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# Education Act 2002

## CHAPTER 32

### EDUCATION ACT 2002

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- 1 The arrangements for the staffing of the school shall be...
- 2 The authority may appoint, suspend and dismiss teachers and other...
- 3 The authority shall, in connection with the exercise of their...
- 4 In relation to teachers at a voluntary controlled school who...

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- 5 The arrangements for the staffing of the school shall be...

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- 6 Except with the consent of the authority, the governing body...
- 7 The authority may give the governing body directions—
- 8 The authority may give directions to the governing body as...
- 9 Where the trust deed relating to the school provides for...
- 10 Paragraphs 6 and 7 have effect subject to section 58...
- 11 Paragraph 8 has effect subject to— (a) any provision made...

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- 3 In section 50 of the 1998 Act (effect of financial...
- 4 After section 51 of the 1998 Act there is inserted—...
- 5 In Schedule 15 to the 1998 Act (suspension of financial...
- 6 Teachers engaged otherwise than as employees
- 7 In section 59 of the 1998 Act (staff at community,...
- 8 (1) Section 60 of the 1998 Act (staff at foundation...

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- 1 In this Schedule “the 1998 Act” means the School Standards...
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- 3 Parental preferences
- 4 Children permanently excluded from two or more schools
- 5 Procedure for determining admission arrangements
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- 8 Appeal arrangements: general
- 9 Appeals relating to children to whom section 87 applies
- 10 Direction to admit child to specified school
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- 12 Nursery education, special schools and children with statements
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- 14 Education Act 1996

#### SCHEDULE 5 — Schools causing concern: amendments consequential on sections 55 and 56

- 1 In section 14 of the School Standards and Framework Act...
- 2 (1) Section 16 of that Act (power of local authority...
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- 1 In the Education Act 1996 (c. 56), the following Schedule...

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- 2 Environmental Protection Act 1990 (c. 43)
- 3 Diocesan Boards of Education Measure 1991 (1991 No. 2)
- 4 Further and Higher Education Act 1992 (c. 13)
- ...
- 6 Education Act 1996 (c. 56)

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- 7 School Inspections Act 1996 (c. 57)
- 8 Education Act 1997 (c. 44)
- 9 School Standards and Framework Act 1998 (c. 31)
- 10 Learning and Skills Act 2000 (c. 21)

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- 6 Proposal relating to community school
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- 9 Proposal relating to Academies

#### SCHEDULE 9 — Proposals relating to sixth forms: implementation

#### SCHEDULE 10 — Establishment etc of schools: procedural changes

- 1 Proposals for establishment, alteration and discontinuance of schools
- 2 (1) Paragraph 2 (objections) is amended as follows.
- 3 (1) Paragraph 3 (approval of proposals) is amended as follows....
- 4 (1) Paragraph 4 (determination by local authority whether to implement...
- 5 (1) Paragraph 5 (requirement to implement proposals) is amended as...
- 6 (1) Paragraph 10 (requirement to implement proposals in Wales) is...
- 7 Proposals for rationalisation of school places
- 8 In paragraph 7 (objections)— (a) in sub-paragraph (1), after “objections...
- 9 (1) Paragraph 8 (approval of proposals) is amended as follows....
- 10 In paragraph 9 (local inquiry), in sub-paragraph (1)—
- 11 Proposals in relation to sixth forms
- 12 . . . . .
- 13 . . . . .
- 14 . . . . .
- 15 In paragraph 42 (consideration of proposals in Wales), in sub-paragraph...

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- 3 A member may resign by notice in writing to the...
- 4 The Secretary of State may by notice in writing dismiss...
- 5 In Part 3 of Schedule 1 to the House of...
- 6 Chairman
- 7 Paragraph 4 shall apply to the chairman and for that...
- 8 If the chairman ceases to be a member of the...
- 9 Deputy Chairman
- 10 The deputy chairman may by notice in writing to the...
- 11 If the deputy chairman ceases to be a member of...
- 12 Money
- 13 Proceedings
- 14 The validity of proceedings of the Body shall not be...

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15 Transitional provision

SCHEDULE 11A — REGULATIONS ABOUT DECISIONS UNDER SECTION 141B

*Regulations: general*

1 The Secretary of State must make regulations in accordance with...

*Procedure for decisions under section 141B(2)*

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*Interim prohibition orders*

3 (1) Regulations under paragraph 1 may make provision for the...

*Prohibition orders*

4 (1) Regulations under paragraph 1 may make provision—

*Appeals against prohibition orders*

5 (1) Regulations under paragraph 1 must make provision conferring on...

*Supplementary provisions*

6 (1) Regulations under paragraph 1 may make incidental and supplementary...

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*Domestic service providers: extension of liability*

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*Non-UK service providers: restriction on proceedings*

3 (1) This paragraph applies where a service provider is established...

*Exceptions for mere conduits*

4 (1) A service provider is not guilty of an offence...

*Exception for caching*

5 (1) This paragraph applies where an information society service consists...

*Exception for hosting*

6 (1) A service provider is not guilty of an offence...

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### *Interpretation*

- 7 (1) In this Schedule— “information society services”— has the meaning...

#### SCHEDULE 12 — The General Teaching Councils for England and Wales Part 1 — AMENDMENTS OF TEACHING AND HIGHER EDUCATION ACT 1998

- 1 The Teaching and Higher Education Act 1998 (c. 30) is...  
2 In section 2 (which relates to the advisory functions of...  
3 (1) Section 3 (which relates to the registration of teachers...  
4 (1) Section 4 (which relates to regulations about the registration...  
5 After section 4 there is inserted— Appeals against refusal of...  
6 After section 6 there is inserted— Power to promote teaching...  
7 .....  
8 In section 12 (deduction of fees from salaries etc) in...  
9 In section 42 (orders and regulations), in subsection (2) (a)...  
10 In section 43(1) (general interpretation), in the definition of  
“registered...  
11 In Schedule 1 (constitution etc. of General Teaching Council for...  
12 (1) Schedule 2 (disciplinary powers of Council) is amended as...

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14 .....  
15 .....

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2 Suspension of registration  
3 Rights of appeal in relation to registration  
4 Inspections by Chief Inspector  
5 Rights of entry etc.  
6 Disqualification for registration  
7 Disclosure of criminal record  
8 .....

#### SCHEDULE 14 — Inspection of nursery education

- 1 Conduct of inspections by Inspectorate  
2 Registration of inspectors  
3 In paragraph 9 of that Schedule (removal from register), in...  
4 In section 79P(3) of the Children Act 1989 (c. 41)...  
5 Appeals  
6 In section 9(2) of the Protection of Children Act 1999...  
7 Nothing in paragraph 5 or 6 affects appeals made under...

#### SCHEDULE 15 — Education action zones

- 1 Introductory  
2 Establishment of education action zones  
3 Constitution of Education Action Forum  
4 After that section there is inserted— Constitution of Education Action...  
5 Expansion or reduction of zone  
6 Information relating to changes to zone or Forum  
7 Functions of Education Action Forum

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## 8 Transitional provision

### SCHEDULE 16 —

In section 5(1) of that Act (matters of which the...

In section 10(5) of that Act (matters on which a...

In paragraph 3 of Schedule 3 to that Act (teams...

In paragraph 3A of that Schedule (enrolment of persons to...

### SCHEDULE 17 — Amendments of Part 5 of Education Act 1997

1 ...

2 .....

3 .....

4 .....

5 The Qualifications, Curriculum and Assessment Authority for Wales

6 In any order made before the commencement of this paragraph...

7 (1) Section 32 of the Education Act 1997 (supplementary provisions...

8 After section 32 of the Education Act 1997 there is...

...

### SCHEDULE 18 — Special Educational Needs Tribunal for Wales

1 Special Educational Needs

2 In section 313 (code of practice), for subsection (5) there...

3 In section 326A (unopposed appeals), for subsection (6) there is...

4 In section 333 (constitution of Tribunal), before subsection (1) there...

5 After section 336 there is inserted— Special Educational Needs  
Tribunal...

6 In section 336A, for subsection (2) there is substituted—

7 Disability Discrimination

8 (1) In section 28H (Special Educational Needs and Disability  
Tribunal),...

9 (1) Section 28I (jurisdiction and powers of the Tribunal) is...

10 (1) Section 28J (procedure) is amended as follows.

11 In section 28M (roles of the Secretary of State and...

12 In Part 3 of Schedule 3 (enforcement and procedure: discrimination...

13 Section 10 of the Disabled Persons (Services, Consultation and  
Representation)...

14 Consequential amendments

15 In Schedule 1 to the Tribunals and Inquiries Act 1992...

16 In section 42 of the Special Educational Needs and Disability...

17 Saving and transitional provision

18 Regulations made, or having effect as if made, under any...

### SCHEDULE 19 — Transport for persons over compulsory school age

1 The Education Act 1996 is amended as follows.

2 .....

3 After section 509 there is inserted— Provision of transport etc....

4 After section 509AA there is inserted— Further provision about  
transport...

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- 5 After section 509AB there is inserted— Interpretation of sections 509AA...
- 6 In section 509A (travel arrangements for children receiving nursery education...

#### SCHEDULE 20 — Nuisance or disturbance on educational premises

- 1 (1) Section 547 of the Education Act 1996 (c. 56)...
- 2 After section 85 of the Further and Higher Education Act...

#### SCHEDULE 21 — Minor and consequential amendments

- 1 Local Government Act 1972 (c. 70)
- 2 Local Government Act 1974 (c. 7)
- ...
- 4 Public Passenger Vehicles Act 1981 (c. 14)
- 5 Education (Fees and Awards) Act 1983 (c. 40)
- 6 Building Act 1984 (c. 55)
- 7 Education Act 1986 (c. 40)
- 8 Education Reform Act 1988 (c. 40)
- 9 Children Act 1989 (c. 14)
- 10 Environmental Protection Act 1990 (c. 43)
- 11 Further and Higher Education Act 1992 (c. 13)
- 12 In section 21 of the Further and Higher Education Act...
- 13 Section 23(4)(b) of the Further and Higher Education Act 1992...
- 14 In section 26 of the Further and Higher Education Act...
- 15 In section 37 of the Further and Higher Education Act...
- 16 Sections 39 to 42 of the Further and Higher Education...
- 17 . . . . .
- 18 Section 48 of the Further and Higher Education Act 1992...
- 19 (1) Section 52A of the Further and Higher Education Act...
- 20 In section 54(1) of the Further and Higher Education Act...
- 21 Section 60 of the Further and Higher Education Act 1992...
- 22 Tribunals and Inquiries Act 1992 (c. 53)
- 23 Education Act 1994 (c. 30)
- 24 In section 14 of the Education Act 1994 (qualification of...
- 25 In section 19(1) of the Education Act 1994 (interpretation), for...
- 26 ...
- 27 (1) Section 28L of the Disability Discrimination Act 1995 (exclusions)...
- 28 In section 28Q of the Disability Discrimination Act 1995 (interpretation...
- 29 In Schedule 4A to the Disability Discrimination Act 1995, in...
- 30 Employment Rights Act 1996 (c. 18)
- 31 In section 139 of the Employment Rights Act 1996 (redundancy),...
- 32 In section 218 of the Employment Rights Act 1996 (change...
- 33 Education Act 1996 (c. 56)
- 34 (1) Section 3 of the Education Act 1996 (definition of...
- 35 In section 29 of the Education Act 1996 (provision of...
- 36 In section 313 of the Education Act 1996 (Code of...
- 37 In section 315 of the Education Act 1996 (review of...
- 38 In section 316A of the Education Act 1996 (duty to...
- 39 (1) Section 317 of the Education Act 1996 (duties in...
- 40 In section 317A(1) of the Education Act 1996 (duty to...
- 41 (1) Section 318 of the Education Act 1996 (provision of...



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- 42 In section 321 of the Education Act 1996 (general duty...
- 43 In section 324 of the Education Act 1996 (statement of...
- 44 In section 329A of the Education Act 1996 (review or...
- 45 In section 402 of the Education Act 1996 (obligation to...
- 46 (1) Section 408 of the Education Act 1996 (provision of...
- 47 (1) Section 409 of the Education Act 1996 (complaints and...
- 48 (1) Section 451 of the Education Act 1996 (prohibition of...
- 49 (1) Section 484 of the Education Act 1996 (education standards...
- 50 In section 499 of the Education Act 1996 (power to...
- 51 . . . . .
- 52 In section 512A of the Education Act 1996 (transfer of...
- 53 . . . . .
- 54 . . . . .
- 55 In section 545 of the Education Act 1996 (exemption of...
- 56 In section 578 of the Education Act 1996 (meaning of...
- 57 In section 579(1) of the Education Act 1996 (general interpretation)—...
- 58 In Schedule 27 to the Education Act 1996—
- 59 School Inspections Act 1996 (c. 57)
- 60 (1) Section 11 of the School Inspections Act 1996 (application...
- 61 In section 15 of the School Inspections Act 1996 (timing...
- 62 In section 16 of the School Inspections Act 1996 (destination...
- 63 In section 17 of the School Inspections Act 1996 (special...
- 64 In section 18(1)(a) of the School Inspections Act 1996 (additional...
- 65 In section 21(3)(b) of the School Inspections Act 1996 (duty...
- 66 In section 23 of the School Inspections Act 1996 (inspection...
- 67 In Schedule 3 to the School Inspections Act 1996 (inspections...
- 68 In Schedule 4 to the School Inspections Act 1996 (inspections...
- 69 Education Act 1997 (c. 44)
- 70 In section 32 of the Education Act 1997 (supplementary provisions...
- 71 Section 49 of the Education Act 1997 (regulations about access...
- 72 Police Act 1997 (c. 50)
- 73 . . . . .
- 74 Teaching and Higher Education Act 1998 (c. 30)
- 75 In section 2 of the Teaching and Higher Education Act...
- 76 In section 3 of the Teaching and Higher Education Act...
- 77 In section 4 of the Teaching and Higher Education Act...
- 78 In section 7 of the Teaching and Higher Education Act...
- 79 Section 10 of the Teaching and Higher Education Act 1998...
- 80 Section 11 of the Teaching and Higher Education Act 1998...
- 81 In section 12 of the Teaching and Higher Education Act...
- 82 Section 13 of the Teaching and Higher Education Act 1998...
- 83 For section 15 of the Teaching and Higher Education Act...
- 84 Section 18 of the Teaching and Higher Education Act 1998...
- 85 In section 19 of the Teaching and Higher Education Act...
- 86 (1) Schedule 2 to the Teaching and Higher Education Act...
- 87 School Standards and Framework Act 1998 (c. 31)
- 88 In section 4 of the School Standards and Framework Act...
- 89 In section 7 of the School Standards and Framework Act...
- 90 In section 12 of the School Standards and Framework Act...
- 91 Section 13 of the School Standards and Framework Act 1998...
- 92 In section 14 of the School Standards and Framework Act...
- 93 (1) Section 16 of the School Standards and Framework Act...
- 94 (1) Section 18 of the School Standards and Framework Act...

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95	In section 20 of the School Standards and Framework Act...
96	(1) Section 22 of the School Standards and Framework Act...
97	(1) Section 28 of the School Standards and Framework Act...
98	(1) Section 33 of the School Standards and Framework Act...
99	(1) Section 45 of the School Standards and Framework Act...
100	(1) Section 49 of the School Standards and Framework Act...
101	In section 50 of the School Standards and Framework Act...
102	In section 61 of the School Standards and Framework Act...
103	In section 62 of the School Standards and Framework Act...
104	(1) Section 69 of the School Standards and Framework Act...
105	In section 71 of the School Standards and Framework Act...
106	In section 72 of the School Standards and Framework Act...
107	In section 81 of the School Standards and Framework Act...
108	In section 82 of the School Standards and Framework Act...
109	In section 101 of the School Standards and Framework Act...
110	(1) Section 127 of the School Standards and Framework Act...
111	In section 138 of the School Standards and Framework Act...
112	In section 142 of the School Standards and Framework Act...
113	In section 143 of the School Standards and Framework Act...
114	In Schedule 3 to the School Standards and Framework Act...
115	(1) Schedule 6 to the School Standards and Framework Act...
116	In Schedule 7 to the School Standards and Framework Act...
117	(1) Schedule 19 to the School Standards and Framework Act...
118	(1) Schedule 22 to the School Standards and Framework Act...
119	In Schedule 32 to the School Standards and Framework Act...
120	Protection of Children Act 1999 (c. 14)
121	.....
122	In section 9(2) of the Protection of Children Act 1999...
123	.....
124	Learning and Skills Act 2000 (c. 21)
125	(1) Section 36 of the Learning and Skills Act 2000...
126	(1) Schedule 7 to the Learning and Skills Act 2000...
127	Freedom of Information Act 2000 (c. 36)
128	Criminal Justice and Court Services Act 2000 (c. 43)

#### SCHEDULE 22 — Repeals

- Part 1 — REPEALS COMING INTO FORCE IN ACCORDANCE WITH SECTION 216(2)
- Part 2 — REPEALS COMING INTO FORCE IN ACCORDANCE WITH SECTION 216(3)
- Part 3 — REPEALS COMING INTO FORCE IN ACCORDANCE WITH SECTION 216(4)

**Status:**

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