

Status: Point in time view as at 01/10/2013.

Changes to legislation: Education Act 2002, SCHEDULE 21 is up to date with all changes known to be in force on or before 24 June 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

SCHEDULE 21

Section 215(1)

MINOR AND CONSEQUENTIAL AMENDMENTS

Local Government Act 1972 (c. 70)

1 In section 177 of the Local Government Act 1972 (provisions supplementary to sections 173 to 176 of that Act) for subsection (1A) there is substituted—

“(1A) Subsection (1) has effect without prejudice to the operation of—

- (a) regulations made by virtue of section 94(5C) or 95(3B) of the School Standards and Framework Act 1998 (allowances for admission appeal panels);
- (b) paragraph 3 of Schedule 4 to that Act (allowances for school organisation committees); and
- (c) regulations made by virtue of section 52(6) of the Education Act 2002 (allowances for exclusion appeal panels).”

Commencement Information

- I1** Sch. 21 para. 1 partly in force; Sch. 21 para. 1 not in force at Royal Assent, see s. 216; Sch. 21 para. 1 in force for E. at 20.1.2003 by [S.I. 2002/2952](#), [art. 2](#) (with savings and transitional provisions in [Sch.](#))
- I2** Sch. 21 para. 1 in force at 9.1.2004 for specified purposes for W. by [S.I. 2003/2961](#), [art. 7](#), [Sch. Pt. IV](#)
- I3** Sch. 21 para. 1 in force at 31.5.2005 for W. in so far as not already in force by [S.I. 2005/1395](#), [art. 4](#), [Sch.](#)

Local Government Act 1974 (c. 7)

2 In section 25(5) of the Local Government Act 1974 (certain bodies to which Part 3 of that Act applies)—

(a) for paragraph (c) there is substituted—

“(c) an admission appeal panel constituted in accordance with regulations under section 94(5) or 95(3) of that Act,”

and

(b) at the end of paragraph (d) there is inserted “and

(e) an exclusion appeal panel constituted in accordance with regulations under section 52 of the Education Act 2002.”

Commencement Information

- I4** Sch. 21 para. 21 partly in force; Sch. 21 para. 21 not in force at Royal Assent, see s. 216; Sch. 21 para. 2 in force for E. at 20.1.2003 by [S.I. 2002/2952](#), [art. 2](#) (with savings and transitional provisions in [art. 3](#), [Sch.](#))
- I5** Sch. 21 para. 2(a) in force at 31.5.2005 for W. by [S.I. 2005/1395](#), [art. 4](#), [Sch.](#) (with [art. 5\(3\)\(4\)](#))
- I6** Sch. 21 para. 2(b) in force at 9.1.2004 for W. by [S.I. 2003/2961](#), [art. 7](#), [Sch. Pt. IV](#)

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F1
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Textual Amendments

- F1** Sch. 21 para. 3 and cross-heading repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

Public Passenger Vehicles Act 1981 (c. 14)

- 4 In section 46(3) of the Public Passenger Vehicles Act 1981 (fare-paying passengers on school buses), for the definition of “free school transport” there is substituted—

““free school transport” means transport provided by a [^{F2}local authority] free of charge—

- (a) in pursuance of arrangements under section 509(1) or (1A) or section 509AA(7)(b) or (9)(a) of the Education Act 1996, or
 (b) otherwise, in the exercise of any function of the authority,

for the purpose of facilitating the attendance of persons receiving education or training at any premises;”.

Textual Amendments

- F2** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **art. 1, Sch. 2 para. 11(2)**

Commencement Information

- I7** Sch. 21 para. 4 partly in force; Sch. 21 para. 4 not in force at Royal Assent, see s. 216; Sch. 21 para. 4 in force for E. at 20.1.2003 by [S.I. 2002/2952](#), **art. 2** (with savings and transitional provisions in [art. 3, Sch.](#))
I8 Sch. 21 para. 4 in force at 1.9.2003 for W. by [S.I. 2003/1718](#), **art. 5, Sch. Pt. II**

Education (Fees and Awards) Act 1983 (c. 40)

- 5 In section 1 of the Education (Fees and Awards) Act 1983 (fees at further and higher education institutions), subsection (6) is omitted.

Commencement Information

- I9** Sch. 21 para. 5 in force at 6.11.2006 except in relation to W. by [S.I. 2006/2895](#), **art. 2**
I10 Sch. 21 para. 5 in force at 2.1.2008 for W. by [S.I. 2007/3611](#), **art. 4(1), Sch. Pt. 1**

Building Act 1984 (c. 55)

- 6 In section 4 of the Building Act 1984 (exemption of educational buildings from building regulations), for subsection (1)(a)(ii) there is substituted—

“(ii) particulars submitted and approved under regulations made under section 544 of the Education Act 1996;”.

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Commencement Information

- I11** Sch. 21 para. 6 in force at 6.11.2006 except in relation to W. by [S.I. 2006/2895](#), [art. 2](#)
I12 Sch. 21 para. 6 in force at 2.1.2008 for W. by [S.I. 2007/3611](#), [art. 4\(1\)](#), [Sch. Pt. 1](#)

Education Act 1986 (c. 40)

- 7 In section 1(1) of the Education Act 1986 (payment of grant) for “either of them” there is substituted “ that body ”.

Commencement Information

- I13** Sch. 21 para. 7 in force at 1.4.2003 except in relation to W. by [S.I. 2003/124](#), [art. 4](#)
I14 Sch. 21 para. 7 in force at 2.1.2008 for W. by [S.I. 2007/3611](#), [art. 4\(1\)](#), [Sch. Pt. 1](#)

Education Reform Act 1988 (c. 40)

- 8 In section 124(1)(ba) of the Education Reform Act 1988 (power of higher education corporation to provide secondary education) for “to persons who would, if they were pupils at a school, be in the fourth key stage” there is substituted “ suitable to the requirements of persons who have attained the age of fourteen years ”.

Commencement Information

- I15** Sch. 21 para. 8 wholly in force at 19.12.2002; Sch. 21 para. 8 not in force at Royal Assent, see s. 216; Sch. 21 para. 8 in force for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), [Sch.](#)); Sch. 21 para. 8 in force for W. at 19.12.2002 by [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. I](#)

Children Act 1989 (c. 14)

- 9 In Schedule 9A to the Children Act 1989 (child minding and day care for young children), for paragraph 4(2)(b) there is substituted—
“(b) he is subject to a direction under section 142 of the Education Act 2002, given on the grounds that he is unsuitable to work with children;”.

Commencement Information

- I16** Sch. 21 para. 9 partly in force; Sch. 21 para. 9 not in force at Royal Assent, see. s. 216; Sch. 21 para. 9 in force for W. at 31.3.2003 by [S.I. 2002/3185](#), [art. 5](#), [Sch. Pt. II](#)
I17 Sch. 21 para. 9 in force at 31.3.2003 for W. by [S.I. 2002/3185](#), [art. 5](#), [Sch. Pt. II](#)
I18 Sch. 21 para. 9 in force at 1.6.2003 except in relation to W. by [S.I. 2003/1115](#), [art. 3](#)

Environmental Protection Act 1990 (c. 43)

- 10 In section 98(2) of the Environmental Protection Act 1990 (definition of “educational institution”), paragraph (c)(ii) is omitted.

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Commencement Information

- I19** Sch. 21 para. 10 in force at 6.11.2006 except in relation to W. by [S.I. 2006/2895](#), [art. 2](#)
I20 Sch. 21 para. 10 in force at 2.1.2008 for W. by [S.I. 2007/3611](#), [art. 4\(1\)](#), [Sch. Pt. 1](#)

Further and Higher Education Act 1992 (c. 13)

- 11 In section 18(1)(aa) of the Further and Higher Education Act 1992 (power of further education corporation to provide secondary education) for “to persons who would, if they were pupils at a school, be in the fourth key stage” there is substituted “ suitable to the requirements of persons who have attained the age of fourteen years ”.

Commencement Information

- I21** Sch. 21 para. 11 wholly in force at 19.12.2002; Sch. 21 para. 11 not in force at Royal Assent, see s. 216; Sch. 21 para. 11 in force for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), [Sch.](#)); Sch. 21 para. 11 in force for W. at 19.12.2002 by [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. I](#)

- 12 In section 21 of the Further and Higher Education Act 1992 (initial instruments and articles), in subsection (3), for “Chapter III of Part II of the School Standards and Framework Act 1998” there is substituted “ section 19 of the Education Act 2002 ”.

Commencement Information

- I22** Sch. 21 para. 12 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 4](#)
I23 Sch. 21 para. 12 in force at 31.10.2005 for W. by [S.I. 2005/2910](#), [art. 4](#), [Sch.](#)

- 13 Section 23(4)(b) of the Further and Higher Education Act 1992 (institutions maintained by ^{F3}local authorities]: Secretary of State must approve exclusion of any property etc. from initial transfer to FE corporation) shall cease to have effect.

Textual Amendments

- F3** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [art. 1](#), [Sch. 2 para. 11\(3\)](#)

Commencement Information

- I24** Sch. 21 para. 13 wholly in force at 19.12.2002; Sch. 21 para. 13 not in force at Royal Assent, see s. 216; Sch. 21 para. 13 in force for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), [Sch.](#)); Sch. 21 para. 16 in force for W. at 19.12.2002 by [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. I](#)

- 14 In section 26 of the Further and Higher Education Act 1992 (transfer of staff to further education corporation), subsection (9) is omitted.

- 15 In section 37 of the Further and Higher Education Act 1992 (net expenditure of institution about to join further education sector), the following provisions are omitted—

- (a) subsection (1)(b) and the word “or” immediately preceding it,
- (b) subsection (8)(a), and
- (c) subsection (9).

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Commencement Information

- I25** Sch. 21 para. 15 in force at 6.11.2006 except in relation to W. by [S.I. 2006/2895](#), **art. 2**
I26 Sch. 21 para. 15 in force at 2.1.2008 for W. by [S.I. 2007/3611](#), **art. 4(1)**, **Sch. Pt. 1**

- 16 Sections 39 to 42 of the Further and Higher Education Act 1992 (restrictions on powers of local authorities to dispose of land etc. in period before institution becomes institution within the further education sector) shall cease to have effect.

Commencement Information

- I27** Sch. 21 para. 16 wholly in force at 19.12.2002; Sch. 21 para. 16 not in force at Royal Assent, see s. 216; Sch. 21 para. 16 in force for E. at 1.10.2002 by [S.I. 2002/2439](#), **art. 3** (with transitional provisions and savings in [art. 4](#), [Sch.](#)) and in force for W. at 19.12.2002 by [S.I. 2002/3185](#), **art. 4**, **Sch. Pt. I**

- ^{F4}17

Textual Amendments

- F4** Sch. 21 para. 17 repealed (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010](#) ([S.I. 2010/1080](#)), **art. 1(2)(a)(b)**, **Sch. 1 para. 102**, **Sch. 2 Pt. 2** (with [art. 2\(3\)](#))

- 18 Section 48 of the Further and Higher Education Act 1992 (transfer of institution to further education sector) shall cease to have effect.
- 19 (1) Section 52A of the Further and Higher Education Act 1992 (duty to safeguard pupils receiving secondary education) is amended as follows.
- (2) In subsection (1)—
- (a) for “persons who would, if they were pupils at a school, be in the fourth key stage” there is substituted “persons of compulsory school age”, and
- (b) in paragraph (a), for “in pursuance of arrangements falling within section 18(1)(aa) of this Act” there is substituted “by virtue of section 18(1)(aa) or (ab) of this Act”.
- (3) In subsection (2) for “such pupils” there is substituted “persons of compulsory school age”.

Commencement Information

- I28** Sch. 21 para. 19 wholly in force at 19.12.2002; Sch. 21 para. 19 not in force at Royal Assent, see s. 216; Sch. 21 para. 19 in force for E. at 1.10.2002 by [S.I. 2002/2439](#), **art. 3** (with transitional provisions and savings in [art. 4](#), [Sch.](#)); Sch. 21 para. 19 in force for W. at 19.12.2002 by [S.I. 2002/3185](#), **art. 4**, **Sch. Pt. I**

- 20 In section 54(1) of the Further and Higher Education Act 1992 (duty of certain bodies to give to the Learning and Skills Council for England or National Council for Education and Training for Wales information required for the purposes of the exercise of their functions under Part 1 of that Act), for “this Part of this Act” there is substituted “any enactment”.

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Commencement Information

I29 Sch. 21 para. 20 wholly in force at 19.12.2002; Sch. 21 para. 20 not in force at Royal Assent, see s. 216; Sch. 21 para. 20 in force for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), [Sch.](#)); Sch. 21 para. 20 in force for W. at 19.12.2002 by [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. I](#)

21 Section 60 of the Further and Higher Education Act 1992 (saving as to persons detained by order of a court) shall cease to have effect.

Commencement Information

I30 Sch. 21 para. 21 wholly in force at 19.12.2002; Sch. 21 para. 21 not in force at Royal Assent, see s. 216; Sch. 21 para. 21 in force for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), [Sch.](#)); Sch. 21 para. 31 in force for W. at 19.12.2002 by [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. I](#)

Tribunals and Inquiries Act 1992 (c. 53)

22 In paragraph 15 of Schedule 1 to the Tribunals and Inquiries Act 1992 (^{F5}tribunals to which that Act applies) for paragraphs (b) and (c) there is substituted—

“(b) exclusion appeal panels constituted in accordance with regulations under section 52 of the Education Act 2002;

(c) admission appeal panels constituted in accordance with regulations under section 94(5) or 95(3) of the School Standards and Framework Act 1998;”.

Textual Amendments

F5 Words in Sch. 21 para. 22 substituted (19.9.2013) by [The Public Bodies \(Abolition of Administrative Justice and Tribunals Council\) Order 2013 \(S.I. 2013/2042\)](#), [art. 1\(2\)](#), [Sch. para. 23](#)

Commencement Information

I31 Sch. 21 para. 22 partly in force; Sch. 21 para. 22 not in force at Royal Assent, see s. 216; Sch. 21 para. 22 in force for E. at 20.1.2003 by [S.I. 2002/2952](#), [art. 2](#) (with savings and transitional provisions in [art. 3](#), [Sch.](#))

I32 Sch. 21 para. 22 in force at 9.1.2004 for specified purposes for W. by [S.I. 2003/2961](#), [art. 7](#), [Sch. Pt. IV](#)

I33 Sch. 21 para. 22 in force at 31.5.2005 for W. in so far as not already in force by [S.I. 2005/1395](#), [art. 4](#), [Sch.](#)

Education Act 1994 (c. 30)

23 In section 4 of the Education Act 1994 (qualifying activities and eligible institutions), subsection (4) shall cease to have effect.

Commencement Information

I34 Sch. 21 para. 23 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 4](#)

I35 Sch. 21 para. 23 in force at 31.10.2005 for W. by [S.I. 2005/2910](#), [art. 4](#), [Sch.](#)

24 In section 14 of the Education Act 1994 (qualification of teachers, etc.), subsections (1), (3) and (4) are omitted.

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Commencement Information

I36 Sch. 21 para. 24 in force at 1.8.2003 except in relation to W. by [S.I. 2003/1667](#), **art. 3**

^{F6}25

Textual Amendments

F6 Sch. 21 para. 25 repealed (1.9.2005) by [Education Act 2005 \(c. 18\)](#), s. 125(3)(b), **Sch. 19 Pt. 3**

Commencement Information

I37 Sch. 21 para. 25 in force at 31.10.2005 for W. by [S.I. 2005/2910](#), **art. 4**, **Sch.**

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^{F7}26

Textual Amendments

F7 Sch. 21 paras. 26-29 and cross-heading repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), **art. 1(2)**, **Sch. 2** (see [S.I. 2010/2317](#), **art. 2**)

^{F7}27

Textual Amendments

F7 Sch. 21 paras. 26-29 and cross-heading repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), **art. 1(2)**, **Sch. 2** (see [S.I. 2010/2317](#), **art. 2**)

^{F7}28

Textual Amendments

F7 Sch. 21 paras. 26-29 and cross-heading repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), **art. 1(2)**, **Sch. 2** (see [S.I. 2010/2317](#), **art. 2**)

^{F7}29

Textual Amendments

F7 Sch. 21 paras. 26-29 and cross-heading repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), **art. 1(2)**, **Sch. 2** (see [S.I. 2010/2317](#), **art. 2**)

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Employment Rights Act 1996 (c. 18)

- 30 In section 134(1) of the Employment Rights Act 1996 (teachers in aided schools) for “section 55(5) of the School Standards and Framework Act 1998” there is substituted “ paragraph 7 of Schedule 2 to the Education Act 2002 ”.

Commencement Information

- I38** Sch. 21 para. 30 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 4](#)
I39 Sch. 21 para. 30 in force at 1.4.2006 for W. by [S.I. 2006/879](#), [art. 4](#), [Sch.](#)

- 31 In section 139 of the Employment Rights Act 1996 (redundancy), in subsection (3), for “governors” there is substituted “ governing bodies ”.

Commencement Information

- I40** Sch. 21 para. 31 wholly in force at 19.12.2002; Sch. 21 para. 31 not in force at Royal Assent, see s. 216; Sch. 21 para. 31 in force for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), [Sch.](#)); Sch. 21 para. 31 in force for W. at 19.12.2002 by [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. I](#)

- 32 In section 218 of the Employment Rights Act 1996 (change of employer), in subsection (7) for “governors” (in both places) there is substituted “ governing body ”.

Commencement Information

- I41** Sch. 21 para. 32 wholly in force at 19.12.2002; Sch. 21 para. 32 not in force at Royal Assent, see s. 216; Sch. 21 para. 32 in force for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), [Sch.](#)); Sch. 21 para. 32 in force for W. at 19.12.2002 by [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. I](#)

Education Act 1996 (c. 56)

- 33 In section 2 of the Education Act 1996 (definition of primary, secondary and further education), in subsection (4), after “subsection (2)(b)” there is inserted “ or (2A) ”.

Commencement Information

- I42** Sch. 21 para. 33 wholly in force at 19.12.2002; Sch. 21 para. 33 not in force at Royal Assent, see s. 216; Sch. 21 para. 33 in force for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), [Sch.](#)); Sch. 21 para. 33 in force for W. at 19.12.2002 by [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. I](#)

- 34 (1) Section 3 of the Education Act 1996 (definition of pupil etc) is amended as follows.
 (2) After subsection (1) there is inserted—

“(1A) A person is not for the purposes of this Act to be treated as a pupil at a school merely because any education is provided for him at the school in the exercise of the powers conferred by section 27 of the Education Act 2002 (power of governing body of maintained school to provide community facilities etc).”

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(3) In subsection (3) for “Subsection (1) also applies” there is substituted “ Subsections (1) and (1A) also apply ”.

Commencement Information

- I43** Sch. 21 para. 34 partly in force; Sch. 21 para. 34 not in force at Royal Assent, see s. 216; Sch. 21 para. 34 in force for E. at 2.9.2002 by [S.I. 2002/2002](#), [art. 4](#)
- I44** Sch. 21 para. 34 in force at 1.9.2003 for W. by [S.I. 2003/1718](#), [art. 5](#), [Sch. Pt. II](#)

35 In section 29 of the Education Act 1996 (provision of information by [^{F3}local authorities]), subsection (6) is omitted.

Textual Amendments

- F3** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [art. 1](#), [Sch. 2 para. 11\(3\)](#)

Commencement Information

- I45** Sch. 21 para. 35 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 4](#)
- I46** Sch. 21 para. 35 in force at 31.10.2005 for W. by [S.I. 2005/2910](#), [art. 4](#), [Sch.](#)

36 In section 313 of the Education Act 1996 (Code of Practice), in subsection (1), after “maintained schools” there is inserted “ and maintained nursery schools ”.

Commencement Information

- I47** Sch. 21 para. 36 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 4](#)
- I48** Sch. 21 para. 36 in force at 31.10.2005 for W. by [S.I. 2005/2910](#), [art. 4](#), [Sch.](#)

37 In section 315 of the Education Act 1996 (review of arrangements), in subsection (2) after “special schools” there is inserted “ and maintained nursery schools ”.

Commencement Information

- I49** Sch. 21 para. 37 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 4](#)
- I50** Sch. 21 para. 37 in force at 31.10.2005 for W. by [S.I. 2005/2910](#), [art. 4](#), [Sch.](#)

38 In section 316A of the Education Act 1996 (duty to educate children with special educational needs in mainstream school), in subsection (11)—

(a) in paragraph (a), after “maintained school” there is inserted “ or maintained nursery school ”, and

(b) in paragraph (b), the words “a maintained nursery school or” are omitted.

Commencement Information

- I51** Sch. 21 para. 38 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 4](#)
- I52** Sch. 21 para. 38 in force at 31.10.2005 for W. by [S.I. 2005/2910](#), [art. 4](#), [Sch.](#)

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- 39 (1) Section 317 of the Education Act 1996 (duties in relation to pupils with special educational needs) is amended as follows.
- (2) In subsection (1), for the words from the beginning to “shall” there is substituted “The governing body of a community, foundation or voluntary school or a maintained nursery school shall”.
- (3) For subsection (2) there is substituted—
- “(2) In subsection (1)(b) “the responsible person” means the head teacher or the appropriate governor (that is, the chairman of the governing body or, where the governing body have designated another governor for the purposes of this subsection, that other governor).”
- (4) In subsection (3)—
- (a) in paragraph (a), after “voluntary schools” there is inserted “ and maintained nursery schools ”, and
- (b) paragraph (b) and the word “and” preceding it are omitted.
- ^{F8}(5)

Textual Amendments

F8 Sch. 21 para. 39(5) repealed (1.9.2005) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 19 Pt. 4](#); [S.I. 2005/2034, art. 5](#) (with [Sch. para. 2](#))

Commencement Information

I53 Sch. 21 para. 39 partly in force; Sch. 21 para. 39 not in force at Royal Assent, see s. 216; Sch. 21 para. 39(5) in force for E. at 1.10.2002 by [S.I. 2002/2439, art. 3](#) (with transitional provisions and savings in [art. 4, Sch.](#))

I54 Sch. 21 para. 39(1)-(4) in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667, art. 4](#)

I55 Sch. 21 para. 39(1)(5) in force at 1.9.2004 for W. by [S.I. 2004/1728, art. 5, Sch. Pt. 2](#)

I56 Sch. 21 para. 39(2)-(4) in force at 31.10.2005 for W. by [S.I. 2005/2910, art. 4, Sch.](#)

- 40 In section 317A(1) of the Education Act 1996 (duty to inform parent where special educational provision made), in paragraph (a)(i) after “school” there is inserted “ or a maintained nursery school ”.

Commencement Information

I57 Sch. 21 para. 40 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667, art. 4](#)

I58 Sch. 21 para. 40 in force at 31.10.2005 for W. by [S.I. 2005/2910, art. 4, Sch.](#)

- 41 (1) Section 318 of the Education Act 1996 (provision of goods and services in connection with special educational needs) is amended as follows.
- (2) In subsection (1), after “voluntary schools” there is inserted “ or maintained nursery schools ”.
- (3) In subsection (2), after “voluntary schools” there is inserted “ , maintained nursery schools ”.

Status: Point in time view as at 01/10/2013.

Changes to legislation: Education Act 2002, SCHEDULE 21 is up to date with all changes known to be in force on or before 24 June 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)

Commencement Information

- I59** Sch. 21 para. 41 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667, art. 4](#)
I60 Sch. 21 para. 41 in force at 31.10.2005 for W. by [S.I. 2005/2910, art. 4, Sch.](#)

- 42 In section 321 of the Education Act 1996 (general duty of [^{F2}local authority] towards children for whom they are responsible), in subsection (3), in paragraphs (a) and (b), after “maintained school” there is inserted “ or maintained nursery school ”.

Textual Amendments

- F2** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\), art. 1, Sch. 2 para. 11\(2\)](#)

Commencement Information

- I61** Sch. 21 para. 42 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667, art. 4](#)
I62 Sch. 21 para. 42 in force at 31.10.2005 for W. by [S.I. 2005/2910, art. 4, Sch.](#)

- 43 In section 324 of the Education Act 1996 (statement of special educational needs), in subsection (5)(b) after “maintained school” there is inserted “ or maintained nursery school ”.

Commencement Information

- I63** Sch. 21 para. 43 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667, art. 4](#)
I64 Sch. 21 para. 43 in force at 31.10.2005 for W. by [S.I. 2005/2910, art. 4, Sch.](#)

- 44 In section 329A of the Education Act 1996 (review or assessment of educational needs at request of responsible body), in subsection (13)(a), the words “a maintained nursery school or” are omitted.

Commencement Information

- I65** Sch. 21 para. 44 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667, art. 4](#)
I66 Sch. 21 para. 44 in force at 31.10.2005 for W. by [S.I. 2005/2910, art. 4, Sch.](#)

- 45 In section 402 of the Education Act 1996 (obligation to enter pupils for public examinations) in subsection (6), for “and” at the end of paragraph (a) there is substituted—
“(aa) “assessment arrangements” and “fourth key stage”—
(i) in relation to a school maintained by a [^{F2}local authority] in England, have the same meaning as in Part 6 of the Education Act 2002 (the curriculum in England), and
(ii) in relation to a school maintained by a [^{F2}local authority] in Wales, have the same meaning as in Part 7 of that Act (the curriculum in Wales); and”.

Status: Point in time view as at 01/10/2013.

Changes to legislation: Education Act 2002, SCHEDULE 21 is up to date with all changes known to be in force on or before 24 June 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)

Textual Amendments

- F2** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [art. 1, Sch. 2 para. 11\(2\)](#)

Commencement Information

- I67** Sch. 21 para. 45 partly in force; Sch. 21 para. 45 not in force at Royal Assent, see s. 216; Sch. 21 para. 45 in force for certain purposes for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4, Sch.](#)); Sch. 21 para. 45 in force for W. at 19.12.2002 by [S.I. 2002/3185](#), [art. 4, Sch. Pt. I](#)
- I68** Sch. 21 para. 45 in force at 1.3.2003 so far as not already in force except in relation to W. by [S.I. 2003/124](#), [art. 2](#)

- 46 (1) Section 408 of the Education Act 1996 (provision of information) is amended as follows.
- (2) In subsection (1)(a) after “the Learning and Skills Act 2000” there is inserted “ or the relevant provisions of the Education Act 2002 ”.
- (3) Subsection (4)(a) is omitted.
- (4) After subsection (4) there is inserted—
- “(4A) For the purposes of subsection (1) the relevant provisions of the Education Act 2002 are—
- (a) Part 6 (the curriculum in England), and
- (b) sections 97 to 117 (the curriculum in Wales).”
- (5) In subsection (6) for “this Part” there is substituted “ Part 6 or 7 of the Education Act 2002 ”.
- (6) After subsection (8) there is inserted—
- “(9) In this section “maintained school” includes a maintained nursery school.”

Commencement Information

- I69** Sch. 21 para. 46 partly in force; Sch. 21 para. 46 not in force at Royal Assent, see s. 216; Sch. 21 para. 46(1)-(3) in force for E. and Sch. 21 para. 46(4)(5) in force for certain purposes for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4, Sch.](#)); Sch. 21 para. 46(1)-(5) in force for W. at 19.12.2002 by [S.I. 2002/3185](#), [art. 4, Sch. Pt. I](#)
- I70** Sch. 21 para. 46(4)(5) in force at 1.3.2003 so far as not already in force except in relation to W. by [S.I. 2003/124](#), [art. 2](#)
- I71** Sch. 21 para. 46(6) in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 4](#)
- I72** Sch. 21 para. 46(6) in force at 1.8.2008 for W. by [S.I. 2008/1728](#), [art. 3, Sch. Pt. 2](#)

- 47 (1) Section 409 of the Education Act 1996 (complaints and enforcement: maintained schools) is amended as follows.
- (2) In subsection (1), the words “with the approval of the Secretary of State and” are omitted.
- (3) In subsection (2), after “by the authority” there is inserted “, any maintained nursery school so maintained ”.
- (4) In subsection (3), before the “and” at the end of paragraph (a) there is inserted—

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“(aa) any provision which by virtue of section 408(4A) is a relevant provision of the Education Act 2002 for the purposes of section 408(1),”.

Commencement Information

- I73** Sch. 21 para. 47 partly in force; Sch. 21 para. 47 not in force at Royal Assent, see s. 216; Sch. 21 para. 47(1)(2)(4) in force for W. at 19.12.2002 by [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. I](#)
- I74** Sch. 21 para. 47(3) in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 4](#)

- 48 (1) Section 451 of the Education Act 1996 (prohibition of charges for provision of education) is amended as follows.
- (2) In subsection (3)(b) for “section 357(1) (implementation of National Curriculum)” there is substituted “ section 88 or 109 of the Education Act 2002 (implementation of National Curriculum for England or National Curriculum for Wales) ”.
- (3) In subsection (4)(b) for “section 357(1)” there is substituted “ section 88 or 109 of the Education Act 2002 ”.

Commencement Information

- I75** Sch. 21 para. 48 partly in force; Sch. 21 para. 48 not in force at Royal Assent, see s. 216; Sch. 21 para. 48 in force for certain purposes for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), [Sch.](#)); Sch. 21 para. 48 in force for W. at 19.12.2002 by [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. I](#)
- I76** Sch. 21 para. 48 in force at 1.3.2003 so far as not already in force except in relation to W. by [S.I. 2003/124](#), [art. 2](#)

- 49 (1) Section 484 of the Education Act 1996 (education standards grants) is amended as follows.
- (2) For any reference to the Secretary of State there is substituted a reference to the National Assembly for Wales.
- (3) In subsection (1), after “ [^{F3}local authorities] ” there is inserted “ in Wales ”.
- (4) In subsection (2) the words “England and” are omitted.
- (5) Subsection (6) is omitted.

Textual Amendments

- F3** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [art. 1](#), [Sch. 2 para. 11\(3\)](#)

Commencement Information

- I77** Sch. 21 para. 49 partly in force; Sch. 21 para. 49 not in force at Royal Assent, see. s. 216; Sch. 21 para. 49 in force for W. at 31.3.2003 by [S.I. 2002/3185](#), [art. 5](#), [Sch. Pt. II](#)
- I78** Sch. 21 para. 49 in force at 31.3.2003 for W. by [S.I. 2002/3185](#), [art. 5](#), [Sch. Pt. II](#)
- I79** Sch. 21 para. 49 in force at 1.4.2003 except in relation to W. by [S.I. 2003/124](#), [art. 4](#) (with [art. 7](#))

- 50 In section 499 of the Education Act 1996 (power to direct appointment of members of education committees) for subsection (9) there is substituted—

Status: Point in time view as at 01/10/2013.

Changes to legislation: Education Act 2002, SCHEDULE 21 is up to date with all changes known to be in force on or before 24 June 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)

“(9) In subsections (6) and (8)—

- (a) “maintained school” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school, and
- (b) “parent governor” means a governor elected or appointed as a parent governor under regulations made under section 19 of the Education Act 2002 (governing bodies).”

Commencement Information

- I80** Sch. 21 para. 50 in force at 1.9.2003 except in relation to W. by [S.I. 2003/2071](#), **art. 2** (with [art. 2\(2\)](#))
- I81** Sch. 21 para. 50 in force at 31.10.2005 for W. by [S.I. 2005/2910](#), **art. 4**, **Sch.**

^{F9}51

Textual Amendments

- F9** Sch. 21 para. 51 repealed (1.9.2009) by [Learner Travel \(Wales\) Measure 2008 \(nawm 2\)](#), s. 28(2), **Sch. 2**; [S.I. 2009/371](#), **art. 2(2)**, **Sch. Pt. 2**

52 In section 512A of the Education Act 1996 (transfer of functions under section 512 to governing bodies) in subsection (7) for the definitions of “delegated budget” and “maintained school” there is substituted—

““delegated budget” has the same meaning as in the School Standards and Framework Act 1998;

“maintained school” means a maintained school as defined by section 20(7) of the School Standards and Framework Act 1998 or a maintained nursery school;”.

Commencement Information

- I82** Sch. 21 para. 52 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), **art. 4**
- I83** Sch. 21 para. 52 in force at 31.10.2005 for W. by [S.I. 2005/2910](#), **art. 4**, **Sch.**

^{F10}53

Textual Amendments

- F10** Sch. 21 para. 53 repealed (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), **Sch. 18 Pt. 3**; [S.I. 2007/935](#), **art. 7(q)**

Commencement Information

- I84** Sch. 21 para. 53 partly in force; Sch. 21 para. 53 not in force at Royal Assent, see s. 216; Sch. 21 para. 53 in force for W. at 19.12.2002 by [S.I. 2002/3185](#), **art. 4**, **Sch. Pt. I**
- I85** Sch. 21 para. 53 in force at 1.4.2003 except in relation to W. by [S.I. 2003/124](#), **art. 4**

^{F11}54

Status: Point in time view as at 01/10/2013.

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Textual Amendments

- F11** Sch. 21 para. 54 repealed (8.11.2006) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(1), [Sch. 18 Pt. 1](#)

Commencement Information

- I86** Sch. 21 para. 54 partly in force; Sch. 21 para. 54 not in force at Royal Assent, see s. 216; Sch. 21 para. 54 in force for W. at 31.3.2003 by [S.I. 2002/3185](#), art. 5, [Sch. Pt. II](#)
- I87** Sch. 21 para. 54 in force at 31.3.2003 for W. by [S.I. 2002/3185](#), art. 5, [Sch. Pt. II](#)
- I88** Sch. 21 para. 54 in force at 1.6.2003 except in relation to W. by [S.I. 2003/1115](#), [art. 3](#)

- 55 In section 545 of the Education Act 1996 (exemption of educational buildings from building byelaws), in subsection (2)(a) the words “or section 218(7) of the Education Reform Act 1988” are omitted.

Commencement Information

- I89** Sch. 21 para. 55 in force at 6.11.2006 except in relation to W. by [S.I. 2006/2895](#), [art. 2](#)
- I90** Sch. 21 para. 55 in force at 2.1.2008 for W. by [S.I. 2007/3611](#), art. 4(1), [Sch. Pt. 1](#)

- 56 In section 578 of the Education Act 1996 (meaning of “the Education Acts”), the reference to the School Teachers’ Pay and Conditions Act 1991 is omitted.

Commencement Information

- I91** Sch. 21 para. 56 in force at 1.8.2003 by [S.I. 2003/1667](#), [art. 2](#)

- 57 In section 579(1) of the Education Act 1996 (general interpretation)—
- (a) after the definition of “local government elector” there is inserted—
- ““maintained nursery school” has the meaning given by section 22(9) of the School Standards and Framework Act 1998;”,
- (b) after the definition of “modifications” there is inserted—
- ““the National Curriculum” (without more) means—
- (a) in relation to England, the National Curriculum for England, and
- (b) in relation to Wales, the National Curriculum for Wales;”,
- and
- (c) after the definition of “regulations” there is inserted—
- ““sex education” includes education about—
- (a) Acquired Immune Deficiency Syndrome and Human Immunodeficiency Virus, and
- (b) any other sexually transmitted disease;”.

Commencement Information

- I92** Sch. 21 para. 57 partly in force; Sch. 21 para. 57 not in force at Royal Assent, see s. 216; Sch. 21 para. 57(b)(c) in force for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings

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in art. 4, Sch.); Sch. 21 para. 57 (except sub-para. (a)) in force for W. at 19.12.2002 by S.I. 2002/3185, art. 4, Sch. Pt. I

I93 Sch. 21 para. 57(a) in force at 1.9.2003 except in relation to W. by S.I. 2003/1667, art. 4

I94 Sch. 21 para. 57(a) in force at 31.10.2005 for W. by S.I. 2005/2910, art. 4, Sch.

58 In Schedule 27 to the Education Act 1996—

(a) in paragraph 3A(1), after the words “maintained school”, in each place where they occur, there is inserted “ or maintained nursery school ”, and

(b) in paragraph 8(1)(a), after “maintained school” there is inserted “ or maintained nursery school ”.

Commencement Information

I95 Sch. 21 para. 58 in force at 1.9.2003 except in relation to W. by S.I. 2003/1667, art. 4

I96 Sch. 21 para. 58 in force at 31.10.2005 for W. by S.I. 2005/2910, art. 4, Sch.

School Inspections Act 1996 (c. 57)

F1259

Textual Amendments

F12 Sch. 21 paras. 59-68 repealed (1.9.2005 for E., 1.9.2006 for W.) by Education Act 2005 (c. 18), s. 125(4), Sch. 19 Pt. 1; S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1 (with Sch. 4 para. 6)

F1260

Textual Amendments

F12 Sch. 21 paras. 59-68 repealed (1.9.2005 for E., 1.9.2006 for W.) by Education Act 2005 (c. 18), s. 125(4), Sch. 19 Pt. 1; S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1 (with Sch. 4 para. 6)

F1261

Textual Amendments

F12 Sch. 21 paras. 59-68 repealed (1.9.2005 for E., 1.9.2006 for W.) by Education Act 2005 (c. 18), s. 125(4), Sch. 19 Pt. 1; S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1 (with Sch. 4 para. 6)

F1262

Textual Amendments

F12 Sch. 21 paras. 59-68 repealed (1.9.2005 for E., 1.9.2006 for W.) by Education Act 2005 (c. 18), s. 125(4), Sch. 19 Pt. 1; S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1 (with Sch. 4 para. 6)

F1263

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Textual Amendments

F12 Sch. 21 paras. 59-68 repealed (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 19 Pt. 1](#); [S.I. 2005/2034, art. 4](#); [S.I. 2006/1338, art. 3](#), [Sch. 1](#) (with [Sch. 4 para. 6](#))

^{F12}64

Textual Amendments

F12 Sch. 21 paras. 59-68 repealed (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 19 Pt. 1](#); [S.I. 2005/2034, art. 4](#); [S.I. 2006/1338, art. 3](#), [Sch. 1](#) (with [Sch. 4 para. 6](#))

^{F12}65

Textual Amendments

F12 Sch. 21 paras. 59-68 repealed (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 19 Pt. 1](#); [S.I. 2005/2034, art. 4](#); [S.I. 2006/1338, art. 3](#), [Sch. 1](#) (with [Sch. 4 para. 6](#))

^{F12}66

Textual Amendments

F12 Sch. 21 paras. 59-68 repealed (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 19 Pt. 1](#); [S.I. 2005/2034, art. 4](#); [S.I. 2006/1338, art. 3](#), [Sch. 1](#) (with [Sch. 4 para. 6](#))

^{F12}67

Textual Amendments

F12 Sch. 21 paras. 59-68 repealed (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 19 Pt. 1](#); [S.I. 2005/2034, art. 4](#); [S.I. 2006/1338, art. 3](#), [Sch. 1](#) (with [Sch. 4 para. 6](#))

^{F12}68

Textual Amendments

F12 Sch. 21 paras. 59-68 repealed (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 19 Pt. 1](#); [S.I. 2005/2034, art. 4](#); [S.I. 2006/1338, art. 3](#), [Sch. 1](#) (with [Sch. 4 para. 6](#))

Education Act 1997 (c. 44)

69 [F13]In section 26 of the Education Act 1997 (supplementary provisions relating to discharge by Qualifications and Curriculum Authority of their functions), in subsection (1)(c)(i) for “section 351 of the Education Act 1996” there is substituted “section 78 of the Education Act 2002 ”.]

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Textual Amendments

F13 Sch. 21 para. 69 repealed (1.4.2010 for E., 1.11.2010 for W.) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), [Sch. 16 Pt. 4](#); S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2(a)

Commencement Information

I97 Sch. 21 para. 69 in force at 1.10.2002 for E. by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), [Sch.](#))

I98 Sch. 21 para. 69 in force at 2.1.2008 for W. by [S.I. 2007/3611](#), [art. 4\(1\)](#), [Sch. Pt. 1](#)

70 In section 32 of the Education Act 1997 (supplementary provisions relating to discharge by Qualifications, Curriculum and Assessment Authority for Wales of their functions) in subsection (1)(c)(i) for “section 351 of the Education Act 1996” there is substituted “ section 99 of the Education Act 2002 ”.

Commencement Information

I99 Sch. 21 para. 70 partly in force; Sch. 21 para. 70 not in force at Royal Assent, see s. 216; Sch. 21 para. 70 in force for W. at 19.12.2002 by [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. I](#)

I100 Sch. 21 para. 70 in force at 1.3.2003 except in relation to W. by [S.I. 2003/124](#), [art. 2](#)

71 Section 49 of the Education Act 1997 (regulations about access to children) shall cease to have effect.

Commencement Information

I101 Sch. 21 para. 71 partly in force; Sch. 21 para. 71 not in force at Royal Assent, see. s. 216; Sch. 21 para. 71 in force for certain purposes for W. at 31.3.2003 by [S.I. 2002/3185](#), [art. 5](#), [Sch. Pt. II](#)

I102 Sch. 21 para. 71 in force at 31.3.2003 for specified purposes for W. by [S.I. 2002/3185](#), [art. 5](#), [Sch. Pt. II](#)

I103 Sch. 21 para. 71 in force at 1.6.2003 except in relation to W. by [S.I. 2003/1115](#), [art. 3](#)

I104 Sch. 21 para. 71 in force at 2.1.2008 for W. so far as not already in force by [S.I. 2007/3611](#), [art. 4\(1\)](#), [Sch. Pt. 1](#)

Police Act 1997 (c. 50)

F1472

Textual Amendments

F14 Sch. 21 para. 72 repealed (6.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 17 Pt. 2](#); S.I. 2006/378, art. 7(f)

F1573

Textual Amendments

F15 Sch. 21 para. 73 repealed (6.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 17 Pt. 2](#); S.I. 2006/378, art. 7(f)

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Teaching and Higher Education Act 1998 (c. 30)

- 74 In section 1 of the Teaching and Higher Education Act 1998 (establishment and functions of General Teaching Council), subsection (8) is omitted.

Commencement Information

- I105** Sch. 21 para. 74 partly in force; Sch. 21 para. 74 not in force at Royal Assent, see s. 216; Sch. 21 para. 74 in force for W. at 19.12.2002 by [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. I](#)
- I106** Sch. 21 para. 74 in force at 1.8.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 3](#)

- 75 ^[F16]In section 2 of the Teaching and Higher Education Act 1998 (advisory functions of General Teaching Council), in subsection (4), for “by virtue of section 218(6) of the Education Reform Act 1988 (prohibition or restriction on employment of teachers)” there is substituted “under section 142 of the Education Act 2002 (prohibition from teaching, &c.)”.]

Textual Amendments

- F16** Sch. 21 para. 75 repealed (12.10.2009 for specified purposes) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), s. 65, [Sch. 10](#) (with ss. 51, 57(3), 60(4), 64(5)); [S.I. 2009/2611](#), [art. 4](#)

Commencement Information

- I107** Sch. 21 para. 75 partly in force; Sch. 21 para. 75 not in force at Royal Assent, see s. 216; Sch. 21 para. 75 in force for W. at 31.3.2003 by [S.I. 2002/3185](#), [art. 5](#), [Sch. Pt. II](#)
- I108** Sch. 21 para. 75 in force at 31.3.2003 for W. by [S.I. 2002/3185](#), [art. 5](#), [Sch. Pt. II](#)
- I109** Sch. 21 para. 75 in force at 1.6.2003 except in relation to W. by [S.I. 2003/1115](#), [art. 3](#)

- 76 In section 3 of the Teaching and Higher Education Act 1998 (registration of teachers), in subsection (3)—
- (a) the words “within the meaning of section 218(2) of the Education Reform Act 1988” are omitted, and
- (b) ^[F17]for paragraph (a) there is substituted—
- “(a) subject to a direction under section 142(1)(a) of the Education Act 2002 (prohibition from teaching, &c.)”.]

Textual Amendments

- F17** Sch. 21 para. 76(b) repealed (12.10.2009 for specified purposes) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), s. 65, [Sch. 10](#) (with ss. 51, 57(3), 60(4), 64(5)); [S.I. 2009/2611](#), [art. 4](#)

Commencement Information

- I110** Sch. 21 para. 76 partly in force; Sch. 21 para. 76 not in force at Royal Assent, see s. 216; Sch. 21 para. 76 (except sub-para. (b)) in force for W. at 19.12.2002 by [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. I](#); Sch. 21 para. 76 in force insofar as not already in force for W. at 31.3.2003 by [S.I. 2002/3185](#), [art. 5](#), [Sch. Pt. II](#)
- I111** Sch. 21 para. 76(a) in force at 1.8.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 3](#)
- I112** Sch. 21 para. 76(b) in force at 31.3.2003 for W. by [S.I. 2002/3185](#), [art. 5](#), [Sch. Pt. II](#)
- I113** Sch. 21 para. 76(b) in force at 1.6.2003 except in relation to W. by [S.I. 2003/1115](#), [art. 3](#)

Status: Point in time view as at 01/10/2013.

Changes to legislation: Education Act 2002, SCHEDULE 21 is up to date with all changes known to be in force on or before 24 June 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)

- 77 In section 4 of the Teaching and Higher Education Act 1998 (regulations relating to registration with General Teaching Council), for subsection (3)(a) there is substituted—
- “(a) a direction given under section 142 of the Education Act 2002 (prohibition from teaching, &c.),”.

Commencement Information

- I114** Sch. 21 para. 77 partly in force; Sch. 21 para. 77 not in force at Royal Assent, see s. 216; Sch. 21 para. 77 in force for W. at 31.3.2003 by [S.I. 2002/3185, art. 5, Sch. Pt. II](#)
- I115** Sch. 21 para. 77 in force at 31.3.2003 for W. by [S.I. 2002/3185, art. 5, Sch. Pt. II](#)
- I116** Sch. 21 para. 77 in force at 1.6.2003 except in relation to W. by [S.I. 2003/1115, art. 3](#)

- 78 In section 7 of the Teaching and Higher Education Act 1998 (additional functions of General Teaching Council), in subsection (3), for the words from “the exercise” to the end there is substituted “ the specification of requirements of regulations under section 132 of the Education Act 2002 (qualified teacher status) ”.

Commencement Information

- I117** Sch. 21 para. 78 partly in force; Sch. 21 para. 78 not in force at Royal Assent, see s. 216; Sch. 21 para. 78 in force for W. at 19.12.2002 by [S.I. 2002/3185, art. 4, Sch. Pt. I](#)
- I118** Sch. 21 para. 78 in force at 1.8.2003 except in relation to W. by [S.I. 2003/1667, art. 3](#)

- 79 Section 10 of the Teaching and Higher Education Act 1998 (further functions of General Teaching Council for Wales in relation to teachers) shall cease to have effect.

Commencement Information

- I119** Sch. 21 para. 79 in force at 6.11.2006 except in relation to W. by [S.I. 2006/2895, art. 2](#)
- I120** Sch. 21 para. 79 in force at 2.1.2008 for W. by [S.I. 2007/3611, art. 4\(1\), Sch. Pt. 1](#)

- 80 Section 11 of the Teaching and Higher Education Act 1998 (registration requirement for school teachers) shall cease to have effect.

Commencement Information

- I121** Sch. 21 para. 80 in force at 1.8.2003 except in relation to W. by [S.I. 2003/1667, art. 3](#)
- I122** Sch. 21 para. 80 in force at 2.1.2008 for W. by [S.I. 2007/3611, art. 4\(1\), Sch. Pt. 1](#)

- 81 In section 12 of the Teaching and Higher Education Act 1998 (deduction from teachers’ salaries of fees for registration with General Teaching Council)—
- (a) for subsection (2)(b) there is substituted—
- “(b) required to be registered in the register by virtue of section 134 of the Education Act 2002”,
- and
- (b) in subsection (4), for the definition of “schools” there is substituted—

Status: Point in time view as at 01/10/2013.

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““school” means a school maintained by a [^{F2}local authority] or a special school not so maintained”.

Textual Amendments

F2 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [art. 1](#), [Sch. 2 para. 11\(2\)](#)

Commencement Information

I123 Sch. 21 para. 81 partly in force; Sch. 21 para. 81 not in force at Royal Assent, see s. 216; Sch. 21 para. 81 in force for W. at 19.12.2002 by [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. 1](#)

I124 Sch. 21 para. 81 in force at 1.8.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 3](#)

82 Section 13 of the Teaching and Higher Education Act 1998 (consultation about qualified teacher status) shall cease to have effect.

Commencement Information

I125 Sch. 21 para. 82 in force at 1.8.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 3](#)

I126 Sch. 21 para. 82 in force at 2.1.2008 for W. by [S.I. 2007/3611](#), [art. 4\(1\)](#), [Sch. Pt. 1](#)

83 For section 15 of the Teaching and Higher Education Act 1998 (supply of information relating to dismissal or resignation of teachers, &c.) there is substituted—

“15 Supply of information following dismissal, resignation, &c.

- (1) This section applies where a relevant employer—
 - (a) has ceased to use a person’s services on a ground mentioned in section 142 of the Education Act 2002, or
 - (b) might have ceased to use a person’s services on a ground mentioned in that section had the person not ceased to provide those services.
- (2) In the case of a person who was providing services to a relevant employer in England, the employer shall provide prescribed information to such of the following as may be prescribed—
 - (a) the Secretary of State, and
 - (b) where the person is a registered teacher, the Council.
- (3) In the case of a person who was providing services to a relevant employer in Wales, the employer shall provide prescribed information to such of the following as may be prescribed—
 - (a) the National Assembly for Wales, and
 - (b) where the person is a registered teacher, the General Teaching Council for Wales.
- (4) For the purposes of this section, a reference to a ground mentioned in section 142 of the Education Act 2002 shall be read as if subsection (4)(e) was not limited to the case of a direction given by virtue of subsection (2)(d).
- (5) In this section—

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“relevant employer” has the meaning given by section 142 of the Education Act 2002, and

“services” includes professional and voluntary services.

15A Supply of information by contractor, agency, &c.

- (1) This section applies to arrangements made by one person (the “agent”) for another person (the “worker”) to carry out work at the request of or with the consent of a relevant employer (whether or not under a contract).
- (2) Subsections (3) and (4) apply where an agent—
 - (a) has terminated the arrangements on a ground mentioned in section 142 of the Education Act 2002,
 - (b) might have terminated the arrangements on a ground mentioned in that section if the worker had not terminated them, or
 - (c) might have refrained from making new arrangements for a worker on a ground mentioned in that section if he had not ceased to make himself available for work.
- (3) In the case of arrangements for a worker to carry out work in England, the agent shall provide prescribed information to such of the following as may be prescribed—
 - (a) the Secretary of State, and
 - (b) where the person is a registered teacher, the Council.
- (4) In the case of arrangements for a worker to carry out work in Wales, the agent shall provide prescribed information to such of the following as may be prescribed—
 - (a) the National Assembly for Wales, and
 - (b) where the person is a registered teacher, the General Teaching Council for Wales.
- (5) If the Secretary of State thinks that an agent has failed or is likely to fail to comply with a duty arising under subsection (3), the Secretary of State may direct the person to comply with the duty.
- (6) If the National Assembly thinks that an agent has failed or is likely to fail to comply with a duty arising under subsection (4), the National Assembly may direct the person to comply with the duty.
- (7) A direction under subsection (5) shall be enforceable, on the application of the Secretary of State, by mandatory order.
- (8) A direction under subsection (6) shall be enforceable, on the application of the National Assembly, by a mandatory order.
- (9) Subsections (4) and (5) of section 15 shall apply for the purposes of this section as they apply for the purposes of that section.”

Commencement Information

I127 Sch. 21 para. 83 partly in force; Sch. 21 para. 83 not in force at Royal Assent, see. s. 216; Sch. 21 para. 83 in force for W. at 31.3.2003 by [S.I. 2002/3185](#), [art. 5](#), [Sch. Pt. II](#)

I128

Status: Point in time view as at 01/10/2013.

Changes to legislation: Education Act 2002, SCHEDULE 21 is up to date with all changes known to be in force on or before 24 June 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)

I129 Sch. 21 para. 83 in force at 1.6.2003 except in relation to W. by [S.I. 2003/1115](#), **art. 3**

84 Section 18 of the Teaching and Higher Education Act 1998 (qualifications of head teachers) shall cease to have effect.

Commencement Information

I130 Sch. 21 para. 84 in force at 1.10.2003 except in relation to W. by [S.I. 2003/1667](#), **art. 5**

I131 Sch. 21 para. 84 in force at 2.1.2008 for W. by [S.I. 2007/3611](#), **art. 4(1)**, **Sch. Pt. 1**

85 In section 19 of the Teaching and Higher Education Act 1998 (requirement for school teacher to serve induction period)—

(a) in subsection (7), for “section 49 of the Education (No. 2) Act 1986” there is substituted “section 131 of the Education Act 2002”,

(b) in subsection (8), after “^[F3]local authorities]” there is inserted “in Wales”, and

(c) for subsection (10)(b) there is substituted—

“(b) “relevant school” means a school maintained by a ^[F2]local authority] or a special school not so maintained.”.

Textual Amendments

F2 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **art. 1, Sch. 2 para. 11(2)**

F3 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **art. 1, Sch. 2 para. 11(3)**

Commencement Information

I132 Sch. 21 para. 85 partly in force; Sch. 21 para. 85 not in force at Royal Assent, see s. 216; Sch. 21 para. 85(a) in force for E. at 1.10.2002 by [S.I. 2002/2439](#), **art. 3** (with transitional provisions and savings in [art. 4, Sch.](#)); Sch. 21 para. 85 (except for sub-para. (b)) in force for W. at 19.12.2002 by [S.I. 2002/3185](#), **art. 4, Sch. Pt. I**; Sch. 21 para. 85 in force insofar as not already in force for W. at 31.3.2003 by [S.I. 2002/3185](#), **art. 5, Sch. Pt. II**

I133 Sch. 21 para. 85(b) in force at 31.3.2003 for W. by [S.I. 2002/3185](#), **art. 5, Sch. Pt. II**

I134 Sch. 21 para. 85(b) in force at 1.4.2003 except in relation to W. by [S.I. 2003/124](#), **art. 4**

I135 Sch. 21 para. 85(c) in force at 1.8.2003 except in relation to W. by [S.I. 2003/1667](#), **art. 3**

86 (1) Schedule 2 to the Teaching and Higher Education Act 1998 (disciplinary powers of the General Teaching Council) is amended as follows.

(2) ^[F18]In paragraph 1(4) for the words from “of any powers” to the end there is substituted

(a) on the grounds that a person is unsuitable to work with children, or

(b) on grounds relating to a person’s misconduct or health.”]

(3) Paragraph 1(5) is omitted.

Textual Amendments

F18 Sch. 21 para. 86(2) repealed (12.10.2009 for specified purposes) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), s. 65, **Sch. 10** (with ss. 51, 57(3), 60(4), 64(5)); [S.I. 2009/2611](#), **art. 4**

Status: Point in time view as at 01/10/2013.

Changes to legislation: Education Act 2002, SCHEDULE 21 is up to date with all changes known to be in force on or before 24 June 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)

Commencement Information

- I136** Sch. 21 para. 86 partly in force; Sch. 21 para. 86 not in force at Royal Assent, see s. 216; Sch. 21 para. 86 in force for W. at 31.3.2003 by [S.I. 2002/3185](#), [art. 5](#), [Sch. Pt. II](#)
- I137** Sch. 21 para. 86 in force at 31.3.2003 for W. by [S.I. 2002/3185](#), [art. 5](#), [Sch. Pt. II](#)
- I138** Sch. 21 para. 86 in force at 1.6.2003 except in relation to W. by [S.I. 2003/1115](#), [art. 3](#)

School Standards and Framework Act 1998 (c. 31)

- 87 In section 1 of the School Standards and Framework Act 1998 (duty to set limit on infant class sizes), for “qualified teacher” there is substituted “school teacher”.

Commencement Information

- I139** Sch. 21 para. 87 partly in force; Sch. 21 para. 87 not in force at Royal Assent, see s. 216; Sch. 21 para. 87 in force for W. at 19.12.2002 by [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. I](#)
- I140** Sch. 21 para. 87 in force at 1.8.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 3](#)

- 88 In section 4 of the School Standards and Framework Act 1998 (interpretation) for the definition of “qualified teacher” there is substituted—

““school teacher” means a person who is a school teacher for the purposes of section 122 of the Education Act 2002 (determination of school teachers’ pay and conditions)”.

Commencement Information

- I141** Sch. 21 para. 88 partly in force; Sch. 21 para. 88 not in force at Royal Assent, see s. 216; Sch. 21 para. 88 in force for W. at 19.12.2002 by [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. I](#)
- I142** Sch. 21 para. 88 in force at 1.8.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 3](#)

- 89 In section 7 of the School Standards and Framework Act 1998 (approval, modification and review of statement of proposals) subsection (10) is omitted.

Commencement Information

- I143** Sch. 21 para. 89 in force at 1.4.2003 except in relation to W. by [S.I. 2003/124](#), [art. 4](#)

- 90 In section 12 of the School Standards and Framework Act 1998 (functions of Education Action Forum), in subsection (4) for the words from “under sections” to “Schedule 17,” there is substituted “under sections 35 to 37 of, or Schedule 2 to, the Education Act 2002 or under regulations made under those sections, ”.

Commencement Information

- I144** Sch. 21 para. 90 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 4](#)
- I145** Sch. 21 para. 90 in force at 2.1.2008 for W. by [S.I. 2007/3611](#), [art. 4\(1\)](#), [Sch. Pt. 1](#)

- 91 Section 13 of the School Standards and Framework Act 1998 (disapplication of school teachers’ pay and conditions order) shall cease to have effect.

Status: Point in time view as at 01/10/2013.

Changes to legislation: Education Act 2002, SCHEDULE 21 is up to date with all changes known to be in force on or before 24 June 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)

Commencement Information

I146 Sch. 21 para. 91 partly in force; Sch. 21 para. 91 not in force at Royal Assent, see s. 216; Sch. 21 para. 91 in force for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), [Sch.](#))

92 In section 14 of the School Standards and Framework Act 1998 (powers of intervention exercisable by [^{F3}local authorities]), after subsection (1) there is inserted—

“(1A) In this Chapter “maintained school” includes a maintained nursery school.”

Textual Amendments

F3 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [art. 1](#), [Sch. 2 para. 11\(3\)](#)

Commencement Information

I147 Sch. 21 para. 92 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 4](#)

I148 Sch. 21 para. 92 in force at 31.10.2005 for W. by [S.I. 2005/2910](#), [art. 4](#), [Sch.](#)

93 (1) Section 16 of the School Standards and Framework Act 1998 (power of [^{F2}local authority] to appoint additional governors) is amended as follows.

(2) In subsection (5) for “(despite anything in Part II of Schedule 9)” there is substituted “(despite anything in regulations under section 19 of the Education Act 2002)”.

(3) In subsection (10) for “(despite paragraph 14 of Schedule 9)” there is substituted “(despite anything in regulations under section 19 of the Education Act 2002)”.

Textual Amendments

F2 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [art. 1](#), [Sch. 2 para. 11\(2\)](#)

Commencement Information

I149 Sch. 21 para. 93 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 4](#)

I150 Sch. 21 para. 93 in force at 31.10.2005 for W. by [S.I. 2005/2910](#), [art. 4](#), [Sch.](#)

94 (1) Section 18 of the School Standards and Framework Act 1998 (power of Secretary of State to appoint additional governors) is amended as follows.

(2) In subsection (5) for “(despite anything in Part II of Schedule 9)” there is substituted “(despite anything in regulations under section 19 of the Education Act 2002).”

(3) In subsection (6)(b) for “paragraph 14 of Schedule 9” there is substituted “regulations under section 19 of the Education Act 2002.”

Commencement Information

I151 Sch. 21 para. 94 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 4](#)

I152 Sch. 21 para. 94 in force at 31.10.2005 for W. by [S.I. 2005/2910](#), [art. 4](#), [Sch.](#)

Status: Point in time view as at 01/10/2013.

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- 95 In section 20 of the School Standards and Framework Act 1998 (new categories of maintained schools), in subsection (2)(b), for “section 28 or 31” there is substituted “any enactment”.

Commencement Information

- I153** Sch. 21 para. 95 partly in force; Sch. 21 para. 95 not in force at Royal Assent, see s. 216; Sch. 21 para. 95 in force for W. at 19.12.2002 by [S.I. 2002/3185, art. 4, Sch. Pt. I](#)
- I154** Sch. 21 para. 95 in force at 1.4.2003 except in relation to W. by [S.I. 2003/124, art. 4](#)

- 96 (1) Section 22 of the School Standards and Framework Act 1998 (maintenance of schools) is amended as follows.
- (2) In subsection (1)—
- in paragraph (b), the words “under section 28 or 31” are omitted, and
 - in paragraph (c), the words “under section 28” are omitted.
- (3) In subsection (4)(b), for the words from “under paragraph 2” to the end there is substituted “under any enactment of providing new premises for the school”.
- (4) In subsection (5)(b), for the words from “under paragraph 4” to the end there is substituted “under any enactment of providing new premises for the school”.

Commencement Information

- I155** Sch. 21 para. 96 partly in force; Sch. 21 para. 96 not in force at Royal Assent, see s. 216; Sch. 21 para. 96 in force for W. at 19.12.2002 by [S.I. 2002/3185, art. 4, Sch. Pt. I](#)
- I156** Sch. 21 para. 96 in force at 1.4.2003 except in relation to W. by [S.I. 2003/124, art. 4](#)

F1997

Textual Amendments

- F19** Sch. 21 para. 97 repealed (1.9.2005) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 19 Pt. 2; S.I. 2006/2129, art. 4](#)

F2098

Textual Amendments

- F20** Sch. 21 para. 98 omitted (1.10.2013) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\), s. 100\(4\), Sch. 5 para. 21\(13\); S.I. 2013/1800, art. 3\(j\)](#)

- 99 (1) Section 45 of the School Standards and Framework Act 1998 (budget shares of maintained schools) is amended as follows.
- (2) After subsection (1) there is inserted—
- “(1A) In this Chapter “maintained school” means—
- a community, foundation or voluntary school,
 - a community or foundation special school, or
 - a maintained nursery school.”

Status: Point in time view as at 01/10/2013.

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- (3) In subsection (3)—
- (a) in paragraph (a), for the words from “schools which” to “section 20(7)” there is substituted “pupil referral units”, and
 - (b) in paragraph (b)(i), for the words “section 28 or 31 or paragraph 5 of Schedule 7” there is substituted “any enactment”.

Commencement Information

- I157** Sch. 21 para. 99 partly in force; Sch. 21 para. 99 not in force at Royal Assent, see s. 216; Sch. 21 para. 99(1)(3) (except sub-para. (b)) in force for W. at 19.12.2002 by [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. I](#)
- I158** Sch. 21 para. 99(1)(3)(b) in force at 1.4.2003 except in relation to W. by [S.I. 2003/124](#), [art. 4](#)
- I159** Sch. 21 para. 99(2) (3)(a) in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 4](#) (with [Sch. para. 5](#))
- I160** Sch. 21 para. 99(2)(3)(a) in force at 31.10.2005 for W. by [S.I. 2005/2910](#), [art. 4](#), [Sch.](#)

- 100 (1) Section 49 of the School Standards and Framework Act 1998 (maintained schools to have delegated budgets) is amended as follows.
- (2) In subsection (4) for “local schools budget” there is substituted “^[F2]local authority] budget or schools budget”.
- (3) In subsection (6)(b), for “or paragraph 14(2) of Schedule 6” there is substituted “, paragraph 14(2) of Schedule 6, paragraph 3(3) of Schedule 7A to the Learning and Skills Act 2000 or paragraph 8 of Schedule 8 to the Education Act 2002”.

Textual Amendments

- F2** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [art. 1](#), [Sch. 2 para. 11\(2\)](#)

Commencement Information

- I161** Sch. 21 para. 100 not in force at Royal Assent, see s. 216; Sch. 21 para. 100(1)(2) in force for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), [Sch.](#))
- I162** Sch. 21 para. 100(1)(2) in force at 4.12.2003 for W. by [S.I. 2003/2961](#), [art. 5](#), [Sch. Pt. II](#)
- I163** Sch. 21 para. 100(3) in force at 1.4.2003 except in relation to W. by [S.I. 2003/124](#), [art. 4](#)
- I164** Sch. 21 para. 100(3) in force at 1.8.2004 for W. by [S.I. 2004/1728](#), [art. 4](#), [Sch. Pt. I](#)

- 101 In section 50 of the School Standards and Framework Act 1998 (effect of financial delegation), in subsection (5) for the words from “under paragraph 6” onwards there is substituted “under section 19 of the Education Act 2002 (or, in the case of temporary governors of a new school, regulations under section 34(5) of that Act).”

Commencement Information

- I165** Sch. 21 para. 101 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 4](#)
- I166** Sch. 21 para. 101 in force at 31.10.2005 for W. by [S.I. 2005/2910](#), [art. 4](#), [Sch.](#)

- 102 In section 61 of the School Standards and Framework Act 1998 (responsibility of governing body and head teacher for discipline) after subsection (7) there is inserted—

“(8) In this section “maintained school” includes a maintained nursery school.”

Status: Point in time view as at 01/10/2013.

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Commencement Information

I167 Sch. 21 para. 102 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 4](#)

I168 Sch. 21 para. 102 in force at 31.10.2005 for W. by [S.I. 2005/2910](#), [art. 4](#), [Sch.](#)

103 In section 62 of the School Standards and Framework Act 1998 (reserve power of [F²local authority] to prevent a breakdown of discipline) after subsection (4) there is inserted—

“(5) In this section “maintained school” includes a maintained nursery school.”

Textual Amendments

F2 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [art. 1](#), [Sch. 2 para. 11\(2\)](#)

Commencement Information

I169 Sch. 21 para. 103 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 4](#)

I170 Sch. 21 para. 103 in force at 31.10.2005 for W. by [S.I. 2005/2910](#), [art. 4](#), [Sch.](#)

104 (1) Section 69 of the School Standards and Framework Act 1998 (duty to secure provision of religious education) is amended as follows.

(2) In subsection (1), for “section 352(1)(a) of the Education Act 1996” there is substituted “ section 80(1)(a) or 101(1)(a) of the Education Act 2002 ”.

(3) In subsection (2), for “section 352(1)(a)” there is substituted “ section 80(1)(a) or 101(1)(a) ”.

Commencement Information

I171 Sch. 21 para. 104 partly in force; Sch. 21 para. 104 not in force at Royal Assent, see s. 216; Sch. 21 para. 104 in force for certain purposes for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), [Sch.](#)); Sch. 21 para. 104 in force for W. at 19.12.2002 by [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. I](#)

I172 Sch. 21 para. 104 in force at 1.3.2003 so far as not already in force except in relation to W. by [S.I. 2003/124](#), [art. 2](#)

105 In section 71 of the School Standards and Framework Act 1998 (exceptions and special arrangements etc.) in subsection (2)(a) for “section 352(1)(a) of the Education Act 1996” there is substituted “ section 80(1)(a) or 101(1)(a) of the Education Act 2002 ”.

Commencement Information

I173 Sch. 21 para. 105 partly in force; Sch. 21 para. 105 not in force at Royal Assent, see s. 216; Sch. 21 para. 105 in force for certain purposes for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), [Sch.](#)); Sch. 21 para. 105 in force for W. at 19.12.2002 by [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. I](#)

I174 Sch. 21 para. 105 in force at 1.3.2003 so far as not already in force except in relation to W. by [S.I. 2003/124](#), [art. 2](#)

Status: Point in time view as at 01/10/2013.

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- 106 In section 72 of the School Standards and Framework Act 1998 (further provisions relating to new schools), in subsection (3)(a) for “section 44” there is substituted “section 34 of the Education Act 2002”.

Commencement Information

I175 Sch. 21 para. 106 in force at 1.4.2003 except in relation to W. by [S.I. 2003/124](#), [art. 4](#)

I176 Sch. 21 para. 106 in force at 31.10.2005 for W. by [S.I. 2005/2910](#), [art. 4](#), [Sch.](#)

- 107 In section 81 of the School Standards and Framework Act 1998 (application of employment law during financial delegation), in subsection (1) for the words from “sections” to the end there is substituted “sections 35 to 37 of the Education Act 2002 or of regulations under those sections”.

Commencement Information

I177 Sch. 21 para. 107 in force at 1.8.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 3](#)

I178 Sch. 21 para. 107 in force at 1.4.2006 for W. by [S.I. 2006/879](#), [art. 4](#), [Sch.](#)

- 108 In section 82 of the School Standards and Framework Act 1998 (modification of trust deeds), in subsection (1), after “provision of this Act” there is inserted “, the Learning and Skills Act 2000 or the Education Act 2002”.

Commencement Information

I179 Sch. 21 para. 108 wholly in force at 19.12.2002; Sch. 21 para. 108 not in force at Royal Assent, see s. 216; Sch. 21 para. 108 in force for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), [Sch.](#)) and in force for W. at 19.12.2002 by [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. I](#)

- 109 In section 101 of the School Standards and Framework Act 1998 (permitted selection), in subsection (4), for the words from “under” to the end there is substituted “, and fallen to be implemented, under any enactment”.

Commencement Information

I180 Sch. 21 para. 109 partly in force; Sch. 21 para. 109 not in force at Royal Assent, see s. 216; Sch. 21 para. 109 in force for W. at 19.12.2002 by [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. I](#)

I181 Sch. 21 para. 109 in force at 1.4.2003 except in relation to W. by [S.I. 2003/124](#), [art. 4](#)

- 110 (1) Section 127 of the School Standards and Framework Act 1998 (code of practice for securing effective relationships between [^{F3}local authorities] and maintained schools) is amended as follows.

- (2) In subsection (2), after “maintained school” there is inserted “or maintained nursery school”.

^{F21}(3)

Status: Point in time view as at 01/10/2013.

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Textual Amendments

- F3** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **art. 1, Sch. 2 para. 11(3)**
- F21** Sch. 21 para. 110(3) repealed (8.1.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(2), **Sch. 18 Pt. 2**

Commencement Information

- I182** Sch. 21 para. 110(1)(3)(a) in force at 1.4.2003 except in relation to W. by [S.I. 2003/124](#), **art. 4**
- I183** Sch. 21 para. 110(1) in force at 1.9.2004 for W. by [S.I. 2004/1728](#), **art. 5, Sch. Pt. 2**
- I184** Sch. 21 para. 110(2) in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), **art. 4**
- I185** Sch. 21 para. 110(2) in force at 31.10.2005 for W. by [S.I. 2005/2910](#), **art. 4, Sch.**

- 111 In section 138 of the School Standards and Framework Act 1998 (orders and regulations) in subsection (4)(a), after “20(7)” there is inserted “ 45C(2), ”.

Commencement Information

- I186** Sch. 21 para. 111 in force at 1.10.2002 for E. by [S.I. 2002/2439](#), **art. 3** (with transitional provisions and savings in [art. 4, Sch.](#))
- I187** Sch. 21 para. 111 in force at 2.1.2008 for W. by [S.I. 2007/3611](#), **art. 4(1), Sch. Pt. 1**

- 112 In section 142 of the School Standards and Framework Act 1998 (general interpretation) in subsection (1) after the definition of “employment” there is inserted—

““exclude”, in relation to the exclusion of a child from a school, means exclude on disciplinary grounds (and “exclusion” shall be construed accordingly);

“foundation governor”, in relation to a foundation school, a foundation special school or a voluntary school, means a person appointed as a foundation governor in accordance with regulations under section 19 of the Education Act 2002;”.

Commencement Information

- I188** Sch. 21 para. 112 in force at 1.4.2003 for specified purposes except in relation to W. by [S.I. 2003/124](#), **art. 4**
- I189** Sch. 21 para. 112 in force at 1.9.2003 so far as not already in force except in relation to W. by [S.I. 2003/1667](#), **art. 4**
- I190** Sch. 21 para. 112 in force at 9.1.2004 for specified purposes for W. by [S.I. 2003/2961](#), **art. 7, Sch. Pt. IV**
- I191** Sch. 21 para. 112 in force at 31.10.2005 for W. so far as not already in force by [S.I. 2005/2910](#), **art. 4, Sch.**

- 113 In section 143 of the School Standards and Framework Act 1998 (index)—
- (a) in the entry beginning “exclude, exclusion (in relation to the exclusion of a child from a school)” for “section 64(4)” there is substituted “ section 142(1) ”,
 - (b) in the entry beginning “foundation governor”, for “paragraph 2 of Schedule 9” there is substituted “ section 142(1) ”,
 - (c) in the entry beginning “individual schools budget”, for “section 46(2)” there is substituted “ section 45A(3) ”,

Status: Point in time view as at 01/10/2013.

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- 117 (1) Schedule 19 to the School Standards and Framework Act 1998 (required provision for religious education) is amended as follows.
- (2) In paragraph 1—
- (a) in sub-paragraph (1), for “section 352(1)(a) of the Education Act 1996” there is substituted “section 80(1)(a) or 101(1)(a) of the Education Act 2002”, and
- (b) in sub-paragraph (2), for “that Act” there is substituted “the Education Act 1996”.
- (3) In sub-paragraph 4(4), for “section 352(1)(a) of the Education Act 1996” there is substituted “section 80(1)(a) or 101(1)(a) of the Education Act 2002”.

Commencement Information

- I200** Sch. 21 para. 117 partly in force; Sch. 21 para. 117 not in force at Royal Assent, see s. 216; Sch. 21 para. 117 in force for certain purposes for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), [Sch.](#)); Sch. 21 para. 117 in force for W. at 19.12.2002 by [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. I](#)
- I201** Sch. 21 para. 117 in force at 1.3.2003 so far as not already in force except in relation to W. by [S.I. 2003/124](#), [art. 2](#)

- 118 (1) Schedule 22 to the School Standards and Framework Act 1998 (disposal of land) is amended as follows.
- (2) In paragraph 1(1)(a) (disposals of land by governing body of foundation, voluntary or foundation special school), after “Schedule 6” there is inserted “(including that provision as applied by any enactment)”.
- (3) In paragraph 2(1)(a) (disposals of land by foundation body)—
- (a) after “Schedule 6” there is inserted “(including that provision as applied by any enactment)”, and
- ^{F25}(b)
- (4) In paragraph 3 (disposal of land by trustees)—
- (a) in sub-paragraph (1)(a)—
- (i) after “Schedule 6” there is inserted “(including that provision as applied by any enactment)”, and
- ^{F26}(ii)
- (b) in sub-paragraph (8)(b)(ii), for “section 28 or 31” there is substituted “any enactment”.
- (5) In paragraph 5 (discontinuance of schools)—
- (a) for sub-paragraph (1)(a) there is substituted—
- “(a) proposals to discontinue a foundation, voluntary or foundation special school have been approved, adopted or determined to be implemented under any enactment, or”,
- and
- (b) in sub-paragraph (4)(c) for “section 28 or 31 or paragraph 5 of Schedule 7” there is substituted “any enactment”.

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(6) In paragraph 7 (disposal of property held by governing body of maintained school on their dissolution), in sub-paragraph (1) for “paragraph 4 of Schedule 10” there is substituted “ paragraph 5 of Schedule 1 to the Education Act 2002 ”.

Textual Amendments

- F25** Sch. 21 para. 118(3)(b) repealed (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 18 Pt. 6](#); [S.I. 2007/935](#), art. 7(q)
- F26** Sch. 21 para. 118(4)(a)(ii) repealed (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 18 Pt. 6](#); [S.I. 2007/935](#), art. 7(q)

Commencement Information

- I202** Sch. 21 para. 118 partly in force; Sch. 21 para. 118 not in force at Royal Assent, see s. 216; Sch. 21 para. 118(6) in force for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), [Sch.](#)); Sch. 21 para. 118(1)(2)(3) (except sub-para. (b)) (4) (except sub-para. (a)(ii)) (5) in force for W. at 19.12.2002 by [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. I](#)
- I203** Sch. 21 para. 118(1)-(5) in force at 1.4.2003 except in relation to W. by [S.I. 2003/124](#), [art. 4](#)
- I204** Sch. 21 para. 118(6) in force at 31.10.2005 for W. by [S.I. 2005/2910](#), [art. 4](#), [Sch.](#)

119 In Schedule 32 to the School Standards and Framework Act 1998 (transitional provisions), paragraph 7 is omitted.

Commencement Information

- I205** Sch. 21 para. 119 in force at 1.8.2003 by [S.I. 2003/1667](#), [art. 2](#)

Protection of Children Act 1999 (c. 14)

120 Section 5 of the Protection of Children Act 1999 (prohibiting or restricting employment of teachers, &c.) shall cease to have effect.

Commencement Information

- I206** Sch. 21 para. 120 partly in force; Sch. 21 para. 120 not in force at Royal Assent, see. s. 216; Sch. 21 para. 120 in force for W. at 31.3.2003 by [S.I. 2002/3185](#), [art. 5](#), [Sch. Pt. II](#)
- I207** Sch. 21 para. 120 in force at 31.3.2003 for W. by [S.I. 2002/3185](#), [art. 5](#), [Sch. Pt. II](#)
- I208** Sch. 21 para. 120 in force at 1.6.2003 except in relation to W. by [S.I. 2003/1115](#), [art. 3](#)

^{F27}121

Textual Amendments

- F27** Sch. 21 para. 121 repealed (12.10.2009) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), s. 65, [Sch. 10](#) (with ss. 51, 57(3), 60(4), 64(5)); [S.I. 2009/2611](#), art. 2 (with arts. 5-7) (as amended (30.3.2010) by [S.I. 2010/1101](#), arts. 6-11)

122 In section 9(2) of the Protection of Children Act 1999 (proceedings of the Tribunal)

- ^{F28}(a)
(b) at the end there is inserted “or

Status: Point in time view as at 01/10/2013.

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(“ on an appeal under section 166 of the Education Act 2002.”.

Textual Amendments

F28 Sch. 21 para. 122(a) repealed (12.10.2009) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\), s. 65, Sch. 10](#) (with [ss. 51, 57\(3\), 60\(4\), 64\(5\)](#)); [S.I. 2009/2611, art. 2](#) (with [arts. 5-7](#)) (as amended (30.3.2010) by [S.I. 2010/1101, arts. 6-11](#))

Commencement Information

I209 Sch. 21 para. 122 in force at 1.6.2003 except in relation to W. by [S.I. 2003/1115, art. 3](#)

I210 Sch. 21 para. 122(b) in force at 1.1.2004 for W. by [S.I. 2003/2961, art. 6, Sch. Pt. III](#)

^{F29}123

Textual Amendments

F29 Sch. 21 para. 123 repealed (12.10.2009) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\), s. 65, Sch. 10](#) (with [ss. 51, 57\(3\), 60\(4\), 64\(5\)](#)); [S.I. 2009/2611, art. 2](#) (with [arts. 5-7](#)) (as amended (30.3.2010) by [S.I. 2010/1101, arts. 6-11](#))

Learning and Skills Act 2000 (c. 21)

124 (1) Section 7 of the Learning and Skills Act 2000 (funding of school sixth-forms by Learning and Skills Council for England) is amended as follows.

(2) In subsection (1)(a) for “local schools budget” there is substituted “ schools budget ”.

^{F30}(3)

Textual Amendments

F30 Sch. 21 para. 124(3) repealed (1.11.2005 for E., 1.4.2010 for W.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 19 Pt. 4](#); [S.I. 2005/2034, art. 8](#); [S.I. 2010/735, art. 2\(f\)](#)

Commencement Information

I211 Sch. 21 para. 124 in force at 1.10.2002 for E. by [S.I. 2002/2439, art. 3](#) (with transitional provisions and savings in [art. 4, Sch.](#))

I212 Sch. 21 para. 124(1)(2) in force at 2.1.2008 for W. by [S.I. 2007/3611, art. 4\(1\), Sch. Pt. 1](#)

125 (1) Section 36 of the Learning and Skills Act 2000 (funding of school sixth-forms by National Council for Education and Training for Wales) is amended as follows.

(2) In subsection (1)(a) for “local schools budget” there is substituted “ schools budget ”.

^{F31}(3)

Textual Amendments

F31 Sch. 21 para. 125(3) repealed (1.4.2010 for W.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 19 Pt. 4](#); [S.I. 2010/735, art. 2\(f\)](#)

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Commencement Information

- I213** Sch. 21 para. 125 in force at 4.12.2003 for W. by S.I. 2003/2961, art. 5, **Sch. Pt. II**
I214 Sch. 21 para. 125 in force at 6.11.2006 except in relation to W. by S.I. 2006/2895, **art. 2**

^{F32}126

Textual Amendments

- F32** Sch. 21 para. 126 omitted (1.10.2013) by virtue of **School Standards and Organisation (Wales) Act 2013** (anaw 1), s. 100(4), **Sch. 5 para. 21(13)**; S.I. 2013/1800, art. 3(j)

Freedom of Information Act 2000 (c. 36)

127 In Schedule 1 to the Freedom of Information Act 2000 (public authorities), for paragraph 52 there is substituted—

- “52 The governing body of—
- (a) a maintained school, as defined by section 20(7) of the School Standards and Framework Act 1998, or
 - (b) a maintained nursery school, as defined by section 22(9) of that Act.”

Commencement Information

- I215** Sch. 21 para. 127 in force at 1.9.2003 except in relation to W. by S.I. 2003/1667, **art. 4**
I216 Sch. 21 para. 127 in force at 31.10.2005 for W. by S.I. 2005/2910, **art. 4, Sch.**

Criminal Justice and Court Services Act 2000 (c. 43)

128^{F33}(1) Section 35 of the Criminal Justice and Court Services Act 2000 (persons disqualified from working with children: offences) is amended as follows.

- (2) For subsection (4)(b) there is substituted—
- “(b) he is subject to a direction under section 142 of the Education Act 2002 (prohibition from teaching, &c.), given on the grounds that he is unsuitable to work with children.”
- (3) Subsection (5) is omitted.]

Textual Amendments

- F33** Sch. 21 para. 128 repealed (12.10.2009 for specified purposes) by **Safeguarding Vulnerable Groups Act 2006 (c. 47)**, s. 65, **Sch. 10** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, art. 4

Commencement Information

- I217** Sch. 21 para. 128 partly in force; Sch. 21 para. 128 not in force at Royal Assent, see. s. 216; Sch. 21 para. 128 in force for W. at 31.3.2003 by S.I. 2002/3185, **art. 5, Sch. Pt. II**
I218 Sch. 21 para. 128 in force at 31.3.2003 for W. by S.I. 2002/3185, **art. 5, Sch. Pt. II**
I219 Sch. 21 para. 128 in force at 1.6.2003 except in relation to W. by S.I. 2003/1115, **art. 3**

Status:

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