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*Changes to legislation: School Standards and Framework Act 1998, Cross Heading: Registration of nursery education inspectors for Wales is up to date with all changes known to be in force on or before 29 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)*

## SCHEDULES

### SCHEDULE 26

#### INSPECTION OF NURSERY EDUCATION

##### *Registration of nursery education inspectors [F1 for Wales]*

###### Textual Amendments

**F1** Words in Sch. 26 para. 8 heading inserted (3.10.2005 for E.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 7 para. 13](#) (with s. 119); [S.I. 2005/2034, art. 6](#)

- 8 (1) <sup>F2</sup>... [<sup>F3</sup>Her Majesty's Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru] shall establish and maintain a register of nursery education inspectors for Wales.
- (2) The Chief Inspector [<sup>F4</sup>for Wales]—
- (a) shall give guidance to registered [<sup>F5</sup>Welsh] nursery education inspectors and such other persons as he considers appropriate in connection with inspections under paragraph [<sup>F6</sup>6B] and the making of reports of such inspections, and
- (b) shall keep under review the system of inspections under paragraph [<sup>F6</sup>6B] and, in particular, the standard of such inspections and of the reports made of them.
- (3) The Chief Inspector [<sup>F4</sup>for Wales] shall not register a person under this paragraph unless, having regard to any conditions that he proposes to impose under sub-paragraph [<sup>F7</sup>(5B)], it appears to him that the person—
- (a) is a fit and proper person for discharging the functions of a registered [<sup>F8</sup>Welsh] nursery education inspector, and
- (b) will be capable of conducting inspections under paragraph [<sup>F9</sup>6B] competently and effectively and no person shall be so registered if he falls within a category of persons prescribed for the purposes of this sub-paragraph.
- <sup>F10</sup>(4) Subject to that, the Chief Inspector [<sup>F4</sup>for Wales] shall register such persons as he considers appropriate.
- (5) The factors which the Chief Inspector [<sup>F4</sup>for Wales] may take into account for the purposes of sub-paragraph (4) include the extent to which there is a need for registered inspectors in any part of <sup>F11</sup>... Wales.
- (5A) The Chief Inspector [<sup>F4</sup>for Wales] may require payment of a fee before registering a person under sub-paragraph (4).

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- (5B) Registration under sub-paragraph (4) may be subject to such conditions as the Chief Inspector [<sup>F4</sup>for Wales] considers it appropriate to impose.]
- (6) Conditions imposed under sub-paragraph [<sup>F12</sup>(5B)] may be conditions applying generally in relation to all cases, or particular classes of case, or such conditions together with specific conditions applying in the particular case.
- (7) Where a person is registered subject to conditions imposed under sub-paragraph [<sup>F12</sup>(5B)], he shall be taken to be authorised to act as a [<sup>F13</sup>registered Welsh nursery education inspector] only so far as those conditions permit.
- (8) The period for which any registration is to have effect shall be determined by the Chief Inspector [<sup>F4</sup>for Wales] and shall be entered in the register kept by him.
- <sup>F14</sup>(9) .....

#### Textual Amendments

- F2** Words in Sch. 26 para. 8(1) repealed (3.10.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 7 para. 14\(2\)](#), [Sch. 19 Pt. 1](#) (with s. 119); S.I. 2005/2034, art. 6
- F3** Words in Sch. 26 para. 8(1) substituted (W.) (1.1.2001) by [2000 c. 21](#), s. 73(3)(a); S.I. 2000/3230, art. 2, [Sch.](#)
- F4** Words in Sch. 26 para. 8(2)-(8) inserted (3.10.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 7 para. 14\(3\)](#) (with s. 119); S.I. 2005/2034, art. 6
- F5** Word in Sch. 26 para. 8(2)(a) inserted (3.10.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 7 para. 14\(4\)\(b\)](#) (with s. 119); S.I. 2005/2034, art. 6
- F6** Word in Sch. 26 para. 8(2) substituted (3.10.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 7 para. 14\(4\)\(a\)](#) (with s. 119); S.I. 2005/2034, art. 6
- F7** Words in Sch. 26 para. 8(3) substituted (2.9.2002 for E., 1.9.2004 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 14 para. 2\(2\)](#) (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 4; S.I. 2004/1728, art. 5, [Sch. Pt. 2](#)
- F8** Word in Sch. 26 para. 8(3)(a) inserted (3.10.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 7 para. 14\(5\)\(a\)](#) (with s. 119); S.I. 2005/2034, art. 6
- F9** Word in Sch. 26 para. 8(3)(b) substituted (3.10.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 7 para. 14\(5\)\(b\)](#) (with s. 119); S.I. 2005/2034, art. 6
- F10** Sch. 26 para. 8(4)-(5B) substituted (2.9.2002 for E., 1.9.2004 for W.) for Sch. 26 para. 8(4)(5) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 14 para. 2\(3\)](#) (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 4; S.I. 2004/1728, art. 5, [Sch. Pt. 2](#)
- F11** Words in Sch. 26 para. 8(5) repealed (3.10.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 7 para. 14\(6\)](#), [Sch. 19 Pt. 1](#) (with s. 119); S.I. 2005/2034, art. 6
- F12** Word in Sch. 26 para. 8(6)(7) substituted (2.9.2002 for E., 1.9.2004 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 14 para. 2\(4\)](#) (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 4; S.I. 2004/1728, art. 5, [Sch. Pt. 2](#)
- F13** Words in Sch. 26 para. 8(7) substituted (3.10.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 7 para. 14\(7\)](#) (with s. 119); S.I. 2005/2034, art. 6
- F14** Sch. 26 para. 8(9) repealed (1.10.2002 for E., 31.5.2005 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. 2005/1395, art. 4, [Sch.](#)

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

- C1** Sch. 26 para. 8(2)-(9) applied (with modifications) (in force at 16.3.2001 for specified purposes and otherwise 2.9.2002 for E., 1.7.2001 for specified purposes and otherwise 1.4.2002 for W.) by [1989 c. 41](#), s. 79P(3) (as inserted (in force at 16.3.2001 for specified purposes and otherwise 2.9.2002 for E., 1.7.2001

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for specified purposes and otherwise 1.4.2002 for W.) by 2000 c. 14, ss. 79(1), 122); S.I. 2001/1210, art. 2(a); S.I. 2001/2190, art. 2(1), Sch.; S.I. 2002/920, arts. 2, 3 (subject to Schs. 1-3); S.I. 2002/2215, arts. 2, 3

- 9 (1) If the Chief Inspector [<sup>F15</sup>for Wales] is satisfied that any of the conditions mentioned in sub-paragraph (2) is satisfied with respect to a nursery education inspector registered in his register, he may remove the name of that inspector from that register.
- (2) The conditions are that—
- (a) he is no longer a fit and proper person for discharging the functions of a registered [<sup>F16</sup>Welsh] nursery education inspector under paragraph [<sup>F17</sup>6B],
  - (b) he is no longer capable of conducting inspections under that paragraph competently and effectively,
  - (c) there has been a significant failure on his part to comply with any condition imposed under [<sup>F18</sup>paragraph 8(5B)] subject to which his registration has effect,
  - (d) he has, without reasonable explanation, produced a report of an inspection under paragraph [<sup>F19</sup>6B] which is, in whole or in part, seriously misleading.
- (3) The Chief Inspector [<sup>F20</sup>for Wales] may vary any condition subject to which the registration of an inspector has effect, or vary the registration of an inspector by imposing a condition subject to which it will have effect, if he is satisfied—
- (a) that he is authorised by sub-paragraph (1) to remove the name of the inspector from his register, or
  - (b) that it would otherwise be in the public interest for him to do so.
- (4) References in this Schedule to a condition imposed under [<sup>F21</sup>paragraph 8(5B)] include a condition imposed under sub-paragraph (3).

<sup>F22</sup>(5) .....

#### Textual Amendments

- F15** Words in Sch. 26 para. 9(1) inserted (3.10.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 7 para. 15(2)** (with s. 119); S.I. 2005/2034, art. 6
- F16** Word in Sch. 26 para. 9(2)(a) inserted (3.10.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 7 para. 15(3)(a)** (with s. 119); S.I. 2005/2034, art. 6
- F17** Word in Sch. 26 para. 9(2)(a) substituted (3.10.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 7 para. 15(3)(b)** (with s. 119); S.I. 2005/2034, art. 6
- F18** Words in Sch. 26 para. 9(2)(c) substituted (2.9.2002 for E., 1.9.2004 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 14 para. 3** (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 4; S.I. 2004/1728, art. 5, Sch. Pt. 2
- F19** Word in Sch. 26 para. 9(2)(d) substituted (3.10.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 7 para. 15(3)(b)** (with s. 119); S.I. 2005/2034, art. 6
- F20** Words in Sch. 26 para. 9(3) inserted (3.10.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 7 para. 15(4)** (with s. 119); S.I. 2005/2034, art. 6
- F21** Words in Sch. 26 para. 9(4) substituted (2.9.2002 for E., 1.9.2004 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 14 para. 3** (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 4; S.I. 2004/1728, art. 5, Sch. Pt. 2
- F22** Sch. 26 para. 9(5) repealed (3.10.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), Sch. 7 para. 15(5), **Sch. 19 Pt. 1** (with s. 119); S.I. 2005/2034, art. 6

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

**C2** Sch. 26 para. 9(1)-(4) applied (with modifications) (in force at 16.3.2001 for specified purposes and otherwise 2.9.2002 for E., 1.7.2001 for specified purposes and otherwise 1.4.2002 for W.) by 1989 c. 41, s. 79P(3) (as inserted (in force at 16.3.2001 for specified purposes and otherwise 2.9.2002 for E., 1.7.2001 for specified purposes and otherwise 1.4.2002 for W.) by 2000 c. 14, ss. 79(1), 122); S.I. 2001/1210, art. 2(a); S.I. 2001/2190, art. 2(1), Sch.; S.I. 2002/920, arts. 2, 3 (subject to Schs. 1-3); S.I. 2002/2215, arts. 2, 3

- 10 (1) Any person who is aggrieved by—
- (a) the refusal of the Chief Inspector [<sup>F23</sup>for Wales] to renew his registration under paragraph 8,
  - (b) the imposition or variation of any condition subject to which he is registered under that paragraph, or
  - (c) the removal of his name from the register under paragraph 9,
- may appeal against the Chief Inspector’s decision.

<sup>F24</sup>(1A) . . . . .

[<sup>F25</sup>(2) An appeal under sub-paragraph (1) shall be made to a tribunal with the same constitution as a tribunal to hear an appeal under section 27 of the Education Act 2005; and paragraph 2 (procedure) and paragraph 3 (staff) of Schedule 3 to that Act apply to tribunals to hear appeals under sub-paragraph (1) as they apply to tribunals to hear appeals under that section.]

- (3) No decision against which an appeal may be made under sub-paragraph (1) shall have effect until—
- (a) any appeal against it which is duly made is disposed of, or
  - (b) the period within which an appeal may be made expires without an appeal being made.
- (4) Sub-paragraph (3) shall not apply where the Chief Inspector [<sup>F26</sup>for Wales]—
- (a) is satisfied that the circumstances of the case justify the decision in question taking effect immediately or earlier than would otherwise be the case, and
  - (b) notifies the person concerned to that effect.
- (5) On determining any appeal under this paragraph, the tribunal may—
- (a) confirm, reverse or vary the decision appealed against, or
  - (b) remit the case to the Chief Inspector [<sup>F26</sup>for Wales] with directions as to the action to be taken by him.

#### Textual Amendments

- F23** Words in Sch. 26 para. 10(1) inserted (3.10.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), Sch. 7 para. 16(2) (with s. 119); S.I. 2005/2034, art. 6
- F24** Sch. 26 para. 10(1A) repealed (3.10.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), Sch. 7 para. 16(3), Sch. 19 Pt. 1 (with s. 119); S.I. 2005/2034, art. 6
- F25** Sch. 26 para. 10(2) substituted (3.10.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), Sch. 7 para. 16(4) (with s. 119); S.I. 2005/2034, art. 6
- F26** Words in Sch. 26 para. 10(4)(5) inserted (3.10.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), Sch. 7 para. 16(5) (with s. 119); S.I. 2005/2034, art. 6

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- C3** Sch. 26 para. 10 applied (with modifications) (in force at 16.3.2001 for specified purposes and otherwise 2.9.2002 for E., 1.7.2001 for specified purposes and otherwise 1.4.2002 for W.) by 1989 c. 41, s. 79P(3) (as inserted (in force at 16.3.2001 for specified purposes and otherwise 2.9.2002 for E., 1.7.2001 for specified purposes and otherwise 1.4.2002 for W.) by 2000 c. 14, ss. 79(1), 122); S.I. 2001/1210, art. 2(a); S.I. 2001/2190, art. 2(1), Sch.; S.I. 2002/920, arts. 2, 3 (subject to Schs. 1-3); S.I. 2002/2215, arts. 2, 3

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