991 (c. 31)*

F188<sup>6</sup> .....

**Textual Amendments**

**F188** Sch. 7 para. 6 repealed (27.7.1999 with effect as mentioned in s. 59(3)(b) of the repealing Act) by 1999 c. 16, s. 139, **Sch. 20 Pt. III(15)**

*Charities Act 1993 (c. 10)*

F189<sup>7</sup> .....

**Textual Amendments**

**F189** Sch. 7 para. 7 repealed (14.3.2012) by Charities Act 2011 (c. 25), s. 355, **Sch. 10** (with s. 20(2), Sch. 8)

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

F190<sup>8</sup> .....

**Textual Amendments**

**F190** Sch. 7 para. 8 repealed (1.4.2003 for E.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4

*Education Act 1996 (c. 56)*

9 (1) Section 3 of the Education Act 1996 (definition of pupil etc.) shall be amended as follows.

(2) At the end of subsection (1) insert—

“and references to pupils in the context of the admission of pupils to, or the exclusion of pupils from, a school are references to persons who following their admission will be, or (as the case may be) before their exclusion were, pupils as defined by this subsection.”

(3) F191 .....

**Textual Amendments**

**F191** Sch. 7 para. 9(3) repealed (1.10.2002 for E., 1.9.2003 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2003/1718, art. 5, Sch. Pt. II

10 In section 4(2) of that Act (schools: general)—

(a) for “For” substitute “ Nothing in subsection (1) shall be taken to preclude the making of arrangements under section 19(1) (exceptional educational provision) under which part-time education is to be provided at a school; and for ”; and

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(b) omit “(pupil referral units)”.

11 In section 6(1) of that Act (nursery schools), for “the age of five” substitute “ compulsory school age ”.

12 In section 14(4) of that Act (functions of [F17]local authority] in respect of provision of primary and secondary schools), for “the age of five” substitute “ compulsory school age ”.

**Textual Amendments**

F17 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 8(2)**

13 In section 17(2) of that Act (powers of [F17]local authority] in respect of nursery education), for “the age of five”, in both places, substitute “ compulsory school age ”.

**Textual Amendments**

F17 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 8(2)**

F192 14 .....

**Textual Amendments**

F192 Sch. 7 para. 14 repealed (1.9.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4

F193 15 .....

**Textual Amendments**

F193 Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by [1998 c. 31](#), s. 140(1)(3), [Sch. 30 para.223](#), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

F194 16 .....

**Textual Amendments**

F194 Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by [1998 c. 31](#), s. 140(1)(3), [Sch. 30 para.223](#), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

F195 17 .....

**Textual Amendments**

F195 Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by [1998 c. 31](#), s. 140(1)(3), [Sch. 30 para.223](#), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

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F196<sup>18</sup> .....

**Textual Amendments**

**F196** Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

F197<sup>19</sup> .....

**Textual Amendments**

**F197** Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

F198<sup>20</sup> .....

**Textual Amendments**

**F198** Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

F199<sup>21</sup> .....

**Textual Amendments**

**F199** Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

F200<sup>22</sup> .....

**Textual Amendments**

**F200** Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

23 In section 312(2)(c) of that Act (meaning of “learning difficulty” for the purposes of the Act)—

- (a) for “the age of five” substitute “ compulsory school age ”, and
- (b) omit “or over”.

24 In section 332(1) of that Act (duty of Health Authority or National Health Service Trust to notify parent where child has special educational needs), for “the age of five” substitute “ compulsory school age ”.

F201<sup>25</sup> .....

**Textual Amendments**

**F201** Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

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26 Omit sections 358 to 361 of that Act (provisions about Curriculum Authorities).

#### Commencement Information

- I5** Sch. 7 para. 26 wholly in force at 11.3.1998; Sch.7 para. 26 not in force at Royal Assent see s. 58(3); Sch. 7 para. 26 in force at 1.10.1997 insofar as it omits ss. 360, 361 by [S.I. 1997/1468](#), [art.2](#), [Sch. 1 Pt. III](#) and in force at 1.3.1998 insofar as not already in force by [S.I. 1998/386](#), [art. 2](#), [Sch. 1 Pt. I](#)

27

[<sup>F202</sup>In section 362(7) of that Act (development work and experiments)—

- (a) for “the School Curriculum and Assessment Authority” substitute “ the Qualifications and Curriculum Authority ”; and
- (b) for “the Curriculum and Assessment Authority for Wales” substitute “ the Qualifications, Curriculum and Assessment Authority for Wales ”.]

#### Textual Amendments

- F202** Sch. 7 paras. 27, 28 repealed (1.10.2002 for E. for specified purposes, 20.1.2003 for E in so far as not already in force) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); [S.I. 2002/2439](#), [art. 3](#); [S.I. 2002/2952](#), [art. 2](#)

#### Commencement Information

- I6** Sch. 7 paras. 27, 28 wholly in force at 1.10.1997 see s. 58(3) and [S.I. 1997/1468](#), [arts. 2, 4](#), [Sch. 1 Pt. III](#), [Sch. 2 Pt. II](#) (subject to transitional provisions in [Sch. 2 Pt. II](#))

28

[<sup>F203</sup>In section 368(10) of that Act (procedure for making certain orders and regulations)—

- (a) for “the School Curriculum and Assessment Authority” substitute “ the Qualifications and Curriculum Authority ”; and
- (b) for “the Curriculum and Assessment Authority for Wales” substitute “ the Qualifications, Curriculum and Assessment Authority for Wales ”.]

#### Textual Amendments

- F203** Sch. 7 paras. 27, 28 repealed (1.10.2002 for E. for specified purposes, 20.1.2003 for E in so far as not already in force) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); [S.I. 2002/2439](#), [art. 3](#); [S.I. 2002/2952](#), [art. 2](#)

#### Commencement Information

- I7** Sch. 7 paras. 27, 28 wholly in force at 1.10.1997 see s. 58(3) and [S.I. 1997/1468](#), [arts. 2, 4](#), [Sch. 1 Pt. III](#), [Sch. 2 Pt. II](#) (subject to transitional provisions in [Sch. 2 Pt. II](#))

29 In section 391(10) of that Act (functions of advisory councils)—

- <sup>F204</sup>(a) .....
- (b) for “the Curriculum and Assessment Authority for Wales” substitute “ the Qualifications, Curriculum and Assessment Authority for Wales ”.



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**Textual Amendments**

**F204** Sch. 7 para. 29(a) repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), [Sch. 16 Pt. 4](#); S.I. 2010/1151, art. 2, [Sch. 1](#)

- 30 In section 408 of that Act (provision of information)—
- (a) in subsection (1)(a), after “this Part” insert “ or Part V of the Education Act 1997 ”; and
  - (b) in subsection (4)(f), omit “, 400, 401”.

**Commencement Information**

**I8** Sch. 7 para. 30 wholly in force; Sch. 7 para. 30 not in force at Royal Assent see s. 58(3); Sch. 7 para. 30(a) in force at 1.10.1997 by S.I. 1997/1468, art. 2, [Sch. 1 Pt. III](#); Sch. 7 para. 30(b) in force at 1.9.2001 by S.I. 2001/1215, [art. 2](#)

F205 31 .....

**Textual Amendments**

**F205** Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by [1998 c. 31](#), s. 140(1)(3), [Sch. 30 para.223](#), [Sch. 31](#) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), [Sch.1](#)

F206 32 .....

**Textual Amendments**

**F206** Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by [1998 c. 31](#), s. 140(1)(3), [Sch. 30 para.223](#), [Sch. 31](#) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), [Sch.1](#)

F207 33 .....

**Textual Amendments**

**F207** Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by [1998 c. 31](#), s. 140(1)(3), [Sch. 30 para.223](#), [Sch. 31](#) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), [Sch.1](#)

F208 34 .....

**Textual Amendments**

**F208** Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by [1998 c. 31](#), s. 140(1)(3), [Sch. 30 para.223](#), [Sch. 31](#) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), [Sch. 1](#)

F209 35 .....

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**Textual Amendments**  
**F209** Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch.1

F210<sup>36</sup> .....

**Textual Amendments**  
**F210** Sch. 7 para. 36 repealed (1.4.2003 for E., 9.1.2004 for W.) by Education Act 2002 (c. 32), s. 216(4), Sch. 22 Pt. 3 (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4; S.I. 2003/2961, art. 7, Sch. Pt. IV

37 In section 537(4) of that Act (power of Secretary of State to require information from governing bodies etc.), at the end add “ ; and 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 of such regulations relating to the provision of information to the Secretary of State. ”

38 For the cross-heading “CORPORAL PUNISHMENT” preceding section 548 of that Act substitute—

“ PUNISHMENT AND RESTRAINT OF PUPILS

*Corporal punishment”.*

39 In section 551 of that Act (regulations as to the duration of the school day, etc.), after subsection (1) insert—

“(1A) In subsection (1) the reference to the duration of the school year at any such schools is a reference to the number of school sessions that must be held during any such year.”

F211<sup>40</sup> .....

**Textual Amendments**  
**F211** Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch.1

41 In section 571 of that Act (publication of guidance)—  
(a) in subsection (1) for “of the provisions mentioned in subsection (2) below” substitute “ provision of this Act ”; and  
(b) omit subsection (2).

42 At the end of section 578 of that Act (“the Education Acts”) add—  
“the Education Act 1997.”

43 In section 579(1) of that Act (general interpretation), after the definition of “school day” insert—

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““school year”, in relation to a school, means the period beginning with the first school term to begin after July and ending with the beginning of the first such term to begin after the following July;”.

44 In section 580 of that Act (the index) at the appropriate places insert—  
(in the entry relating to “child”)

“(in Chapter I of Part VI except sections section 411(8)”  
431 to 433)

“school year section 579(1)”.

“wholly based on selection by reference section 411(9)”  
to ability or aptitude (in Chapter I of  
Part VI)

**Commencement Information**

**I9** Sch. 7 para. 44 wholly in force at 1.9.1997; Sch. 7 para. 44 not in force at Royal Assent see s. 58(3); Sch. 7 para. 44 in force at 14.6.1997 to the extent that it inserts the reference to “school year” into section 580 of the 1996 Act and in force at 1.9.1997 insofar as not already in force by [S.I. 1997/1468, art. 2, Sch.1 Pts. I, II](#)

F212 45 .....

**Textual Amendments**

**F212** Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, [Sch. 31](#) (with ss. 138(9), 144(6)); [S.I. 1999/2323, art. 2\(1\), Sch.1](#)

F213 46 .....

**Textual Amendments**

**F213** Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, [Sch. 31](#) (with ss. 138(9), 144(6)); [S.I. 1999/2323, art. 2\(1\), Sch.1](#)

F214 47 .....

**Textual Amendments**

**F214** Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 223, [Sch.31](#) (with ss. 138(9), 144(6)); [S.I. 1999/2323, art. 2\(1\), Sch.1](#)

F215 48 .....

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**Textual Amendments**  
**F215** Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch.1

F216 49 .....

**Textual Amendments**  
**F216** Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch.1

F217 50 .....

**Textual Amendments**  
**F217** Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch.1

*School Inspections Act 1996 (c. 57)*

F218 51 .....

**Textual Amendments**  
**F218** Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch.1

SCHEDULE 8 **U.K.**

Section 57(4).

REPEALS

**Commencement Information**  
**I10** Sch. 8 in force for specified repeals; at 4.4.1997 by S.I. 1997/1153, art. 2 ; at 14.6.1997, 1.9.1997 and 1.10.1997 by S.I. 1997/1468, art. 2, Sch. 1 Pts. I, II ; at 1.3.1998, 1.8.1998 and 1.9.1998 by S.I. 1998/386, art. 2, Sch. 1 Pts. I, III, IV; at 1.9.2001 by S.I. 2001/1215, art. 2

Chapter	Short title	Extent of repeal
1972 c.11.	Superannuation Act 1972.	In Schedule 1, in the list of Other Bodies, the entries relating to the Curriculum and Assessment Authority for Wales and the School Curriculum and Assessment Authority.

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1975 c.24.	House of Commons Disqualification Act 1975.	In Part III of Schedule 1, the entries relating to the Curriculum and Assessment Authority for Wales, the National Council for Vocational Qualifications and the School Curriculum and Assessment Authority.
1996 c.56.	Education Act 1996.	<p>In section 4(2), the words “(pupil referral units)”.</p> <p>In section 19(1) and (4), the words “full-time or part-time”.</p> <p>In section 312(2)(c), the words “or over”.</p> <p>In section 355(5), the definition of “school year” and the “and” preceding it.</p> <p>Sections 358 to 361.</p> <p>Sections 400 and 401.</p> <p>In section 408(4)(f), “, 400, 401”.</p> <p>Section 423(6).</p> <p>In section 479(2), the words “providing secondary education”.</p> <p>Section 571(2).</p> <p>In Schedule 16, in paragraph 15(1), the words from “, including” to “brought,”.</p> <p>In Schedule 23, in paragraph 4(1) “, 400”.</p> <p>Schedules 29 and 30.</p> <p>In Schedule 37, paragraph 17, in paragraph 21 the words in sub-paragraph (1)(a) from “the entry” to “1993) and” and sub-paragraph (1)(b) and the “and” preceding it and sub-paragraph (2), in paragraph 30 sub-paragraphs (1)(a), (2) and (3), and paragraph 120.</p>

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