

*Status: Point in time view as at 01/09/2005.*

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## SCHEDULES

### <sup>F1</sup>SCHEDULE 1

#### Textual Amendments

- F1** Sch. 1 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 222(a), Sch. 31 (with ss. 138(9), 144(6); S.I. 1999/2323, art. 2(1), Sch.1

### <sup>F2</sup>SCHEDULE 2

#### Textual Amendments

- F2** Sch. 2 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 222(a), Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch.1

### <sup>F3</sup>SCHEDULE 3

#### Textual Amendments

- F3** Sch. 3 repealed (1.2.1999 to the extent that it relates to the repeal of paragraphs 1 and 2 of the Schedule inserted as Schedule 33B to the 1996 Act set out in Sch. 3, and wholly repealed (1.9.1999)) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 222(a), Sch. 31 (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, Sch.1 Pt. III and S.I. 1999/2323, art. 2(1), Sch.1

## 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.

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### *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.
- (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.

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- (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.
- (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 <sup>M1</sup>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.

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- (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**

**M1** 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.
- (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.

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### *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 subparagraph (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;
  - (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.

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- 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,
  - (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.

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### *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 subparagraph (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.
- 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.

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- 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 <sup>M2</sup>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**

**M2** 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.
- (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.



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- (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) [<sup>F4</sup>Her Majesty's Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru], 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 [<sup>F4</sup>Her Majesty's Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru] with such copies of any documents distributed to members of the Authority or of any such committee as each of those persons may require.

#### **Textual Amendments**

**F4** Words in [Sch. 5 para. 14\(1\)\(c\)\(2\)](#) substituted (1.1.2001) by [2000 c. 21, s. 73\(a\)](#); [S.I. 2000/3230, art. 2, Sch.](#)

- 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.
- 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

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- (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.

### F5 SCHEDULE 6

Section 42.

#### **Textual Amendments**

- F5** Sch. 6 repealed (1.9.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 19 Pt. 1](#); S.I. 2005/2034, art. 4

### 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”—

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- (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

- II** 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 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

- I2** 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.”

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“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**

**I3** Sch 7 para. 4 wholly in force at 1.3.1998; Sch. 7 para. 4 not in force at Royal Assent see s. 58(3); Sch. 7 para. 4 in force at 1.10.1997 except so far as it omits the entry relating to SCAA by S.I. 1997/1468, art. 2 Sch. 1 Pt. III; Sch. 7 para. 4 in force at 1.3.1998 insofar as not already in force by S.I. 1998/386, art. 2, Sch. 1 Pt. I

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

F65 .....

**Textual Amendments**

**F6** Sch. 7 para. 5 repealed (11.9.1998) by 1998 c. 18, ss. 54(3), 55(2), Sch.5

*Finance Act 1991 (c. 31)*

F76 .....

**Textual Amendments**

**F7** Sch. 7 para. 6 repealed (27.7.1999 with effect as mentioned in s. 59(3)(b) of the repealing Act) by 1999 c. 16, s. 139, Sch. 20 Pt. III(15)

*Charities Act 1993 (c. 10)*

7 In Schedule 2 to the Charities Act 1993 (exempt charities)—

(a) for paragraph (da) substitute—

“(da) the Qualifications and Curriculum Authority;”;

(b) for paragraph (f) substitute—

“(f) the Qualifications, Curriculum and Assessment Authority for Wales;”.

**Commencement Information**

**I4** 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)

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

F88 .....

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**Textual Amendments**

**F8** Sch. 7 para. 8 repealed (1.4.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4

*Education Act 1996 (c. 56)*

- 9 (1) Section 3 of the Education Act 1996 (definition of pupil etc.) shall be amended as follows.
- (2) At the end of subsection (1) insert—
- “and references to pupils in the context of the admission of pupils to, or the exclusion of pupils from, a school are references to persons who following their admission will be, or (as the case may be) before their exclusion were, pupils as defined by this subsection.”
- (3) <sup>F9</sup> .....

**Textual Amendments**

**F9** Sch. 7 para. 9(3) repealed (1.10.2002 for E., 1.9.2003 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2003/1718, art. 5, Sch. Pt. II

- 10 In section 4(2) of that Act (schools: general)—
- (a) for “For” substitute “ Nothing in subsection (1) shall be taken to preclude the making of arrangements under section 19(1) (exceptional educational provision) under which part-time education is to be provided at a school; and for ”; and
- (b) omit “(pupil referral units)”.
- 11 In section 6(1) of that Act (nursery schools), for “the age of five” substitute “ compulsory school age ”.
- 12 In section 14(4) of that Act (functions of LEA in respect of provision of primary and secondary schools), for “the age of five” substitute “ compulsory school age ”.
- 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 ”.
- <sup>F10</sup>14 .....

**Textual Amendments**

**F10** Sch. 7 para. 14 repealed (1.9.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4

<sup>F11</sup>15 .....

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**Textual Amendments**

**F11** Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch.1

<sup>F12</sup>16 .....

**Textual Amendments**

**F12** Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch.1

<sup>F13</sup>17 .....

**Textual Amendments**

**F13** Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch.1

<sup>F14</sup>18 .....

**Textual Amendments**

**F14** Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch.1

<sup>F15</sup>19 .....

**Textual Amendments**

**F15** Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch.1

<sup>F16</sup>20 .....

**Textual Amendments**

**F16** Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch.1

<sup>F17</sup>21 .....

**Textual Amendments**

**F17** Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch.1

<sup>F18</sup>22 .....

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### Textual Amendments

**F18** Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch.1

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

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

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

<sup>F19</sup>25 .....

### Textual Amendments

**F19** Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch.1

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

### Commencement Information

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

27 [<sup>F20</sup>In section 362(7) of that Act (development work and experiments)—  
(a) for “the School Curriculum and Assessment Authority” substitute “ the Qualifications and Curriculum Authority ”; and  
(b) for “the Curriculum and Assessment Authority for Wales” substitute “ the Qualifications, Curriculum and Assessment Authority for Wales ”.]

### Textual Amendments

**F20** Sch. 7 paras. 27, 28 repealed (1.10.2002 for E. for specified purposes, 20.1.2003 for E in so far as not already in force) by Education Act 2002 (c. 32), s. 216(4), Sch. 22 Pt. 3 (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2002/2952, art. 2

### Commencement Information

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

28 [<sup>F21</sup>In section 368(10) of that Act (procedure for making certain orders and regulations)—  
(a) for “the School Curriculum and Assessment Authority” substitute “ the Qualifications and Curriculum Authority ”; and

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

**Textual Amendments**

**F21** Sch. 7 paras. 27, 28 repealed (1.10.2002 for E. for specified purposes, 20.1.2003 for E in so far as not already in force) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); [S.I. 2002/2439, art. 3](#); [S.I. 2002/2952, art. 2](#)

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**Commencement Information**

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

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

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

F22 31 .....

**Textual Amendments**

**F22** [Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51](#) repealed (1.9.1999) by [1998 c. 31, s. 140\(1\)\(3\)](#), [Sch. 30 para.223](#), [Sch. 31](#) (with ss. 138(9), 144(6)); [S.I. 1999/2323, art. 2\(1\)](#), [Sch.1](#)

F23 32 .....

**Textual Amendments**

**F23** [Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51](#) repealed (1.9.1999) by [1998 c. 31, s. 140\(1\)\(3\)](#), [Sch. 30 para.223](#), [Sch. 31](#) (with ss. 138(9), 144(6)); [S.I. 1999/2323, art. 2\(1\)](#), [Sch.1](#)

F24 33 .....

**Textual Amendments**

**F24** [Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51](#) repealed (1.9.1999) by [1998 c. 31, s. 140\(1\)\(3\)](#), [Sch. 30 para.223](#), [Sch. 31](#) (with ss. 138(9), 144(6)); [S.I. 1999/2323, art. 2\(1\)](#), [Sch.1](#)



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F25 34 .....

**Textual Amendments**

**F25** Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F26 35 .....

**Textual Amendments**

**F26** Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

F27 36 .....

**Textual Amendments**

**F27** Sch. 7 para. 36 repealed (1.4.2003 for E., 9.1.2004 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4; S.I. 2003/2961, art. 7, Sch. Pt. IV

37 In section 537(4) of that Act (power of Secretary of State to require information from governing bodies etc.), at the end add “ ; and regulations under this section may provide that, in such circumstances as may be prescribed, the provision of information to a person other than the Secretary of State is to be treated, for the purposes of any provision of such regulations or this section, as compliance with any requirement of such regulations relating to the provision of information to the Secretary of State. ”

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

“ PUNISHMENT AND RESTRAINT OF PUPILS

*Corporal punishment”.*

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

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

F28 40 .....

**Textual Amendments**

**F28** Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

41 In section 571 of that Act (publication of guidance)—

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(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**

**19** 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

F29 45 .....

**Textual Amendments**

**F29** Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch.1

F30 46 .....

**Textual Amendments**

**F30** Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch.1

F31 47 .....

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**Textual Amendments**

**F31** Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 223, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

<sup>F32</sup>48 .....

**Textual Amendments**

**F32** Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

<sup>F33</sup>49 .....

**Textual Amendments**

**F33** Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

<sup>F34</sup>50 .....

**Textual Amendments**

**F34** Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

*School Inspections Act 1996 (c. 57)*

<sup>F35</sup>51 .....

**Textual Amendments**

**F35** Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

SCHEDULE 8

Section 57(4).

REPEALS

**Commencement Information**

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

**Chapter**

**Short title**

**Extent of repeal**

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

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and the “and” preceding it  
and sub-paragraph (2), in  
paragraph 30 sub-paragraphs  
(1)(a), (2) and (3), and  
paragraph 120.

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**Status:**

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**Changes to legislation:**

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