
STATUTORY INSTRUMENTS

2010 No. 2327

EDUCATION, ENGLAND

The Education (Prescribed Public Examinations) (England) Regulations 2010

Made - - - - *19th September 2010*
Laid before Parliament *24th September 2010*
Coming into force - - *1st January 2011*

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by sections 402(1), (3) and (5), 451(4)(a), 453(1) and 454(1)(b) and (3)(b) of the Education Act 1996(1).

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Prescribed Public Examinations) (England) Regulations 2010 and come into force on 1st January 2011.

(2) These Regulations apply in relation to maintained schools in England only.

Prescribed public examinations

2.—(1) A public examination is prescribed for the purposes of the provisions of the Education Act 1996 set out in paragraph (2) if it is for a qualification that—

- (a) falls within paragraph (3); and
- (b) is approved for the purposes of section 96 of the Learning and Skills Act 2000(2) (qualifications for persons under 19).

(2) The provisions of the Education Act 1996 referred to in paragraph (1) are—

- (a) section 402(1), (3) and (5) (obligation to enter pupils for public examinations);
- (b) section 451(4)(a) (prohibition of charges for provision of education);
- (c) section 453(1) (examinations: prohibition of charges and recovery of wasted fees); and
- (d) section 454(1)(b) and (3)(b) (prohibition of incidental charges).

(1) 1996 c. 56. See section 579(1) for the definitions of “prescribed” and “regulations”. For the purposes of Chapter 3 (charges in connection with education at maintained schools) references to a prescribed public examination are to be construed in accordance with section 462(4) and (5).

(2) 2000 c. 21; amended by section 159 of the Education and Skills Act 2008 (c. 25). Approvals for the purposes of section 96 of the Learning and Skills Act 2000 are given by the Secretary of State under section 98 of that Act.

- (3) The qualifications in this paragraph are—
- (a) Advanced Extension Award;
 - (b) an award, certificate or diploma in the Qualifications and Credit Framework;
 - (c) Asset Languages qualification;
 - (d) Cambridge International Certificate;
 - (e) Cambridge Pre-University qualification;
 - (f) Diploma;
 - (g) Entry Level qualification;
 - (h) Extended Project qualification;
 - (i) Free-Standing Mathematics qualification;
 - (j) Functional Skills qualification;
 - (k) General Certificate of Education Advanced level (Advanced Subsidiary level and Advanced level);
 - (l) General Certificate of Secondary Education;
 - (m) International Baccalaureate Diploma;
 - (n) Key Skills qualification;
 - (o) Vocational qualification.

Revocation

3. The Education (Prescribed Public Examinations) Regulations 1989(3) are revoked so far as they apply in relation to maintained schools in England.

19th September 2010

Nick Gibb
Minister of State
Department for Education

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Education (Prescribed Public Examinations) Regulations 1989 (S.I. 1989/377) so far as they apply in relation to maintained schools in England. They specify the public examinations which are prescribed public examinations for the purposes of sections 402(1), (3) and (5), 451(4)(a), 453(1) and 454(1)(b) and (3)(b) of the Education Act 1996 (“the 1996 Act”).

Section 402 of the 1996 Act requires the governing body of a maintained school to secure that each registered pupil at the school is entered for each prescribed public examination in any syllabus for which the pupil is being prepared at the school, subject to certain exceptions.

Section 451 of the 1996 Act, which applies in relation to education provided at any maintained school for a registered pupil at the school, provides that where the education is provided for the pupil during school hours no charge may be made in respect of it, subject to certain exceptions. Equally no charge may be made in respect of education provided for the pupil outside school hours if it is required as part of a syllabus for a prescribed public examination which is a syllabus for which the pupil is being prepared at the school.

Section 453 of the 1996 Act provides that no charge may be made in respect of the entry of a registered pupil at a maintained school for a prescribed public examination in any syllabus for that examination for which the pupil has been prepared at the school.

Section 454 of the 1996 Act provides that pupils at maintained schools and their parents are not required to pay for or supply any materials, books, instruments or other equipment for use for the purposes of or in connection with a syllabus for a prescribed public examination which is a syllabus for which the pupil has been prepared at the school. Equally no charge may be made in respect of transport provided for the purpose of enabling the pupil to meet any examination requirement for any such syllabus.

The public examinations which are prescribed for these purposes are those which fall within the categories of qualifications listed in regulation 2(3) and which are approved for the purposes of section 96 of the Learning and Skills Act 2000 (approval by the Secretary of State of qualifications for England). The Annex to the Explanatory Memorandum to this instrument contains information about each of the categories of qualifications within regulations 2(3).

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen. The impact on the public sector is minimal.