

Status: Point in time view as at 01/11/1997.

Changes to legislation: Education Act 1997 is up to date with all changes known to be in force on or before 15 July 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

VALID FROM 01/09/1998

SCHEDULE 1

Section 8.

SCHEDULE INSERTED AFTER SCHEDULE 25 TO THE EDUCATION ACT 1996

Commencement Information

- II** Sch. 1 wholly in force at 1.9.1998 see s. 58(3) and S.I. 1998/386, arts. 2,4, Sch. 1 Pt. IV, Sch. 2 Pt. II (subject to transitional provisions in Sch. 2 Pt. II)

SCHEDULE 2

Section 12.

SCHEDULE INSERTED AFTER SCHEDULE 33 TO THE EDUCATION ACT 1996

“SCHEDULE 33A

CHILDREN TO WHOM SECTION 411A(2) APPLIES: APPEALS BY GOVERNING BODIES

Duty to notify governing body of decision to admit child

- 1 Where any such decision as is mentioned in section 423A(2) is made by or on behalf of a local education authority, the authority shall give the governing body of the school notice in writing—
- (a) of that decision; and
 - (b) of the governing body’s right to appeal against the decision in accordance with paragraph 2.

Time limit on appealing

- 2 An appeal by the governing body against any such decision must be made not later than the 15th school day after the day on which they are given the notice under paragraph 1.

Appeal committees

- 3 (1) Subject to sub-paragraphs (2) and (3) below, paragraphs 1, 5, 6 and 7 of Schedule 33 (school admission appeals) shall have effect in relation to appeals under section 423A(2) as they have effect in relation to appeals under section 423(1).

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- (2) A person shall not be a member of an appeal committee for the consideration of an appeal under section 423A(2) if he has to any extent been involved in any previous consideration of the question whether the child in question should or should not be reinstated at any school from which he has at any time been permanently excluded, or in any previous appeal relating to the child under section 423A(2).
- (3) A person shall not be eligible to be a lay member for the purposes of paragraph 1(2)(a) of Schedule 33 (as it applies in accordance with this paragraph) unless he satisfies the condition set out in paragraph (b) of paragraph 5(2) of that Schedule as well as that set out in paragraph (a) of that provision.
- (4) In this paragraph “appeal committee” means an appeal committee constituted in accordance with Part I of Schedule 33, as it applies in accordance with this paragraph.

Procedure on an appeal

- 4 In the following provisions of this Schedule—
 “appeal” means an appeal under section 423A(2); and
 “appeal committee” means such an appeal committee as is mentioned in paragraph 3(4) above.
- 5 An appeal shall be by notice in writing setting out the grounds on which it is made.
- 6 The appeal committee shall meet to consider an appeal—
 (a) within the period ending with the 15th school day after the day on which the appeal is lodged, or
 (b) if the local education authority have determined a shorter period, within that period.
- 7 On an appeal the committee shall allow—
 (a) the local education authority and the governing body to make written representations;
 (b) an officer of the authority nominated by the authority, and a governor nominated by the governing body, to appear and make oral representations; and
 (c) the governing body to be represented.
- 8 In considering an appeal the appeal committee shall have regard to—
 (a) the reasons for the local education authority’s decision that the child in question should be admitted; and
 (b) any reasons put forward by the governing body as to why the child’s admission would be inappropriate.
- 9 Appeals shall be heard in private except when otherwise directed by the local education authority, but any member of the local education authority or of the Council on Tribunals may attend, as an observer, any meeting of an appeal committee at which an appeal is considered.
- 10 Two or more appeals may be combined and dealt with in the same proceedings if the appeal committee consider that it is expedient to do so because the issues raised by the appeals are the same or connected.
- 11 In the event of a disagreement between the members of an appeal committee, the appeal under consideration shall be decided by a simple majority of the votes cast and, in the case of an equality of votes, the chairman of the committee shall have a second or casting vote.

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- 12 The decision of an appeal committee and the grounds on which it is made shall be communicated by the committee in writing to—
- (a) the local education authority, and
 - (b) the governing body making the appeal,
- within the period ending with the 17th school day after the day on which the appeal is lodged.
- 13 (1) Subject to paragraphs 5 to 12, all matters relating to the procedure on appeals shall be determined by the local education authority.
- (2) Neither section 106 of the ^{M1}Local Government Act 1972 nor paragraph 44 of Schedule 12 to that Act (procedure of committees of local authorities) shall apply to an appeal committee.

Power of Secretary of State to make amendments

- 14 The Secretary of State may by order amend the preceding provisions of this Schedule.”

Marginal Citations

M1 1972 c. 70.

SCHEDULE 3

Section 14.

SCHEDULE INSERTED AS SCHEDULE 33B TO THE EDUCATION ACT 1996

Commencement Information

I2 Sch. 1 partly in force at 1.9.1997; Sch. 1 not in force at Royal Assent see s. 58(3); Sch. 1 in force for paragraphs 3 and 4 of the Schedule inserted as Schedule 33B to the 1996 Act at 1.9.1997 by S.I. 1997/1468, art. 2, Sch. 1, Pt. II

“SCHEDULE 33B

RESTRICTIONS ON ADMISSIONS TO GRANT-MAINTAINED SCHOOLS

Home-school partnership documents

- 1 (1) The admission arrangements for a grant-maintained school may include provisions—
- (a) setting out the terms of a partnership document for the school and the parental declaration to be used in connection with the document;
 - (b) making it a condition of the admission of every child to the school that his parent gives the governing body a signed parental declaration either—
 - (i) at the time of applying for a place at the school for the child, or
 - (ii) if the child is allocated a conditional place, within such period as is specified in the arrangements; and

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- (c) authorising the governing body to dispense with that condition to any extent in the case of a particular child where they are satisfied that there are special reasons for doing so.
- (2) For the purposes of this paragraph and paragraph 2 a “partnership document” is a statement specifying—
- (a) the school’s aims and values;
 - (b) the responsibilities which the school intends to discharge in connection with the education of children admitted to the school; and
 - (c) the parental responsibilities, that is the responsibilities which the parents of such children are expected to discharge in connection with the education of their children while they are registered pupils at the school;
- and “parental declaration” means a declaration to be signed by a parent seeking the admission of his child to the school by which he acknowledges and accepts the parental responsibilities specified in the partnership document.
- (3) In determining the provisions to be included in the admission arrangements for a school in pursuance of sub-paragraph (1), the governing body shall have regard to any guidance given from time to time by the Secretary of State.
- (4) The Secretary of State may by order provide that any form of words specified in the order, or having such effect as is so specified, is not to be used in a partnership document or (as the case may be) in a parental declaration.
- (5) An order under sub-paragraph (4) may apply to any school or description of school specified in the order.
- (6) In this paragraph and paragraph 2—
- “admission arrangements”, in relation to a school, means the arrangements for the admission of pupils to the school; and
- “conditional place”, in relation to a child, means a place which is conditional on the child’s parent giving the governing body a signed parental declaration.

Effect of home-school partnership document

- 2 (1) This paragraph applies where the admission arrangements for a grant-maintained school include the provisions authorised by paragraph 1(1).
- (2) The governing body shall, in the case of each child on behalf of whom an application for admission is made, notify his parent of the following matters, namely—
- (a) the terms of the partnership document and the parental declaration, and
 - (b) the effect of the provisions of the admission arrangements authorised by paragraph 1(1)(b) and (c).
- (3) Where sub-paragraph (2) has been complied with in relation to a child’s parent but—
- (a) the parent has failed to comply with the condition referred to in paragraph 1(1)(b), and
 - (b) the governing body are not satisfied that there are special reasons for dispensing with that condition to the required extent in the case of that child,
- the governing body shall not be under any duty to admit the child to the school; and, if he has been allocated a conditional place, the allocation of that place may be cancelled.

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- (4) In sub-paragraph (3) the reference to dispensing with the condition mentioned in that sub-paragraph “to the required extent”—
 - (a) is, where the parent gives the governing body a signed parental declaration in relation to some but not the remainder of the parental responsibilities, a reference to dispensing with that condition so far as the remainder of those responsibilities are concerned; but
 - (b) is otherwise a reference to wholly dispensing with that condition.
- (5) In performing any function under this paragraph the governing body shall have regard to any guidance given from time to time by the Secretary of State.
- (6) A partnership document shall not be capable of creating any obligation in respect of whose breach any liability arises in contract or in tort.

Restriction of right to refuse admission to partially-selective school

- 3 (1) An application for the admission of a child to a grant-maintained school may not be refused on the grounds that his admission would be incompatible with the school’s selective admission arrangements unless those arrangements—
 - (a) are wholly based on selection by reference to ability or aptitude, and
 - (b) are so based with a view to admitting only pupils with high ability or with aptitude.
- (2) For the purposes of this paragraph a school has selective admission arrangements if the arrangements for the admission of pupils to the school are to any extent based on selection by reference to ability or aptitude.

No requirement to admit children permanently excluded from two or more schools

- 4 (1) The governing body of a grant-maintained school shall not be under any duty to admit to the school any child to whom sub-paragraph (3) applies.
- (2) The governing body of such a school shall not be under any duty to make arrangements for enabling any person to appeal against a decision refusing a child admission to the school in a case where, at the time when the decision is made, sub-paragraph (3) applies to the child.
- (3) Where a child has been permanently excluded from two or more schools, this sub-paragraph applies to him during the period of two years beginning with the date on which the latest of those exclusions took effect.
- (4) Sub-paragraph (3) applies to a child whatever the length of the period or periods elapsing between those exclusions and regardless of whether it has applied to him on a previous occasion.
- (5) However, a child shall not be regarded as permanently excluded from a school for the purposes of this paragraph if—
 - (a) although so excluded he was reinstated as a pupil at the school following the giving of a direction to that effect to the head teacher of the school; or
 - (b) he was so excluded at a time when he had not attained compulsory school age.
- (6) In this paragraph “school” means—
 - (a) a school maintained by a local education authority; or

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- (b) a grant-maintained or grant-maintained special school.
- (7) This paragraph does not apply in relation to a child unless at least one of the two or more exclusions mentioned in sub-paragraph (3) took effect on or after the date of the coming into force of section 14 of the Education Act 1997.
- (8) For the purposes of this paragraph the permanent exclusion of a child from a school shall be regarded as having taken effect on the school day as from which the head teacher decided that he should be permanently excluded.”

SCHEDULE 4

Section 21.

THE QUALIFICATIONS AND CURRICULUM AUTHORITY

Status

- 1 The Authority shall not be regarded as a servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and the Authority’s property shall not be regarded as property of, or property held on behalf of, the Crown.

Powers

- 2 (1) The Authority may do anything which is calculated to facilitate, or is incidental or conducive to, the carrying out of any of their functions.
- (2) In particular, the Authority may—
- (a) acquire or dispose of land or other property,
 - (b) enter into contracts,
 - (c) form bodies corporate or associated or other bodies which are not bodies corporate,
 - (d) enter into joint ventures with other persons,
 - (e) subscribe for shares or stock,
 - (f) invest any sums not immediately required for the purpose of carrying out their functions,
 - (g) accept gifts of money, land or other property, and
 - (h) borrow money.
- (3) The Authority may authorise the Qualifications, Curriculum and Assessment Authority for Wales to act as agent for the Authority in connection with the exercise of any of the Authority’s functions in relation to Wales.
- (4) The consent of the Secretary of State is required for the exercise of any power conferred by sub-paragraph (2)(c) or (d) or sub-paragraph (3).
- 3 (1) The Authority may give to any person or body (whether or not in the United Kingdom) such assistance as they may determine.
- (2) Assistance may be provided on such terms and subject to such conditions (if any) as the Authority may determine.
- (3) In particular, assistance may be provided free of charge or on such terms as to payment as the Authority may determine.

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- (4) The power conferred by this paragraph does not extend to the giving of financial assistance; and the consent of the Secretary of State is required for any exercise of that power.

Chief officer

- 4 (1) The Authority shall have a chief officer.
- (2) The first chief officer shall be appointed by the Secretary of State on such terms and conditions as the Secretary of State may determine.
- (3) Each subsequent chief officer shall be appointed by the Authority with the approval of the Secretary of State on such terms and conditions as the Authority may with the approval of the Secretary of State determine.
- (4) The chief officer shall be an ex officio member of the Authority.

Chairman and chief officer: division of functions

- 5 (1) The Secretary of State may, on appointing a person to be the chairman of the Authority, confer on him such additional functions in relation to the Authority as may be specified in the appointment.
- (2) The functions for the time being conferred by virtue of appointment as chief officer of the Authority shall not include any function for the time being conferred under sub-paragraph (1) on the chairman of the Authority.

Tenure of office

- 6 (1) A person shall hold and vacate office as a member or as chairman or deputy chairman of the Authority in accordance with the terms of his appointment and shall, on ceasing to be a member, be eligible for re-appointment.
- (2) A person may at any time by notice in writing to the Secretary of State resign his office as a member or as chairman or deputy chairman of the Authority.
- 7 The Secretary of State may, if satisfied that a member of the Authority—
- (a) has been absent from meetings of the Authority for a continuous period of more than six months without the permission of the Authority, or
- (b) is unable or unfit to discharge the functions of a member,
- remove him from office by giving him notice in writing and thereupon the office shall become vacant.
- 8 If the chairman or deputy chairman of the Authority ceases to be a member of the Authority, he shall also cease to be chairman or deputy chairman.

Payments to members

- 9 (1) The Authority shall pay to their members such salaries or fees, and such travelling, subsistence or other allowances, as the Secretary of State may determine.
- (2) The Authority shall, as regards any member in whose case the Secretary of State may so determine, pay, or make provision for the payment of, such sums by way of pension, allowances and gratuities to or in respect of him as the Secretary of State may determine.

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- (3) If a person ceases to be a member of the Authority and it appears to the Secretary of State that there are special circumstances which make it right that he should receive compensation, the Secretary of State may direct the Authority to make to that person a payment of such amount as the Secretary of State may determine.

Staff

- 10 Subject to the approval of the Secretary of State, the Authority—
- (a) may appoint such number of employees, on such terms and conditions, as they may determine; and
 - (b) shall pay to their employees such remuneration and allowances as they may determine.
- 11 (1) Employment with the Authority shall be included among the kinds of employment to which a scheme under section 1 of the ^{M2}Superannuation Act 1972 can apply.
- (2) The Authority shall pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of the increase attributable to this paragraph in the sums payable under the Superannuation Act 1972 out of money provided by Parliament.
- (3) Where an employee of the Authority is (by reference to that employment) a participant in a scheme under section 1 of that Act and is also a member of the Authority, the Secretary of State may determine that his service as such a member shall be treated for the purposes of the scheme as service as an employee of the Authority (whether or not any benefits are payable to or in respect of him by virtue of paragraph 9).

Marginal Citations

M2 1972 c. 11.

Finance

- 12 (1) The Secretary of State may make grants to the Authority of such amount as he thinks fit in respect of expenses incurred or to be incurred by the Authority in carrying out their functions.
- (2) The payment of grant under this paragraph shall be subject to the fulfilment of such conditions as the Secretary of State may determine.
- (3) The Secretary of State may also impose such requirements as he thinks fit in connection with the payment of grant under this paragraph.

Committees

- 13 (1) The Authority—
- (a) may establish a committee for any purpose; and
 - (b) if so directed by the Secretary of State, shall establish a committee for such purpose as is specified in the direction.

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- (2) The Authority shall determine the number of members which a committee established under this paragraph shall have, and the terms on which they are to hold and vacate office.
- (3) Subject to such conditions as the Secretary of State may determine, a committee may include persons who are not members of the Authority.
- (4) The Authority shall keep under review the structure of committees established under this paragraph and the scope of each committee's activities.

Delegation of functions

- 14 (1) The Authority may authorise the chairman, the deputy chairman, the chief officer or any committee established under paragraph 13 to carry out such of the Authority's functions as the Authority may determine.
- (2) The Secretary of State may authorise any committee established under paragraph 13(1)(b) to carry out such of the Authority's functions as are specified in the direction given under that provision.
- (3) Sub-paragraph (1) has effect without prejudice to any power to authorise an employee of the Authority to carry out any of the Authority's activities on behalf of the Authority.

Proceedings

- 15 (1) The following persons, namely—
 - (a) a representative of the Secretary of State,
 - (b) the chairman of the Qualifications, Curriculum and Assessment Authority for Wales, or a representative of his,
 - (c) a representative of such other body as the Secretary of State may designate, and
 - (d) Her Majesty's Chief Inspector of Schools in England, or a representative of his,shall be entitled to attend and take part in deliberations (but not in decisions) at meetings of the Authority or of any committee of the Authority.
- (2) The Authority shall provide the Secretary of State, the chairman of the Qualifications, Curriculum and Assessment Authority for Wales, any person falling within sub-paragraph (1)(c) and Her Majesty's Chief Inspector of Schools in England with such copies of any documents distributed to members of the Authority or of any such committee as each of those persons may require.
- 16 The validity of the Authority's proceedings shall not be affected by a vacancy among the members or any defect in the appointment of a member.
- 17 Subject to the preceding provisions of this Schedule, the Authority may regulate their own procedure and that of any of their committees.

Accounts

- 18 (1) The Authority shall—
 - (a) keep proper accounts and proper records in relation to the accounts;

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- (b) prepare a statement of accounts in respect of each financial year of the Authority; and
 - (c) send copies of the statement to the Secretary of State and to the Comptroller and Auditor General before the end of the month of August next following the financial year to which the statement relates.
- (2) The statement of accounts shall comply with any directions given by the Secretary of State with the approval of the Treasury as to—
- (a) the information to be contained in it;
 - (b) the manner in which the information contained in it is to be presented; or
 - (c) the methods and principles according to which the statement is to be prepared.
- (3) The Comptroller and Auditor General shall examine, certify and report on each statement received by him in pursuance of this paragraph and shall lay copies of each statement and of his report before each House of Parliament.

Documents

- 19 The application of the seal of the Authority shall be authenticated by the signature—
- (a) of the chairman or some other person authorised either generally or specially by the Authority to act for that purpose, and
 - (b) of one other member.
- 20 Any document purporting to be an instrument made or issued by or on behalf of the Authority, and to be duly executed by a person authorised by the Authority in that behalf, shall be received in evidence and be treated, without further proof, as being so made or issued unless the contrary is shown.

SCHEDULE 5

Section 27.

THE QUALIFICATIONS, CURRICULUM AND ASSESSMENT AUTHORITY FOR WALES

Status

- 1 The Authority shall not be regarded as a servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and the Authority's property shall not be regarded as property of, or property held on behalf of, the Crown.

Powers

- 2 (1) The Authority may do anything which is calculated to facilitate, or is incidental or conducive to, the carrying out of any of their functions.
- (2) In particular, the Authority may—
- (a) acquire or dispose of land or other property,
 - (b) enter into contracts,
 - (c) form bodies corporate or associated or other bodies which are not bodies corporate,
 - (d) enter into joint ventures with other persons,

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- (e) subscribe for shares or stock,
 - (f) invest any sums not immediately required for the purpose of carrying out their functions,
 - (g) accept gifts of money, land or other property, and
 - (h) borrow money.
- (3) Where authorised to do so under paragraph 2(3) of Schedule 4, the Authority may act as agent for the Qualifications and Curriculum Authority in connection with the exercise of any of that Authority's functions in relation to Wales.
- (4) The consent of the Secretary of State is required for the exercise of any power conferred by sub-paragraph (2)(c) or (d).
- 3 (1) The Authority may give to any person or body (whether or not in the United Kingdom) such assistance as they may determine.
- (2) Assistance may be provided on such terms and subject to such conditions (if any) as the Authority may determine.
- (3) In particular, assistance may be provided free of charge or on such terms as to payment as the Authority may determine.
- (4) The power conferred by this paragraph does not extend to the giving of financial assistance; and the consent of the Secretary of State is required for any exercise of that power.

Chief officer

- 4 (1) The Authority shall have a chief officer who shall be appointed—
- (a) in the case of a person who is also chairman of the Authority, by the Secretary of State, and
 - (b) in any other case, by the Authority with the approval of the Secretary of State.
- (2) The appointment of the chief officer shall be on such terms and conditions as the Secretary of State, or (as the case may be) the Authority with the approval of the Secretary of State, may determine.
- (3) The Secretary of State may appoint the chief officer (if appointed under sub-paragraph (1)(b)) to be a member of the Authority.

Tenure of office

- 5 (1) A person shall hold and vacate office as a member or as chairman or deputy chairman of the Authority in accordance with the terms of his appointment and shall, on ceasing to be a member, be eligible for re-appointment.
- (2) A person may at any time by notice in writing to the Secretary of State resign his office as a member or as chairman or deputy chairman of the Authority.
- 6 The Secretary of State may, if satisfied that a member of the Authority—
- (a) has been absent from meetings of the Authority for a continuous period of more than six months without the permission of the Authority, or
 - (b) is unable or unfit to discharge the functions of a member,
- remove him from office by giving him notice in writing and thereupon the office shall become vacant.

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- 7 If the chairman or deputy chairman of the Authority ceases to be a member of the Authority, he shall also cease to be chairman or deputy chairman.

Payments to members

- 8 (1) The Authority shall pay to their members such salaries or fees, and such travelling, subsistence or other allowances, as the Secretary of State may determine.
- (2) The Authority shall, as regards any member in whose case the Secretary of State may so determine, pay, or make provision for the payment of, such sums by way of pension, allowances and gratuities to or in respect of him as the Secretary of State may determine.
- (3) If a person ceases to be a member of the Authority and it appears to the Secretary of State that there are special circumstances which make it right that he should receive compensation, the Secretary of State may direct the Authority to make to that person a payment of such amount as the Secretary of State may determine.

Staff

- 9 Subject to the approval of the Secretary of State, the Authority—
- (a) may appoint such number of employees, on such terms and conditions, as they may determine; and
- (b) shall pay to their employees such remuneration and allowances as they may determine.
- 10 (1) Employment with the Authority shall continue to be included among the kinds of employment to which a scheme under section 1 of the ^{M3}Superannuation Act 1972 can apply.
- (2) The Authority shall pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of the increase attributable to this paragraph in the sums payable under the Superannuation Act 1972 out of money provided by Parliament.
- (3) Where an employee of the Authority is (by reference to that employment) a participant in a scheme under section 1 of that Act and is also a member of the Authority, the Secretary of State may determine that his service as such a member shall be treated for the purposes of the scheme as service as an employee of the Authority (whether or not any benefits are payable to or in respect of him by virtue of paragraph 8).

Marginal Citations

M3 1972 c. 11.

Finance

- 11 (1) The Secretary of State may make grants to the Authority of such amount as he thinks fit in respect of expenses incurred or to be incurred by the Authority in carrying out their functions.
- (2) The payment of grant under this paragraph shall be subject to the fulfilment of such conditions as the Secretary of State may determine.

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- (3) The Secretary of State may also impose such requirements as he thinks fit in connection with the payment of grant under this paragraph.

Committees

- 12 (1) The Authority—
- (a) may establish a committee for any purpose; and
 - (b) if so directed by the Secretary of State, shall establish a committee for such purpose as is specified in the direction.
- (2) The Authority shall determine the number of members which a committee established under this paragraph shall have, and the terms on which they are to hold and vacate office.
- (3) Subject to such conditions as the Secretary of State may determine, a committee may include persons who are not members of the Authority.
- (4) The Authority shall keep under review the structure of committees established under this paragraph and the scope of each committee's activities.

Delegation of functions

- 13 (1) The Authority may authorise the chairman, the deputy chairman, the chief officer or any committee established under paragraph 12 to carry out such of the Authority's functions as the Authority may determine.
- (2) The Secretary of State may authorise any committee established under paragraph 12(1)(b) to carry out such of the Authority's functions as are specified in the direction given under that provision.
- (3) Sub-paragraph (1) has effect without prejudice to any power to authorise an employee of the Authority to carry out any of the Authority's activities on behalf of the Authority.

Proceedings

- 14 (1) The following persons, namely—
- (a) a representative of the Secretary of State,
 - (b) the chairman of the Qualifications and Curriculum Authority, or a representative of his, and
 - (c) Her Majesty's Chief Inspector of Schools in Wales, or a representative of his,
- shall be entitled to attend and take part in deliberations (but not in decisions) at meetings of the Authority or of any committee of the Authority.
- (2) The Authority shall provide the Secretary of State, the chairman of the Qualifications and Curriculum Authority and Her Majesty's Chief Inspector of Schools in Wales with such copies of any documents distributed to members of the Authority or of any such committee as each of those persons may require.
- 15 The validity of the Authority's proceedings shall not be affected by a vacancy among the members or any defect in the appointment of a member.

Status: Point in time view as at 01/11/1997.

Changes to legislation: Education Act 1997 is up to date with all changes known to be in force on or before 15 July 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)

- 16 Subject to the preceding provisions of this Schedule, the Authority may regulate their own procedure and that of any of their committees.

Accounts

- 17 (1) The Authority shall—
- (a) keep proper accounts and proper records in relation to the accounts;
 - (b) prepare a statement of accounts in respect of each financial year of the Authority; and
 - (c) send copies of the statement to the Secretary of State and to the Comptroller and Auditor General before the end of the month of August next following the financial year to which the statement relates.
- (2) The statement of accounts shall comply with any directions given by the Secretary of State with the approval of the Treasury as to—
- (a) the information to be contained in it;
 - (b) the manner in which the information contained in it is to be presented; or
 - (c) the methods and principles according to which the statement is to be prepared.
- (3) The Comptroller and Auditor General shall examine, certify and report on each statement received by him in pursuance of this paragraph and shall lay copies of each statement and of his report before each House of Parliament.

Documents

- 18 The application of the Authority’s seal shall be authenticated by the signature of the chairman or deputy chairman and that of one other member.
- 19 Any document purporting to be an instrument made or issued by or on behalf of the Authority and to be—
- (a) duly executed under the Authority’s seal, or
 - (b) signed or executed by a person authorised by the Authority to act in that behalf,
- shall be received in evidence and be treated, without further proof, as being so made or issued unless the contrary is shown.

SCHEDULE 6

Section 42.

SCHOOL INSPECTIONS

Introductory

- 1 In this Schedule “the 1996 Act” means the ^{M4}School Inspections Act 1996.

Marginal Citations

M4 1996 c. 57.

Status: Point in time view as at 01/11/1997.

Changes to legislation: Education Act 1997 is up to date with all changes known to be in force on or before 15 July 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)

Rights of entry etc. for Chief Inspectors

- 2 For subsections (8) and (9) of section 2 of the 1996 Act (functions of Chief Inspector for England) there shall be substituted—

“(8) For the purposes of the exercise of any function conferred by or under this section the Chief Inspector for England shall have at all reasonable times, in relation to any school in England—

- (a) a right of entry to the premises of the school; and
- (b) a right to inspect, and take copies of, any records kept by the school, and any other documents containing information relating to the school, which he requires for those purposes.

(9) It shall be an offence wilfully to obstruct the Chief Inspector for England—

- (a) in the exercise of his functions in relation to the inspection of a school for the purposes of subsection (2)(b); or
- (b) in the exercise of any right under subsection (8) for the purposes of the exercise of any other function.”

- 3 For subsections (8) and (9) of section 5 of the 1996 Act (functions of Chief Inspector for Wales) there shall be substituted—

“(8) For the purposes of the exercise of any function conferred by or under this section the Chief Inspector for Wales shall have at all reasonable times, in relation to any school in Wales—

- (a) a right of entry to the premises of the school; and
- (b) a right to inspect, and take copies of, any records kept by the school, and any other documents containing information relating to the school, which he requires for those purposes.

(9) It shall be an offence wilfully to obstruct the Chief Inspector for Wales—

- (a) in the exercise of his functions in relation to the inspection of a school for the purposes of subsection (2)(b); or
- (b) in the exercise of any right under subsection (8) for the purposes of the exercise of any other function.”

Removal of inspectors from register

- 4 In subsection (2)(d) of section 8 of the 1996 Act (removal from register and imposition or variation of conditions to be satisfied by registered inspector) for “knowingly or recklessly” there shall be substituted “, without reasonable explanation, ”.

Commencement Information

I3 Sch. 6 para. 4 wholly in force at 1.9.1997 see s. 58(3) and S.I. 1997/1468, arts. 2, 4, Sch. 1 Pt. II, Sch. 2 Pt. I (subject to transitional provisions in Sch. 2 Pt. I)

- 5 In paragraph 9(2)(d) of Schedule 1 to the ^{M5}Nursery Education and Grant-Maintained Schools Act 1996 (removal from register and imposition or variation of conditions to be satisfied by nursery education inspector) for “knowingly or recklessly” there shall be substituted “, without reasonable explanation, ”.

Status: Point in time view as at 01/11/1997.

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Commencement Information

I4 Sch. 6 para. 5 wholly in force at 1.9.1997 see s. 58(3) and S.I. 1997/1468, arts. 2, 4, Sch. 1 Pt. II, Sch. 2 Pt. I (subject to transitional provisions in Sch. 2 Pt. I)

Marginal Citations

M5 1996 c. 50.

Inspections of closing schools

- 6 (1) Section 10 of the 1996 Act (inspections by registered inspectors) shall be amended as follows.
- (2) In subsection (3) (schools to which the section applies) after “subsection (4)” there shall be inserted “ or (4A) ”.
- (3) After subsection (4) there shall be inserted—
- “(4A) This section does not apply to any school—
- (a) which is a closing school (as defined by subsection (4B)), and
 - (b) in respect of which the Chief Inspector has decided, having regard to the date on which the closure is to take effect, that no useful purpose would be served by the school being inspected under this section.
- (4B) In subsection (4A) a “closing school” means—
- (a) a county, voluntary or maintained nursery school in respect of which the Secretary of State has under section 169 of the ^{M6}Education Act 1996 approved proposals by the local education authority to cease to maintain the school;
 - (b) a voluntary school in respect of which the governing body have given notice of their intention to discontinue the school under section 173 of that Act;
 - (c) a grant-maintained school in respect of which—
 - (i) the Secretary of State has under section 269 of that Act approved proposals for the discontinuance of the school, or
 - (ii) the funding authority have made a determination under that section to adopt proposals for the discontinuance of the school;
 - (d) a maintained or grant-maintained special school in respect of which the Secretary of State has under section 340 of that Act approved proposals for the discontinuance of the school;
 - (e) a city technology college or city college for the technology of the arts in respect of which notice of termination of an agreement made under section 482 of that Act has been given; or
 - (f) an independent school falling within subsection (3)(e) which the proprietor has decided to close.”

Marginal Citations

M6 1996 c. 56.

Status: Point in time view as at 01/11/1997.

Changes to legislation: Education Act 1997 is up to date with all changes known to be in force on or before 15 July 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)

Publication of inspection reports

- 7 In each of sections 16(4)(c) and 20(4)(c) of the 1996 Act (appropriate authority to take steps to secure that registered parents receive copies of the summary of the inspection report) for “as soon as is reasonably practicable” there shall be substituted “ within such period following receipt of the report by the authority as may be prescribed ”.

Commencement Information

- I5** Sch. 6 para. 7 wholly in force at 1.9.1997 see s. 58(3) and S.I. 1997/1468, arts. 2, 4, Sch. 1 Pt. II, Sch. 2 Pt. I (subject to transitional provisions in Sch. 2 Pt. I)

Computer records

- 8 In section 42 of the 1996 Act (inspection of computer records for the purposes of Part I)—
- (a) after “records” (in both places) there shall be inserted “ or other documents ”; and
 - (b) at the end there shall be added “ (including, in particular, the making of information available for inspection or copying in a legible form) ”.

Delegation of functions of Chief Inspectors

- 9 In paragraph 5(3) of Schedule 1 to the 1996 Act (performance of functions of Chief Inspectors), for “in conducting an inspection under section 2(2)(b) or section 5(2)(b)” there shall be substituted “ under sub-paragraph (1) or (2) ”.

Tenders and consultation

- 10 For paragraph 2 of Schedule 3 to the 1996 Act (selection of registered inspectors) there shall be substituted—
- “2 (1) Before entering into any arrangement for an inspection, the Chief Inspector shall invite tenders from at least two persons who can reasonably be expected to tender for the proposed inspection and to do so at arm’s length from each other, and each of whom is either—
- (a) a registered inspector, or
 - (b) a person who the Chief Inspector is satisfied would, if his tender were successful, arrange with a registered inspector for the inspection to be carried out.
- (2) Before an inspection takes place the Chief Inspector shall consult the appropriate authority about the inspection.”

Inspection teams

- 11 For paragraph 3(1) of Schedule 3 to the 1996 Act (inspection teams) there shall be substituted—
- “(1) Every inspection shall be conducted by a registered inspector with the assistance of a team (an “inspection team”) consisting of persons who—
- (a) are fit and proper persons for carrying out the inspection; and

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- (b) will be capable of assisting in the inspection competently and effectively.”

Rights of entry etc. for registered inspectors

- 12 (1) The existing provisions of paragraph 7 of Schedule 3 to the 1996 Act (rights of entry) shall become sub-paragraph (1) of that paragraph.
- (2) After that sub-paragraph there shall be inserted—
- “(2) Where—
- (a) pupils registered at the school concerned are, by arrangement with another school, receiving part of their education at the other school, and
- (b) the inspector is satisfied that he cannot properly discharge his duty under section 10(5) in relation to the school concerned without inspecting the provision made for those pupils at that other school, sub-paragraph (1) shall apply in relation to that other school as it applies in relation to the school concerned.”

SCHEDULE 7

Section 57(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

Public Records Act 1958 (c. 51)

- 1 In Part II of the Table at the end of paragraph 3 of Schedule 1 to the Public Records Act 1958 (organisations whose records are public records), insert at the appropriate places—
- “Qualifications, Curriculum and Assessment Authority for Wales”,
- “Qualifications and Curriculum Authority”.

Local Authorities (Goods and Services) Act 1970 (c. 39)

- 2 (1) Subject to sub-paragraph (2), in the Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities to public bodies), “public body”—
- (a) shall include the Qualifications and Curriculum Authority and the Qualifications, Curriculum and Assessment Authority for Wales; and
- (b) shall cease to include the School Curriculum and Assessment Authority and the Curriculum and Assessment Authority for Wales.
- (2) The provision in sub-paragraph (1) shall have effect as if made by an order under section 1(5) of that Act (power to provide that a person shall be a public body for the purposes of the Act).

Commencement Information

- I6** Sch 7 para. 2 wholly in force at 1.3.1998; Sch. 7 para. 2 not in force at Royal Assent see s. 58(3); Sch. 7 para. 2 in force at 1.10.1997 except so far as sub-paragraph (1) provides that the definition of “ public

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body” shall cease to include SCAA by [S.I. 1997/1468](#), [art. 2 Sch. 1 Pt. III](#); Sch. 7 para. 2(1) in force at 1.3.1998 insofar as not already in force by [S.I. 1998/386](#), [art. 2](#), [Sch. 1 Pt. I](#)

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)—
- (a) omit the entries relating to the Curriculum and Assessment Authority for Wales and the School Curriculum and Assessment Authority; and
 - (b) insert at the appropriate places—
 - “the Qualifications, Curriculum and Assessment Authority for Wales”,
 - “the Qualifications and Curriculum Authority”.
- (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.

Commencement Information

- I7** 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.
- (3) Insert at the appropriate places—
 - “Any member of the Qualifications, Curriculum and Assessment Authority for Wales constituted under section 27 of the Education Act 1997 in receipt of remuneration.”
 - “Any member of the Qualifications and Curriculum Authority constituted under section 21 of the Education Act 1997 in receipt of remuneration.”
- (4) Omit the entry relating to the National Council for Vocational Qualifications.

Commencement Information

- I8** 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](#)

Status: Point in time view as at 01/11/1997.

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Local Government Finance Act 1982 (c. 32)

- 5 In Schedule 3 to the Local Government Finance Act 1982 (the Audit Commission), in paragraph 9(2) (functions to be managed separately), after paragraph (ab) (inserted by Schedule 3 to the ^{M7}Housing Act 1996) insert—
- “(ac) its functions under section 41 of the Education Act 1997 (inspections of local education authorities);”.

Marginal Citations

M7 1996 c. 52.

Finance Act 1991 (c. 31)

- 6 In section 32(10) of the Finance Act 1991 (relief in respect of a qualifying course of vocational training), for paragraph (a)(i) substitute—
- “(i) accredited as a National Vocational Qualification by the Qualifications and Curriculum Authority or by the Qualifications, Curriculum and Assessment Authority for Wales, or”.

Commencement Information

I9 Sch. 7 para. 6 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)

Charities Act 1993 (c. 10)

- 7 In Schedule 2 to the Charities Act 1993 (exempt charities)—
- (a) for paragraph (da) substitute—
- “(da) the Qualifications and Curriculum Authority;”; and
- (b) for paragraph (f) substitute—
- “(f) the Qualifications, Curriculum and Assessment Authority for Wales;”.

Commencement Information

I10 Sch. 7 para. 7 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 Pts. I, II (subject to transitional provisions in Sch. 2 Pts. I, II)

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VALID FROM 01/08/1998

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

- 8 In section 1(2) of the Nursery Education and Grant-Maintained Schools Act 1996 (arrangements for making grants in respect of nursery education), for paragraph (a) substitute—
- “(a) before they begin to be of compulsory school age; but”.

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) In subsection (3), for “The definition of “pupil” in subsection” substitute “ Subsection ”.

VALID FROM 01/09/1998

- 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
- (b) omit “(pupil referral units)”.

VALID FROM 01/08/1998

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

VALID FROM 01/08/1998

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

Status: Point in time view as at 01/11/1997.

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VALID FROM 01/08/1998

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

VALID FROM 01/08/1998

- 14 In section 29(6)(b) of that Act (requirement of LEA to publish information as to their policy and arrangements for primary or secondary education not to apply in relation to nursery schools, etc.), for “the age of five” substitute “ compulsory school age ”.

- 15 In section 86(3)(b) of that Act (instrument of government to reflect current circumstances of school), after “82(3)(b)” insert “ or (c) ”.

VALID FROM 01/09/1998

- 16 In section 156 of that Act (exclusion of pupils), for subsection (3) substitute—
 “(3) Subsection (2) has effect despite anything in the articles of government for the school.”

VALID FROM 01/08/1998

- 17 In section 231 of that Act (powers of governing body of grant-maintained school), in subsection (8)(b), for “the age of five” substitute “ compulsory school age ”.

- 18 In section 265(1)(a) of that Act (proposals for change of character approved before school becomes grant-maintained), for “35 or 41” substitute “ 37 or 43 ”.

VALID FROM 01/08/1998

- 19 In section 266(1)(b) of that Act (interpretation of Chapter VII of Part III), for “the age of five” substitute “ compulsory school age ”.

- 20 In section 290(9) of that Act (groups of grant-maintained schools)—
 (a) for first “(ii)” substitute “ (i) ”; and
 (b) for “307” substitute “ 306A, 307, 307A ”.

Status: Point in time view as at 01/11/1997.

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Commencement Information

- III** Sch. 7 para. 20 wholly in force at 1.9.1998; Sch. 7 para. 20 not in force at Royal Assent see s. 58(3); Sch. 7 para. 20(a) in force at 14.6.1997 by S.I. 1997/1468, art. 2, Sch. 1 Pt. I; Sch. 7 para. 20(b) in force at 1.4.1998 except so far as it substitutes “307A” for “307” and in force at 1.9.1998 insofar as not already in force by S.I. 1998/386, art. 2, Sch. 1 Pts. II, IV

VALID FROM 01/08/1998

- 21 In section 292(2) of that Act (nursery education in grant-maintained schools), for “the age of five” substitute “ compulsory school age ”.

VALID FROM 01/09/1998

- 22 In section 307 of that Act (exclusion of pupils), for subsection (2) substitute—
“(2) Subsection (1) has effect despite anything in the articles of government for the school.”

VALID FROM 01/08/1998

- 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”.

VALID FROM 01/08/1998

- 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 ”.

VALID FROM 01/08/1998

- 25 In section 343(2) of that Act (nursery education in grant-maintained special schools), for “the age of five” substitute “ compulsory school age ”.

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

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Commencement Information

- I12** 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 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 ”.

Commencement Information

- I13** 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 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 ”.

Commencement Information

- I14** 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)—
- (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 ”.
- 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

- I15** 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

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- 31 (1) Section 411 of that Act (duty to comply with parental preferences) shall be amended as follows.
- (2) In subsection (2), after “Subject to subsection (3)” there shall be inserted “, section 411A (pupils excluded from two or more schools), section 413B(3) (home-school partnership documents) ”.
- (3) In subsection (8), for “this section” substitute “ this Chapter (apart from sections 431 to 433) ”.
- (4) After that subsection insert—
- “(9) Where the arrangements for the admission of pupils to a school provide for all pupils admitted to the school to be selected by reference to ability or aptitude, those arrangements shall be taken for the purposes of this Chapter to be wholly based on selection by reference to ability or aptitude, whether or not they also provide for the use of additional criteria in circumstances where the number of children in a relevant age group who are assessed to be of the requisite ability or aptitude is greater than the number of pupils which it is intended to admit to the school in that age group.”

Commencement Information

- I16** Sch. 7 para. 31 partly in force; Sch.7 para. 31 not in force at Royal Assent see s. 58(3); Sch. 7 para. 31 in force at 1.9.1997 except so far as sub-paragraph (2) inserts the words “section 413B(3) (home-school partnership documents)” by S.I. 1997/1468, art. 2, Sch. 1 Pt. II

- 32 In section 422(6) of that Act (admission of pupils to new schools), for “411, 413, 414 and 423” substitute “ 411, 411A, 413 to 414, 423 and 423A ”.
- 33 In section 423 of that Act (appeal arrangements), omit subsection (6).
- 34 In section 424 of that Act (admission of pupils to nursery schools and special schools)—
- (a) in subsection (1), for “411, 413, 414 or 423” substitute “ 411, 411A, 413A, 413B, 414, 423 or 423A ”;
- (b) in subsection (1)(b), for “the age of five” substitute “ compulsory school age ”;
- (c) in subsection (2), for “the age of five” substitute “ compulsory school age ”; and
- (d) in subsection (3), for “411, 413, 414 and 423” substitute “ 411, 411A, 413 to 414, 423 and 423A ”.

Commencement Information

- I17** Sch. 7 para. 34 partly in force; Sch. 7 para. 34 not in force at Royal Assent see s. 58(3); Sch. 7 para. 34 in force at 1.9.1997 except so far as substituting the words “413A and 413B” for the word “413” and

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except for sub paragraphs (b) and (c) by S.I. 1997/1468, art. 2, **Sch. 1 Pt. II**; Sch. 7 para. 34(b)(c) in force at 1.8.1998 by S.I. 1998/386, art. 2, **Sch. 1 Pt. III**

VALID FROM 01/08/1998

35 In section 448 of that Act (exemption where child becomes 5 during term), for “the age of five” substitute “compulsory school age”.

VALID FROM 01/08/1998

36 In section 492(2) of that Act (adjustment of amounts eligible for recoupment as between local education authorities), for “the age of five” substitute “compulsory school age”.

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.”

VALID FROM 01/09/1998

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.”

40 (1) Section 568 of that Act (orders) shall be amended as follows.

(2) In subsection (1) (orders required to be made by statutory instrument unless made under excepted provisions), after “excepted provisions” insert “or one falling within subsection (2A)”.

(3) After subsection (2) (the excepted provisions) insert—

Status: Point in time view as at 01/11/1997.

Changes to legislation: Education Act 1997 is up to date with all changes known to be in force on or before 15 July 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)

“(2A) An order falls within this subsection if it is made under section 413A(4) or paragraph 1(4) of Schedule 33B and applies only to one or more schools specified in the order.”

- 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—
- ““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

- I18** [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](#)

- 45 In Schedule 2 to that Act (the funding authorities), paragraph 9(2) (superannuation of employees) shall have effect (and be deemed always to have had effect) with the following amendments, namely—
- (a) for “the Treasury”, in the first place where it occurs, substitute “ the Minister for the Civil Service ”; and
 - (b) for “the Treasury”, in the other places where it occurs, substitute “ he ”.

Status: Point in time view as at 01/11/1997.

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VALID FROM 01/08/1998

- 46 (1) Schedule 4 to that Act (distribution of functions where order made under section 27) shall be amended as follows.
- (2) In paragraph 18, for “the age of five” substitute “ compulsory school age ”.

VALID FROM 01/09/1998

- 47 In Schedule 16 to that Act (appeals against exclusion or reinstatement of pupil)—
- (a) in paragraph 14, after “relevant person,” insert “ the head teacher, ”; and
- (b) in paragraph 15(1), omit the words from “, including” to “brought,”.

- 48 (1) Schedule 19 to that Act (conduct and staffing of new county, voluntary and maintained special schools) shall be amended as follows.
- (2) In paragraph 22 (application of provisions in respect of staffing of new schools)—
- (a) after “(5)” insert “ to (5B) ”; and
- (b) after “dismissal” insert “ or premature retirement ”.
- (3) For paragraph 27 substitute—

“27 Section 154 (responsibility for discipline) applies to a new school as if references to the school’s governing body were references to the temporary governing body.”

Commencement Information

I19 Sch. 7 para. 48 wholly in force at 1.4.1998; Sch. 7 para. 48(2) in force at Royal Assent, see s. 58(4); Sch.7 para. 48(1)(3) in force at 1.4.1998 by S.I.1998/386, art. 2, Sch.1 Pt. II

- 49 (1) Schedule 23 to that Act (contents of articles of grant-maintained schools) shall be amended as follows.
- (2) In paragraph 4(1) omit “, 400”.
- (3) After paragraph 6(2) insert—
- “(2A) Sub-paragraphs (1) and (2), so far as they apply in relation to arrangements in respect of appeals—
- (a) do not require the articles to provide for any matter for which provision is made by Schedule 25A (exclusion appeals); and
- (b) have effect subject to paragraph 4(2) of Schedule 33B (refusal of admission in case of children permanently excluded from two or more schools).”

Status: Point in time view as at 01/11/1997.

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Commencement Information

I20 Sch. 7 para. 49 partly in force; Sch. 7 para. 49 not in force at Royal Assent see s. 58(3); Sch. 7 para. 49(1) and para 49(3) except for paragraph (a) of paragraph 6(2A) to be inserted into Schedule 23 to the 1996 Act in force at 1.9.1997 by S.I. 1997/1468, art. 2, Sch. 1 Pt. II; Sch. 7 para. 49(3) in force at 1.9.1998 insofar as not already in force by S.I. 1998/386, art. 2, Sch. 1 Pt. IV

VALID FROM 01/04/1998

50 In Schedule 28 to that Act (government and conduct of grant-maintained special schools), in paragraph 14 after “regulations may” insert “ , subject to the following paragraphs of this Schedule, ”.

VALID FROM 01/08/1998

School Inspections Act 1996 (c. 57)

51 In section 35(4)(b) of the School Inspections Act 1996 (power of an education association to provide education which is neither primary nor secondary education), for “the age of five” substitute “ compulsory school age ”.

SCHEDULE 8

Section 57(4).

REPEALS

Commencement Information

I21 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.
1975 c.24.	House of Commons Disqualification Act 1975.	In Part III of Schedule 1, the entries relating to the Curriculum and Assessment

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1996 c.56.	Education Act 1996.	<p>Authority for Wales, the National Council for Vocational Qualifications and the School Curriculum and Assessment Authority.</p> <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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Status:

Point in time view as at 01/11/1997.

Changes to legislation:

Education Act 1997 is up to date with all changes known to be in force on or before 15 July 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.