



Education Act 1996

1996 CHAPTER 56

PART X

MISCELLANEOUS AND GENERAL

CHAPTER VI

GENERAL

Orders, regulations and directions

568 Orders.

(1) Any power of the Secretary of State to make orders under this Act (other than an order under any of the excepted provisions) shall be exercised by statutory instrument.

^{F1}(2) For the purposes of subsection (1) “the excepted provisions” are—

section 349;

^{F2}
...

section 489(3);

section 497; and

section 545.]

(3) A statutory instrument containing any order made by the Secretary of State under this Act, other than [^{F3}an order to which subsection (3A) applies or] an order under—

[^{F4}section 354(6), 355(2)(a), 356(2)(c) or 401,]

^{F5}
...

section 554,

section 583(3) or (4), or

Schedule 40,

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shall be subject to annulment in pursuance of a resolution of either House of Parliament.

[^{F6}(3A) A statutory instrument which contains (alone or with other provision) an order under section 532B(1) (direct payments: pilot schemes) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.]

(4) [^{F7}No order shall be made under section 354(6), 355(2)(a) or 401 unless a draft of the instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.]

(5) Any order made—

(a) by the Secretary of State under this Act by statutory instrument, ^{F8} . . .

^{F8}(b)

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.

(6) Without prejudice to the generality of subsection (5), an order made by the Secretary of State under this Act by statutory instrument may make in relation to Wales provision different from that made in relation to England.

Textual Amendments

- F1** S. 568(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 175(a)**, (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (subject to savings in S.I. 1999/2323, **art. 16(3)**) as amended (31.8.1999) by S.I. 1999/2484, **reg. 3**
- F2** Words in s. 568(2) repealed (1.9.2003 for E., 1.1.2004 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2003/2961, art. 6, Sch. Pt. III
- F3** Words in s. 568(3) inserted (15.11.2011) by Education Act 2011 (c. 21), **ss. 75(2)(a)**, 82(1)(f)
- F4** Words in s. 568(3) repealed (1.10.2002 for E., 1.1.2004 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2003/2961, art. 6, Sch. Pt. III
- F5** Words in s. 568(3) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 175(b), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (subject to savings in S.I. 1999/2323, **art. 16(3)**) (as amended (31.8.1999) by S.I. 1999/2484, **art. 3**)
- F6** S. 568(3A) inserted (15.11.2011) by Education Act 2011 (c. 21), **ss. 75(2)(b)**, 82(1)(f)
- F7** S. 568(4) repealed (1.10.2002 for E., 1.1.2004 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2003/2961, art. 6, Sch. Pt. III
- F8** S. 568(5)(b) and preceding word repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 175(c), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (subject to savings in S.I. 1999/2323, **art. 16(3)**) (as amended (31.8.1999) by S.I. 1999/2484, **art. 3**)

569 Regulations.

(1) Any power of the Secretary of State [^{F9}or the Welsh Ministers] to make regulations under this Act shall be exercised by statutory instrument.

(2) A statutory instrument containing regulations under this Act [^{F10}made by the Secretary of State], [^{F11}other than one falling within subsection (2A),]^{F12} . . . , shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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[^{F13}(2A) A statutory instrument which contains (whether alone or with other provision) regulations under section [^{F14}550ZA(3)(f) or 550ZC(7)] may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.]

[^{F15}(2B) A statutory instrument containing regulations under sections 332ZC, 332AA, 332BA, 332BB[^{F16}, 336, 444A or 444B] made by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

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

^{F17}(3)

(4) Regulations under this Act may make different provision for different cases, circumstances or areas and may contain such incidental, supplemental, saving or transitional provisions as the Secretary of State thinks fit [^{F18}or the Welsh Ministers think fit].

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

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

Extent Information

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

Textual Amendments

F9 Words in s. 569(1) inserted (E.W.) (10.2.2012) by [Education \(Wales\) Measure 2009 \(nawm 5\)](#), **ss. 8(2), 26(3)** (as amended (5.5.2010) by [S.I. 2010/1148](#), arts. 1, 5(2)); [S.I. 2012/320](#), art. 2(c)

F10 Words in s. 569(2) inserted (E.W.) (10.2.2012) by [Education \(Wales\) Measure 2009 \(nawm 5\)](#), **ss. 8(3), 26(3)** (as amended (5.5.2010) by [S.I. 2010/1148](#), arts. 1, 5(2)); [S.I. 2012/320](#), art. 2(c)

F11 Words in s. 569(2) inserted (1.9.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), **ss. 242(2)(a), 269(4)**; [S.I. 2010/303](#), art. 6, Sch. 5 (as amended (26.7.2010) by [S.I. 2010/1891](#), art. 2(2) (with art. 3))

F12 Words in s. 569(2) repealed (8.1.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(2), **Sch. 18 Pt. 2**

F13 S. 569(2A) inserted (1.9.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), **ss. 242(2)(b), 269(4)**; [S.I. 2010/303](#), art. 6, Sch. 5 (as amended (26.7.2010) by [S.I. 2010/1891](#), art. 2(2) (with art. 3))

F14 Words in s. 569(2A) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 2(6), 82(3)**; [S.I. 2012/924](#), art. 2

F15 S. 569(2B)(2C) inserted (E.W.) (10.2.2012) by [Education \(Wales\) Measure 2009 \(nawm 5\)](#), **ss. 8(4), 26(3)** (as amended (5.5.2010) by [S.I. 2010/1148](#), arts. 1, 5(2)); [S.I. 2012/320](#), art. 2(c)

F16 Words in s. 569(2B) substituted (3.7.2013) by [The Anti-Social Behaviour Act 2003 \(Amendment to the Education Act 1996\) \(Wales\) Order 2013 \(S.I. 2013/1657\)](#), arts. 1, **2(2)**

F17 S. 569(3) repealed (8.1.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(2), **Sch. 18 Pt. 2**

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F18 Words in s. 569(4) inserted (E.W.) (10.2.2012) by [Education \(Wales\) Measure 2009 \(nawm 5\)](#), **ss. 8(5), 26(3)** (as amended (5.5.2010) by [S.I. 2010/1148](#), arts. 1, 5(2)); [S.I. 2012/320](#), art. 2(c)

[^{F19}569A Regulations made by Welsh Ministers under Chapter 5A

- (1) Any power of the Welsh Ministers to make regulations under Chapter 5A shall be exercised by statutory instrument.
- (2) A statutory instrument containing any such regulations made by the Welsh Ministers shall be subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (3) Any such regulations may make different provision for different cases, circumstances or areas and may contain such incidental, supplemental, saving or transitional provisions as the Welsh Ministers think fit.]

Textual Amendments

F19 S. 569A inserted (1.9.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), **Sch. 2 para. 11**; [S.I. 2010/303](#), art. 6, Sch. 5

570 Revocation and variation of certain orders and directions.

- (1) This section applies to any order or directions made or given under this Act by—
 - (a) the Secretary of State, [^{F20}or]
 - ^{F21}(b)
 - (c) a [^{F22}local authority],
 other than an order to which section 568(1) applies.
- (2) Subject to subsection (3), any such order or directions may be varied or revoked by a further order or directions made or given by the Secretary of State, ^{F23}. . . or the [^{F22}local authority], as the case may be.
- (3) Where the power to make or give any such order or directions is only exercisable—
 - (a) on the application or with the consent of any person or body of persons, or
 - (b) after consultation with any person or body of persons, or
 - (c) subject to any other conditions,
 no order or directions made or given under that power may be varied or revoked under subsection (2) unless the same conditions are complied with.

Textual Amendments

F20 Word at the end of s. 570(1)(a) inserted (1.4.1999) by [1998 c. 31](#), s. 140(1), **Sch. 30 para. 177(a)(i)** (with [ss. 138\(9\), 144\(6\)](#)); [S.I. 1999/1016](#), art. 2(1), **Sch. 1**

F21 S. 570(1)(b) repealed (1.4.1999) by [1998 c. 31](#), s. 140(1)(3), [Sch. 30 para. 177\(a\)\(ii\)](#), **Sch.31** (with [ss. 138\(9\), 144\(6\)](#)); [S.I. 1999/1016](#), art. 2(1), **Sch. 1**

F22 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. 7(2)** (with [Sch. 2 para. 7\(4\)\(5\)](#))

F23 Words in s. 570(2) repealed (1.4.1999) by [1998 c. 31](#), s. 140(1)(3), [Sch. 30 para. 177\(b\)](#), **Sch.31** (with [ss. 138\(9\), 144\(6\)](#)); [S.I. 1999/1016](#), art. 2(1), **Sch. 1**

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Modifications etc. (not altering text)

- C1** S. 570 applied by 1992 c. 13, s. 89(5) (as substituted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), **Sch. 8 para. 11(4)**; S.I. 2010/303, art. 3, Sch. 2)
- C2** S. 570(1)(2) modified (7.8.2013) by [The Transfer of Functions \(Youth Leisure-time Activities\) Order 2013 \(S.I. 2013/1721\)](#), arts. 1(2), **3(3)(f)** (with art. 4)

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