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Changes to legislation: Education Act 2002 is up to date with all changes known to be in force on or before 19 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 1 **E+W**

Section 19(6)

INCORPORATION AND POWERS OF GOVERNING BODY

Modifications etc. (not altering text)

- C1** Sch. 1 modified (E.) (temp. from 1.10.2002) by [The Education Act 2002 \(Modification of Provisions\) \(England\) Regulations 2002 \(S.I. 2002/2316\)](#), [reg. 3\(1\)\(2\)](#)
- C2** Sch. 1 applied (with modifications) (10.7.2003) by [New Schools \(General\) \(England\) Regulations 2003 \(S.I. 2003/1558\)](#), [regs. 1, 32](#)
- C3** Sch. 1 applied (with modifications) (31.10.2005) by [The New Maintained Schools \(Wales\) Regulations 2005 \(S.I. 2005/2912\)](#), [regs. 1\(1\), 31](#)
- C4** Sch. 1 applied (with modifications) (31.10.2005) by [The New Maintained Schools \(Wales\) Regulations 2005 \(S.I. 2005/2912\)](#), [regs. 1\(1\), 30\(1\)](#) (with [reg. 30\(2\)](#))
- C5** Sch. 1 applied (with modifications) (25.5.2007) by [The School Governance \(New Schools\) \(England\) Regulations 2007 \(S.I. 2007/958\)](#), [regs. 1, 30](#)
- C6** Sch. 1 applied (with modifications) (25.5.2007) by [The School Governance \(New Schools\) \(England\) Regulations 2007 \(S.I. 2007/958\)](#), [regs. 1, 31](#)

Introductory

- 1 In the following paragraphs of this Schedule—
- “the 1998 Act” means the School Standards and Framework Act 1998 (c. 31);
 - “the governing body” means the governing body of a maintained school incorporated under section 19(1).

Commencement Information

- I1** Sch. 1 para. 1 partly in force; Sch. 1 para. 1 not in force at Royal Assent, see s. 216; Sch. 1 para. 1 in force for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), [Sch.](#))
- I2** Sch. 1 para. 1 in force at 31.10.2005 for W. by [S.I. 2005/2910](#), [art. 4](#), [Sch.](#)

Name and seal of governing body

- 2 (1) The governing body shall be known as “The governing body of...” with the addition of the name of the school as for the time being set out in the school’s instrument of government.
- (2) The application of the seal of the governing body must be authenticated by the signature—
- (a) of the chairman of the governing body, or
 - (b) of some other member authorised either generally or specially by the governing body to act for that purpose,

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together with the signature of any other member.

- (3) Every document purporting to be an instrument made or issued by or on behalf of the governing body and—
- (a) to be duly executed under the seal of the governing body, or
 - (b) to be signed or executed by a person authorised by the governing body to act in that behalf,
- shall be received in evidence and treated, without further proof, as being so made or issued unless the contrary is shown.

Commencement Information

- I3** Sch. 1 para. 2 partly in force; Sch. 1 para. 2 not in force at Royal Assent, see s. 216; Sch. 1 para. 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.](#))
- I4** Sch. 1 para. 2 in force at 31.10.2005 for W. by [S.I. 2005/2910](#), [art. 4](#), [Sch.](#)

Powers of governing body

- 3 (1) The governing body may do anything which appears to them to be necessary or expedient for the purposes of, or in connection with—
- (a) the conduct of the school, or
 - (b) the provision of facilities or services under section 27.
- (2) The governing body may provide advice or assistance to—
- (a) the governing body of any other maintained school, whether or not maintained by the same [^{F1}local authority], or
 - (b) any [^{F1}local authority].
- [^{F2}(2A) The governing body of a maintained school in England (other than the governing body of a maintained nursery school) may provide advice and assistance to the proprietor of an Academy.
- (2B) The governing body of a maintained school in England may be a member of the foundation of another maintained school in England.

In this sub-paragraph “foundation” has the meaning given by section 21(3) of the 1998 Act, except that it does not include a foundation established under that Act.]

- (3) The powers conferred by sub-paragraphs (1) [^{F3}, (2) and (2A)] include, in particular, power—
- (a) to borrow such sums as the governing body think fit and, in connection with such borrowing, to grant any mortgage, charge or other security over any land or other property of the governing body,
 - (b) to acquire and dispose of land and other property,
 - (c) to enter into contracts,
 - (d) to invest any sums not immediately required for the purposes of carrying on any activities they have power to carry on,
 - (e) to accept gifts of money, land or other property and apply it, or hold and administer it on trust, for any of those purposes, and

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- (f) to do anything incidental to the conduct of the school, the provision of advice or assistance under sub-paragraph (2) [^{F4} or (2A)] , or the provision of facilities and services under section 27.
- (4) The power to borrow money and grant security mentioned in sub-paragraph (3)(a) may only be exercised with the written consent—
- (a) of the Secretary of State (in relation to England) or the National Assembly for Wales (in relation to Wales), or
- (b) if an order under sub-paragraph (5) so provides, of the [^{F1}local authority];
- and any such consent may be given for particular borrowing or for borrowing of a particular class.
- (5) The Secretary of State or the National Assembly for Wales may by order make provision for any of his or its functions under sub-paragraph (4) to be instead exercisable—
- (a) in the case of all maintained schools, or
- (b) in the case of any class of such schools specified in the order,
- by the [^{F5}local authorities] by whom those schools are maintained.
- (6) In exercising those functions those authorities shall comply with any directions contained in an order made by the Secretary of State or the National Assembly for Wales.
- (7) Where the school is a foundation, voluntary aided or foundation special school, the power to enter into contracts mentioned in sub-paragraph (3)(c) includes power to enter into contracts for the employment of teachers and other staff, but no such contracts may be entered into by the governing body of a community, voluntary controlled or community special school or of a maintained nursery school.
- (8) Sub-paragraphs (1) to (3) have effect subject to—
- (a) any provisions of the school’s instrument of government, and
- (b) any provisions of a scheme under section 48 of the 1998 Act ([^{F5}local authorities]’ financial schemes) which relates to the school.

Textual Amendments

- F1** 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)**
- F2** Sch. 1 para. 3(2A)(2B) inserted (19.7.2010) by [Children, Schools and Families Act 2010 \(c. 26\)](#), **ss. 6(2), 29(5)** (with s. 27); [S.I. 2010/1817](#), art. 2
- F3** Words in Sch. 1 para. 3(3) substituted (19.7.2010) by [Children, Schools and Families Act 2010 \(c. 26\)](#), **ss. 6(3)(a), 29(5)** (with s. 27); [S.I. 2010/1817](#), art. 2
- F4** Words in Sch. 1 para. 3(3)(f) inserted (19.7.2010) by [Children, Schools and Families Act 2010 \(c. 26\)](#), **ss. 6(3)(b), 29(5)** (with s. 27); [S.I. 2010/1817](#), art. 2
- F5** 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)**

Modifications etc. (not altering text)

- C7** Sch. 1 para. 3 modified (temp. from 2.9.2002) by [The Education Act 2002 \(Transitional Provisions etc.\) \(England\) Regulations 2002 \(S.I. 2002/2113\)](#), **reg. 3(1)(3)**
- C8** Sch. 1 para. 3(1)(2) applied (with modifications) (1.2.2008) by [The Education \(Pupil Referral Units\) \(Application of Enactments\) \(England\) Regulations 2007 \(S.I. 2007/2979\)](#), reg. 1(1), **Sch. 1 para. 20**

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- C9** Sch. 1 para. 3(1)-(6) applied (with modifications) by S.I. 2007/2979, Sch. 1 para. 20 (as inserted (1.4.2013) by [The Pupil Referral Units \(Miscellaneous Amendments\) \(No.2\) \(England\) Regulations 2012 \(S.I. 2012/3158\)](#), regs. 1, **3(4)**)
- C10** Sch. 1 para. 3(8) applied (with modifications) by S.I. 2007/2979, Sch. 1 para. 20 (as inserted (1.4.2013) by [The Pupil Referral Units \(Miscellaneous Amendments\) \(No.2\) \(England\) Regulations 2012 \(S.I. 2012/3158\)](#), regs. 1, **3(4)**)

Commencement Information

- I5** Sch. 1 para. 3(1) except para. (a) in force at 2.9.2002 for E. by [S.I. 2002/2002](#), **art. 4**
 Sch. 1 para. 3(3)-(8) in force at 2.9.2002 for specified purposes for E. by [S.I. 2002/2002](#), **art. 4**
 Sch. 1 para. 3 in force at 1.10.2002 insofar as not already in force for E. by [S.I. 2002/2439](#), **art. 3** (with transitional provisions and savings in [art. 4](#), [Sch.](#))
- I6** Sch. 1 para. 3(1)(a)(2) in force at 31.10.2005 for W. by [S.I. 2005/2910](#), **art. 4**, **Sch.**
- I7** Sch. 1 para. 3(1)(b) in force at 1.9.2003 for W. by [S.I. 2003/1718](#), **art. 5**, **Sch. Pt. II**
- I8** Sch. 1 para. 3(3)-(8) in force at 1.9.2003 for specified purposes for W. by [S.I. 2003/1718](#), **art. 5**, **Sch. Pt. II**
- I9** Sch. 1 para. 3(3)-(8) in force at 31.10.2005 for W. so far as not already in force by [S.I. 2005/2910](#), **art. 4**, **Sch.**

- 4 Regulations may make further provision—
- (a) as to the general powers of the governing body, and
 - (b) as to other matters relating to it as a body corporate.

Commencement Information

- I10** Sch. 1 para. 4 partly in force; Sch. 1 para. 4 not in force at Royal Assent, see s. 216; Sch. 1 para. 4 in force for E. at 1.10.2002 by [S.I. 2002/2439](#), **art. 3** (with transitional provisions and savings in [art. 4](#), [Sch.](#))
- I11** Sch. 1 para. 4 in force at 31.10.2005 for W. by [S.I. 2005/2910](#), **art. 4**, **Sch.**

Dissolution of governing body

- 5 (1) If the school is discontinued, the governing body are dissolved by virtue of this paragraph—
- (a) on the discontinuance date, or
 - (b) on such later date as the Secretary of State (in relation to England) or the National Assembly for Wales (in relation to Wales) may specify by order made before the discontinuance date.

[^{F6}(1A) Sub-paragraph (1) does not apply if—

- (a) the school is a federated school in Wales, and
- (b) immediately after the discontinuance date, there will be more than one other school remaining in the federation.

(1B) “Federation” in sub-paragraph (1A) means a group of schools that are federated by virtue of Chapter 1 of Part 2 of the Education (Wales) Measure 2011 or were federated by virtue of section 24 before the coming into force of that Chapter, and “federated school” means a school forming part of a federation.]

[^{F7}(1A) Sub-paragraph (1) does not apply if—

- (a) the school is a federated school in England, and
- (b) immediately after the discontinuance date, there will be more than one other school remaining in the federation.

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(1B) “Federation” and “federated school” have the meanings given by section 24(2).]

(2) In this paragraph “the discontinuance date” means—

- (a) in relation to a school in England, whichever of the following is relevant—
- (i) the date on which proposals for discontinuing the school are implemented under Part 3 of Schedule 2 to the Education and Inspections Act 2006^{F8} ...,
 - (ii) the date on which the school is discontinued under section 30 of the 1998 Act,^{F9} ...
 - (iii) the date specified in a direction given under section 17(1) or 68(1) of the Education and Inspections Act 2006^{F10}, or
 - (iv) the date on which a local authority are required to cease to maintain the school under section 6(2) of the Academies Act 2010;]
- (b) in relation to a school in Wales, whichever of the following is relevant—
- ^{F11}(i) the date on which proposals for discontinuing the school are implemented under Part 3 of the School Standards and Organisation (Wales) Act 2013,
 - (ii) the date on which the school is discontinued under section 80 of the School Standards and Organisation (Wales) Act 2013, or
 - (iii) the date specified in a direction given under section 16(2) or 81(1) of the School Standards and Organisation (Wales) Act 2013]

Textual Amendments

- F6** Sch. 1 para. 5(1A)(1B) inserted (W.) (28.4.2014) by [Education \(Wales\) Measure 2011 \(nawm 7\)](#), [ss. 19\(7\)](#), [33\(2\)](#); [S.I. 2014/1066](#), [art. 2](#)
- F7** Sch. 1 para. 5(1A)(1B) inserted (1.9.2012) by [Education Act 2011 \(c. 21\)](#), [ss. 39](#), [82\(3\)](#); [S.I. 2012/1087](#), [art. 3](#)
- F8** Words in Sch. 1 para. 5(2)(a)(i) 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. 49](#), [Sch. 2 Pt. 1](#) (with [art. 2\(3\)](#))
- F9** Word in Sch. 1 para. 5(2)(a) omitted (29.7.2010) by virtue of [Academies Act 2010 \(c. 32\)](#), [s. 19\(2\)](#), [Sch. 2 para. 15](#); [S.I. 2010/1937](#), [art. 2](#), [Sch. 1](#)
- F10** Sch. 1 para. 5(2)(a)(iv) and word inserted (29.7.2010) by [Academies Act 2010 \(c. 32\)](#), [s. 19\(2\)](#), [Sch. 2 para. 15](#); [S.I. 2010/1937](#), [art. 2](#), [Sch. 1](#)
- F11** Sch. 1 para. 5(2)(a)(i)-(iii) substituted (1.10.2013) by [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), [s. 100\(4\)](#), [Sch. 5 para. 21\(11\)](#); [S.I. 2013/1800](#), [art. 3\(j\)](#)

Commencement Information

- I12** Sch. 1 para. 5 partly in force; Sch. 1 para. 5 not in force at Royal Assent, see [s. 216](#); Sch. 1 para. 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.](#))
- I13** Sch. 1 para. 5 in force at 31.10.2005 for W. by [S.I. 2005/2910](#), [art. 4](#), [Sch.](#)

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SCHEDULE 2 E+W

Sections 35(7) and 36(7)

EFFECT ON STAFFING OF SUSPENSION OF DELEGATED BUDGET

PART 1 E+W

COMMUNITY, VOLUNTARY CONTROLLED, COMMUNITY SPECIAL AND MAINTAINED NURSERY SCHOOLS

Modifications etc. (not altering text)

C11 Sch. 2 Pt. 1 applied (W.) (1.4.2006) by [The Staffing of Maintained Schools \(Wales\) Regulations 2006 \(S.I. 2006/873\)](#), regs. 1(1), **38**

1 The arrangements for the staffing of the school shall be determined by the [^{F1}local authority].

Textual Amendments

F1 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)**

Modifications etc. (not altering text)

C12 Sch. 2 paras. 1-3 applied (with modifications) by S.I. 2007/2979, Sch. 1 para. 20A (as inserted (1.4.2013) by [The Pupil Referral Units \(Miscellaneous Amendments\) \(No.2\) \(England\) Regulations 2012 \(S.I. 2012/3158\)](#), regs. 1, **3(5)**)

Commencement Information

I14 Sch. 2 para. 1 in force at 1.4.2006 for W. by [S.I. 2006/879](#), **art. 4, Sch.**

2 The authority may appoint, suspend and dismiss teachers and other staff at the school as the authority think fit.

Modifications etc. (not altering text)

C12 Sch. 2 paras. 1-3 applied (with modifications) by S.I. 2007/2979, Sch. 1 para. 20A (as inserted (1.4.2013) by [The Pupil Referral Units \(Miscellaneous Amendments\) \(No.2\) \(England\) Regulations 2012 \(S.I. 2012/3158\)](#), regs. 1, **3(5)**)

Commencement Information

I15 Sch. 2 para. 2 in force at 1.4.2006 for W. by [S.I. 2006/879](#), **art. 4, Sch.**

3 The authority shall, in connection with the exercise of their functions under paragraph 2, consult the governing body to such extent as the authority think fit.

Modifications etc. (not altering text)

C12 Sch. 2 paras. 1-3 applied (with modifications) by S.I. 2007/2979, Sch. 1 para. 20A (as inserted (1.4.2013) by [The Pupil Referral Units \(Miscellaneous Amendments\) \(No.2\) \(England\) Regulations 2012 \(S.I. 2012/3158\)](#), regs. 1, **3(5)**)

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Commencement Information

I16 Sch. 2 para. 3 in force at 1.4.2006 for W. by [S.I. 2006/879](#), art. 4, [Sch.](#)

- 4 In relation to teachers at a voluntary controlled school who are reserved teachers within the meaning of section 58 of the School Standards and Framework Act 1998 (c. 31) (appointment and dismissal of certain teachers at schools with a religious character), paragraph 2 shall have effect subject to the provisions of that section.

Commencement Information

I17 Sch. 2 para. 4 in force at 1.4.2006 for W. by [S.I. 2006/879](#), art. 4, [Sch.](#)

PART 2 **E+W**

FOUNDATION, VOLUNTARY AIDED AND FOUNDATION SPECIAL SCHOOLS

Modifications etc. (not altering text)

- C13** Sch. 2 Pt. 2 applied (1.9.2003) by [School Staffing \(England\) Regulations 2003 \(S.I. 2003/1963\)](#), regs. 1(2), [37](#)
- C14** Sch. 2 Pt. 2 applied (W.) (1.4.2006) by [The Staffing of Maintained Schools \(Wales\) Regulations 2006 \(S.I. 2006/873\)](#), regs. 1(1), [39](#)

- 5 The arrangements for the staffing of the school shall be determined by the [^{F1}local authority].

Textual Amendments

- F1** 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

I18 Sch. 2 para. 5 in force at 1.4.2006 for W. by [S.I. 2006/879](#), art. 4, [Sch.](#)

- 6 Except with the consent of the authority, the governing body shall not—
- (a) appoint any teacher to work at the school, or
 - (b) dismiss any teacher at the school.

Commencement Information

I19 Sch. 2 para. 6 in force at 1.4.2006 for W. by [S.I. 2006/879](#), art. 4, [Sch.](#)

- 7 The authority may give the governing body directions—
- (a) as to the educational qualifications of the teachers to be appointed for giving secular education, or
 - (b) requiring them to dismiss any teacher at the school;
- but the authority shall not give any directions under paragraph (a) except after consulting the governing body.

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Commencement Information

I20 Sch. 2 para. 7 in force at 1.4.2006 for W. by [S.I. 2006/879](#), art. 4, [Sch.](#)

- 8 The authority may give directions to the governing body as to the number and conditions of service of persons employed at the school for the purposes of the care and maintenance of the school premises.

Commencement Information

I21 Sch. 2 para. 8 in force at 1.4.2006 for W. by [S.I. 2006/879](#), art. 4, [Sch.](#)

- 9 Where the trust deed relating to the school provides for a person other than the governing body to be entitled to control the occupation and use of the school premises to any extent, then, if and to the extent that (disregarding any transfer of control authorised by regulations under section 31) the use of those premises is or would be under the control of any such person, the reference in paragraph 8 to the governing body shall be read as a reference to that person.

Commencement Information

I22 Sch. 2 para. 9 in force at 1.4.2006 for W. by [S.I. 2006/879](#), art. 4, [Sch.](#) (with art. 5)

- 10 Paragraphs 6 and 7 have effect subject to section 58 of the School Standards and Framework Act 1998 (c. 31).

Commencement Information

I23 Sch. 2 para. 10 in force at 1.4.2006 for W. by [S.I. 2006/879](#), art. 4, [Sch.](#)

- [^{F12}11 Paragraph 8 has effect subject to—
- (a) any provision made by an order under section 231(2)(a) or 233(2)(a) of the Apprenticeships, Skills, Children and Learning Act 2009;
 - (b) any provision made by an order under section 233(2)(d) or 234(2)(b) or (4)(b) of that Act, where the order provides that it is to have effect for determining the conditions of employment of persons to whom it applies.]

Textual Amendments

F12 Sch. 2 para. 11 inserted (12.1.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), [ss. 237\(7\)](#), 269(4); [S.I. 2009/3317](#), art. 2, [Sch.](#)

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SCHEDULE 3 **E+W**

Section 40

AMENDMENTS OF PART 2 OF SCHOOL STANDARDS AND FRAMEWORK ACT 1998

Introductory

- 1 In this Schedule “the 1998 Act” means the School Standards and Framework Act 1998.

Commencement Information

- I24** Sch. 3 para. 1 partly in force; Sch. 3 para. 1 not in force at Royal Assent, see s. 216; Sch. 3 para. 1 in force for E. at 2.9.2002 by [S.I. 2002/2002](#), [art. 4](#)
- I25** Sch. 3 para. 1 in force at 1.9.2003 for W. by [S.I. 2003/1718](#), [art. 5](#), [Sch. Pt. II](#)

Expenditure incurred for community purposes

- 2 (1) Section 48 of the 1998 Act ([^{F5}local authorities]’ financial schemes) is amended as follows.
- (2) In subsection (1) after “by the authority” there is inserted “ or the exercise by the governing bodies of those schools of the power conferred by section 27 of the Education Act 2002 (power of governing body to provide community facilities etc.) ”.
- (3) In subsection (2) after paragraph (d) there is inserted—
- “(dd) the imposition, by or under the scheme, of conditions which must be complied with by schools in relation to the exercise of the power mentioned in subsection (1), including conditions prescribing financial controls and procedures;”.

Textual Amendments

- F5** 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

- I26** Sch. 3 para. 2 partly in force; Sch. 3 para. 2 not in force at Royal Assent, see s. 216; Sch. 3 para. 2 in force for E. at 2.9.2002 by [S.I. 2002/2002](#), [art. 4](#)
- I27** Sch. 3 para. 2 in force at 1.9.2003 for W. by [S.I. 2003/1718](#), [art. 5](#), [Sch. Pt. II](#)

- 3 In section 50 of the 1998 Act (effect of financial delegation), in subsection (4) (meaning of “purposes of the school”) before paragraph (a) there is inserted—
- “(za) facilities and services under section 27 of the Education Act 2002 (power of governing body to provide community facilities etc.),”.

Commencement Information

- I28** Sch. 3 para. 3 partly in force; Sch. 3 para. 3 not in force at Royal Assent, see s. 216; Sch. 3 para. 3 in force for E. at 2.9.2002 by [S.I. 2002/2002](#), [art. 4](#)
- I29** Sch. 3 para. 3 in force at 1.9.2003 for W. by [S.I. 2003/1718](#), [art. 5](#), [Sch. Pt. II](#)

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4 After section 51 of the 1998 Act there is inserted—

“Expenditure incurred for community purposes

51A Expenditure incurred for community purposes

- (1) Expenditure incurred by the governing body of a maintained school in the exercise of the power conferred by section 27 of the Education Act 2002 (power of governing body to provide community facilities etc.) shall, as against third parties, be treated as part of the expenses of maintaining the school under section 22, but if met by the [F1local authority] may be recovered by them from the governing body.
- (2) Except as provided by regulations under section 50(3)(b), no expenditure incurred by the governing body of a maintained school in the exercise of the power referred to in subsection (1) shall be met from the school’s budget share for any financial year.
- (3) Subsection (2) applies at a time when the school does not have a delegated budget by virtue of any suspension under section 17 or Schedule 15, as well as a time when it does have a delegated budget.”

Textual Amendments

F1 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

I30 Sch. 3 para. 4 partly in force; Sch. 3 para. 4 not in force at Royal Assent, see s. 216; Sch. 3 para. 4 in force for E. at 2.9.2002 by [S.I. 2002/2002](#), **art. 4**

I31 Sch. 3 para. 4 in force at 1.9.2003 for W. by [S.I. 2003/1718](#), **art. 5, Sch. Pt. II**

5 In Schedule 15 to the 1998 Act (suspension of financial delegation), in paragraph 1(1) (cases where [F1local authority] may suspend governing body’s right to a delegated budget) the word “or” at the end of paragraph (a) is omitted and at the end of paragraph (b) there is inserted “or

- (c) are not managing in a satisfactory manner any expenditure, or sums received, in the exercise of the power conferred by section 27 of the Education Act 2002 (power to provide community facilities etc.).”

Textual Amendments

F1 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

I32 Sch. 3 para. 5 partly in force; Sch. 3 para. 5 not in force at Royal Assent, see s. 216; Sch. 3 para. 5 in force for E. at 2.9.2002 by [S.I. 2002/2002](#), **art. 4**

I33 Sch. 3 para. 5 in force at 1.9.2003 for W. by [S.I. 2003/1718](#), **art. 5, Sch. Pt. II**

Status: Point in time view as at 14/07/2014.

Changes to legislation: Education Act 2002 is up to date with all changes known to be in force on or before 19 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)

Teachers engaged otherwise than as employees

- 6 (1) Section 58 of the 1998 Act (appointment and dismissal of certain teachers at a school with a religious character) is amended as follows.
- (2) In subsection (2)—
- (a) for “the teaching staff of” there is substituted “ teachers at ”, and
- (b) for “the teaching staff shall” there is substituted “ the teachers shall ”.
- (3) In subsection (3), for “the number of the teaching staff”, in both places where it occurs, there is substituted “ the total number of teachers ”.
- (4) In subsection (4), for “while holding the post of” there is substituted “ while he remains ”.
- (5) In subsection (6), for the words from “may” to the end there is substituted “may—
- (a) in the case of a teacher who is an employee, require the appropriate body to dismiss him from employment as a reserved teacher at the school, and
- (b) in the case of a teacher who is engaged otherwise than under a contract of employment, require the governing body to terminate his engagement.”.
- (6) In subsection (9), in the definition of “reserved teacher”, after “employed” there is inserted “ or engaged ”.

Commencement Information

I34 Sch. 3 para. 6 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 4](#)

I35 Sch. 3 para. 6 in force at 1.4.2006 for W. by [S.I. 2006/879](#), [art. 4](#), [Sch.](#)

- 7 In section 59 of the 1998 Act (staff at community, secular foundation or voluntary, or special school), in subsection (2)(b), after “employed” there is inserted “ or engaged ”.

Commencement Information

I36 Sch. 3 para. 7 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 4](#)

I37 Sch. 3 para. 7 in force at 1.4.2006 for W. by [S.I. 2006/879](#), [art. 4](#), [Sch.](#)

- 8 (1) Section 60 of the 1998 Act (staff at foundation or voluntary school with religious character) is amended as follows.
- (2) In subsection (5)(b), after “employment” there is inserted “ or engagement ”.
- (3) In subsection (6), after “employed” there is inserted “ or engaged ”.

Commencement Information

I38 Sch. 3 para. 8 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 4](#)

I39 Sch. 3 para. 8 in force at 1.4.2006 for W. by [S.I. 2006/879](#), [art. 4](#), [Sch.](#)

Status: Point in time view as at 14/07/2014.

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SCHEDULE 4 **E+W**

Section 51

ADMISSION ARRANGEMENTS

- 1 In this Schedule “the 1998 Act” means the School Standards and Framework Act 1998 (c. 31).

Commencement Information

- I40** Sch. 4 para. 1 partly in force; Sch. 4 para. 1 not in force at Royal Assent, see s. 216; Sch. 4 para. 1 in force for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), [Sch.](#))
- I41** Sch. 4 para. 1 in force at 9.1.2004 for W. by [S.I. 2003/2961](#), [art. 7](#), [Sch. Pt. IV](#)

Meaning of “appeal panel”

- 2 In section 84(6) of the 1998 Act (interpretation of Chapter 1 of Part 3), in the definition of “appeal panel”, for “under Schedule 24 or 25” there is substituted “ in accordance with regulations under section 94(5) or 95(3) ”.

Commencement Information

- I42** Sch. 4 para. 2 partly in force; Sch. 4 para. 2 not in force at Royal Assent, see s. 216; Sch. 4 para. 2 in force for E. at 20.1.2003 by [S.I. 2002/2952](#), [art. 2](#) (with savings and transitional provisions in [Sch. paras. 2, 3](#))
- I43** Sch. 4 para. 2 in force at 20.1.2003 except in relation to W. by [S.I. 2002/2952](#), [art. 2](#) (with [Sch. para. 3](#))
- I44** Sch. 4 para. 2 in force at 31.5.2005 for W. by [S.I. 2005/1395](#), [art. 4](#), [Sch.](#) (with [art. 5\(3\)\(4\)](#))

Parental preferences

- 3 (1) Section 86 of the 1998 Act (parental preferences) is amended as follows.
- (2) In subsection (2), for “subsections (3) and (6)” there is substituted “ subsections (3) and (3A) ”.
- (3) After subsection (2) there is inserted—
- “(2A) Arrangements made under subsection (1) may allow the parent of a child to express preferences for more than one school; but nothing in this section requires the admission authority for a maintained school for which a child’s parent has expressed a preference to offer the child admission to the school if, in accordance with a scheme adopted or made by virtue of section 89B, the child is offered admission to a different school for which the parent has also expressed a preference.”
- (4) In subsection (3)—
- (a) at the end of paragraph (a) there is inserted “ or ”, and
- (b) paragraph (b) is omitted.
- (5) After subsection (3) there is inserted—
- “(3A) In relation to a preference expressed by a parent as to the school at which he wishes secondary education suitable to the requirements of pupils who are over compulsory school age to be provided for his child, the duty imposed by subsection (2) also does not apply if the relevant selection arrangements are

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wholly based on selection by reference to ability or aptitude and compliance with the preference would be incompatible with selection under those arrangements.

(3B) In subsection (3A) “the relevant selection arrangements”, in relation to a school, means—

- (a) the arrangements for admission to the school for secondary education suitable to the requirements of pupils who are over compulsory school age, or
- (b) those arrangements and the arrangements for entry to the sixth form of children who have been admitted to the school;

and references in this subsection to entry to the sixth form of children who have been admitted to a school shall be construed in accordance with section 94(7).”

(6) Subsection (6) shall cease to have effect.

(7) In subsection (8), for “subsection (3)” there is substituted “ subsections (3) and (3A) ”.

(8) In subsection (9), for “provide for all pupils admitted to the school” there is substituted “ , or arrangements such as are mentioned in subsection (3B), provide for all pupils selected under the arrangements ”.

Commencement Information

- I45** Sch. 4 para. 3 partly in force; Sch. 4 para. 3 not in force at Royal Assent, see s. 216; Sch. 4 para. 3 in force for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), [Sch.](#)) (as amended (4.12.2003) by [S.I. 2003/2992](#), [arts. 1, 3](#))
- I46** Sch. 4 para. 3(1)-(5) (7)(8) in force at 31.5.2005 for W. by [S.I. 2005/1395](#), [art. 4](#), [Sch.](#) (with [art. 5\(1\)](#))
- I47** Sch. 4 para. 3(6) in force at 1.2.2006 for W. by [S.I. 2006/172](#), [art. 4](#), [Sch.](#)

Children permanently excluded from two or more schools

4 In section 87 of the 1998 Act (no requirement to admit children permanently excluded from two or more schools) for subsection (4) there is substituted—

“(4) However, a child who has been permanently excluded from a school shall not be treated for the purposes of this section as having been so excluded if—

- (a) he was reinstated as a pupil at the school following the giving of a direction to that effect by the relevant authority in accordance with regulations under subsection (3)(b) or (c) of section 52 of the Education Act 2002,
- (b) on a review of his exclusion carried out in accordance with regulations under subsection (3)(b) of that section or an appeal made pursuant to regulations under subsection (3)(c) of that section, the relevant authority decided—

- (i) that it would not be practical to give a direction requiring his reinstatement as a pupil at the school, but
- (ii) that it would otherwise have been appropriate to give such a direction, or

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(c) he was so excluded at a time when he had not attained compulsory school age.

(4A) In subsection (4) “the relevant authority” means—

- (a) the responsible body as defined by subsection (5) of section 52 of the Education Act 2002, or
- (b) a panel constituted in accordance with regulations under subsection (3)(c) of that section.”

Commencement Information

I48 Sch. 4 para. 4 in force at 20.1.2003 except in relation to W. by [S.I. 2002/2952](#), [art. 2](#)

I49 Sch. 4 para. 4 in force at 9.1.2004 for W. by [S.I. 2003/2961](#), [art. 7](#), [Sch. Pt. IV](#)

Procedure for determining admission arrangements

5 (1) Section 89 of the 1998 Act (procedure for determining admission arrangements) is amended as follows.

(2) For subsection (2) there is substituted—

“(2) Before determining the admission arrangements which are to apply for a particular school year, the admission authority shall consult the following about the proposed arrangements, namely—

- (a) whichever of the governing body and the [^{F1}local authority] are not the admission authority,
- (b) the admission authorities for all other maintained schools in the relevant area or for such class of such schools as may be prescribed,
- (c) the governing bodies for all community and voluntary controlled schools in the relevant area (so far as not falling within paragraph (a) or (b)), and
- (d) the admission authorities for maintained schools of any prescribed description.

(2A) Subsection (2) does not apply in relation to the proposed admission arrangements for a particular school year if—

- (a) the admission authority are the school’s governing body, and
- (b) prescribed conditions are satisfied in relation to that year.”

(3) In subsections (4), (5) and (6), for “bodies whom they consulted under subsection (2)” there is substituted “ appropriate bodies ”.

(4) In subsection (8), after paragraph (f) there is inserted—

“(fa) requiring an admission authority who have made a determination of a prescribed description under this section to publish such information relating to the determination (including information as to the authority’s reasons for making the determination) as may be prescribed;”.

(5) After that subsection there is inserted—

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“(8A) The power under paragraph (fa) of subsection (8) to require an admission authority to publish information includes power to require them to publish it—

- (a) by giving a notice containing the information to prescribed persons, or
- (b) in any other prescribed manner.”

(6) For subsection (9) there is substituted—

“(9) Where the [^{F1}local authority] are the admission authority for a community or voluntary controlled school, they shall consult the governing body before making any reference under subsection (5).”

(7) After that subsection there is inserted—

“(10) In this section “the appropriate bodies”, in relation to an admission authority, means the bodies whom they were required to consult under subsection (2), or would but for subsection (2A) have been required so to consult.”

Textual Amendments

- F1** 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

- I50** Sch. 4 para. 5 partly in force; Sch. 4 para. 5 not in force at Royal Assent, see s. 216; Sch. 4 para. 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.](#))
- I51** Sch. 4 para. 5 in force at 1.2.2006 for W. by [S.I. 2006/172](#), **art. 4, Sch.**

Reference of objections

- 6 In section 90(1)(b) of the 1998 Act (reference of objections to adjudicator or Secretary of State), for “consulted by the admission authority under section 89(2)” there is substituted “who were, or would but for subsection (2A) of section 89 have been, required to be consulted by the admission authority under subsection (2) of that section”.

Commencement Information

- I52** Sch. 4 para. 6 partly in force; Sch. 4 para. 6 not in force at Royal Assent, see s. 216; Sch. 4 para. 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.](#))
- I53** Sch. 4 para. 6 in force at 1.2.2006 for W. by [S.I. 2006/172](#), **art. 4, Sch.**

Publication of information

- 7 For section 92 of the 1998 Act (publication of information about admissions) there is substituted—

“92 Publication of information about admissions

Regulations may—

Status: Point in time view as at 14/07/2014.

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- (a) require the publication by a [F1local authority] of such information relating to admissions as may be prescribed,
- (b) require the publication by the governing body of a foundation or voluntary aided school of such information relating to admissions as may be prescribed,
- (c) require or allow the publication by the governing body of any school maintained by a [F1local authority], or by the [F1local authority] on behalf of the governing body, of such information relating to the school as may be prescribed, and
- (d) make provision as to the time by which, and the manner in which, information required to be published by virtue of this section is to be published.”

Textual Amendments

F1 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

I54 Sch. 4 para. 7 partly in force; Sch. 4 para. 7 not in force at Royal Assent, see s. 216; Sch. 4 para. 7 in force for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4, Sch.](#))

I55 Sch. 4 para. 7 in force at 1.2.2006 for W. by [S.I. 2006/172](#), [art. 4, Sch.](#)

Appeal arrangements: general

- 8 (1) Section 94 of the 1998 Act (appeal arrangements: general) is amended as follows.
- (2) After subsection (1) there is inserted—
- “(1A) A [F1local authority] shall make arrangements for enabling the parent of a child who has been admitted to a community or voluntary controlled school maintained by the authority to appeal against any decision made by or on behalf of the governing body refusing permission for the child to enter the school’s sixth form.”
- (3) After subsection (2) there is inserted—
- “(2A) The governing body of a foundation or voluntary aided school shall make arrangements for enabling the parent of a child who has been admitted to the school to appeal against any decision made by or on behalf of the governing body refusing permission for the child to enter the school’s sixth form.”
- (4) In subsection (3), after “(2)” there is inserted “ or (2A) ”.
- (5) In subsection (4), in paragraph (a), after “(1)” there is inserted “ or (1A) ” and in paragraph (b), after “(2)” there is inserted “ or (2A) ”.
- (6) In subsection (6) for “under Schedule 24” there is substituted “ pursuant to arrangements under this section ”.
- (7) After that subsection there is inserted—
- “(7) References in this section, in relation to a child who has been admitted to a school, to his entering the school’s sixth form are to his being transferred to a

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class at the school in which secondary education suitable to the requirements of pupils who are over compulsory school age is provided from a class in which such education is not provided.”

Textual Amendments

- F1** 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

- I56** Sch. 4 para. 8 partly in force; Sch. 4 para. 8 not in force at Royal Assent, see s. 216; Sch. 4 para. 8 in force for E. at 20.1.2003 by [S.I. 2002/2952](#), **art. 2** (with savings and transitional provisions in [Sch. paras. 2, 3](#))
- I57** Sch. 4 para. 8 in force at 20.1.2003 except in relation to W. by [S.I. 2002/2952](#), **art. 2** (with [Sch. para. 3](#))
- I58** Sch. 4 para. 8 in force at 31.5.2005 for W. by [S.I. 2005/1395](#), **art. 4, Sch.** (with [art. 5\(3\)](#))

Appeals relating to children to whom section 87 applies

- 9 In section 95 of the 1998 Act (appeals relating to children to whom section 87 applies), for subsection (3) there is substituted—

“(3) An appeal by the governing body pursuant to arrangements made under subsection (2) shall be to an appeal panel constituted in accordance with regulations.

(3A) Regulations may make provision about the making of appeals pursuant to arrangements under subsection (2), including provision—

- (a) requiring prescribed information to be given to governing bodies in prescribed circumstances,
- (b) as to the procedure on such appeals,
- (c) for the payment by the [^{F1}local authority] of allowances to members of an appeal panel, and
- (d) as to the matters to which an appeal panel is to have regard in considering an appeal.

(3B) Regulations made by virtue of subsection (3A)(c) may provide for any of the provisions of sections 173 to 174 of the Local Government Act 1972 (allowances to members of local authorities and other bodies) to apply with prescribed modifications in relation to members of an appeal panel.”

Textual Amendments

- F1** 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

- I59** Sch. 4 para. 9 partly in force; Sch. 4 para. 9 not in force at Royal Assent, see s. 216; Sch. 4 para. 9 in force for E. at 20.1.2003 by [S.I. 2002/2952](#), **art. 2** (with savings and transitional provisions in [art. 3, Sch. paras. 2, 3](#))
- I60** Sch. 4 para. 9 in force at 20.1.2003 except in relation to W. by [S.I. 2002/2952](#), **art. 2** (with [Sch. para. 3](#))
- I61** Sch. 4 para. 9 in force at 31.5.2005 for W. by [S.I. 2005/1395](#), **art. 4, Sch.** (with [art. 5\(4\)](#))

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Direction to admit child to specified school

- 10 In section 96(1) of the 1998 Act (direction to admit child to specified school) after “section” there is inserted “ to the governing body of a school for which they are not the admission authority ”.

Commencement Information

- I62** Sch. 4 para. 10 partly in force; Sch. 4 para. 10 not in force at Royal Assent, see s. 216; Sch. 4 para. 10 in force for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), [Sch.](#))
- I63** Sch. 4 para. 10 in force at 31.5.2005 for W. by [S.I. 2005/1395](#), [art. 4](#), [Sch.](#) (with [art. 5\(2\)](#))

Procedure for giving direction under section 96

- 11 (1) Section 97 of the 1998 Act (procedure for giving direction under section 96) is amended as follows.

- (2) For subsection (4) there is substituted—

“(4) On a reference under subsection (3) the Secretary of State may determine which school is to be required to admit the child, and if he does so—

- (a) where the [^{F1}local authority] referred to in subsection (1) are the admission authority for that school, they shall—

- (i) admit the child to the school, and
(ii) give notice in writing to the governing body and head teacher of the school of the Secretary of State’s determination, and

- (b) in any other case, that school shall be specified in the direction.”

- (3) For subsection (6) there is substituted—

“(6) A direction under section 96 shall be given by notice in writing; and a copy of the notice shall be given by the [^{F1}local authority] to the head teacher of the school.”

Textual Amendments

- F1** 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

- I64** Sch. 4 para. 11 partly in force; Sch. 4 para. 11 not in force at Royal Assent, see s. 216; Sch. 4 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.](#))
- I65** Sch. 4 para. 11 in force at 31.5.2005 for W. by [S.I. 2005/1395](#), [art. 4](#), [Sch.](#) (with [art. 5\(2\)](#))

Nursery education, special schools and children with statements

- 12 (1) Section 98 of the 1998 Act (admission for nursery education etc) is amended as follows.

- (2) For subsection (2) there is substituted—

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“(2) The admission of children to a school for nursery education shall be disregarded—

- (a) for the purposes of any determination under section 89 of the number of pupils in any relevant age group that it is intended to admit to a primary school in a school year, and
- (b) in determining for the purposes of section 89A what is a relevant age group in relation to a primary school.”

(3) In subsection (3), after “Chapter” there is inserted “ apart from subsections (4A) and (4B) ”.

(4) After subsection (4) there is inserted—

“(4A) The person responsible for admitting, or refusing to admit, children to a maintained school for nursery education shall be the person who (by virtue of section 88(1)) is the admission authority for the school.

(4B) Regulations may make provision as to the person who is to be responsible for admitting, or refusing to admit, children to maintained nursery schools.”

(5) In subsection (8) after “this section” there is inserted “ , apart from subsections (4A) and (4B), ”.

(6) For subsection (9) there is substituted—

“(9) Such children shall, in addition, be taken into account for the purposes of—

- (a) the references in section 86(5), (5B) and (9) to a number of pupils, and
- (b) any determination under section 89 of the number of pupils in a relevant age group that it is intended to admit, or to admit either as boarders or otherwise than as boarders, to a school in a school year.”

Commencement Information

I66 Sch. 4 para. 12 in force at 20.1.2003 except in relation to W. by [S.I. 2002/2952](#), [art. 2](#) (with [Sch. para. 2](#))

I67 Sch. 4 para. 12(1)(3)-(5) in force at 31.3.2004 for W. by [S.I. 2004/912](#), [art. 4](#), [Sch. Pt. 1](#) (with [art. 7](#))

I68 Sch. 4 para. 12(2)(6) in force at 1.2.2006 for W. by [S.I. 2006/172](#), [art. 4](#), [Sch.](#)

Diocesan Boards of Education Measure 1991

13 In section 3(1) of the Diocesan Boards of Education Measure 1991 (1991 No. 2) (transactions for which advice or consent of Board is required), after paragraph (c) there is inserted—

“(cc) consulting under section 89(2) of that Act about proposed admission arrangements for any school year;”.

Commencement Information

I69 Sch. 4 para. 13 partly in force; Sch. 4 para. 13 not in force at Royal Assent, see s. 216; Sch. 4 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.](#))

I70 Sch. 4 para. 13 in force at 1.2.2006 for W. by [S.I. 2006/172](#), [art. 4](#), [Sch.](#)

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Education Act 1996

- 14 In section 439(2) of the Education Act 1996 (c. 56) (specification of school intended to be named in a school attendance order), for “fixed in accordance with section 93 of the School Standards and Framework Act 1998 (fixing admission numbers)” there is substituted “determined in accordance with section 89 of the School Standards and Framework Act 1998 (determination of admission numbers)”.

Commencement Information

- I71** Sch. 4 para. 14 partly in force; Sch. 4 para. 14 not in force at Royal Assent, see s. 216; Sch. 4 para. 14 in force for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [Sch.](#))
- I72** Sch. 4 para. 14 in force at 1.2.2006 for W. by [S.I. 2006/172](#), [art. 4](#), [Sch.](#)

F13 SCHEDULE 5 E+W

Section 56(3)

Textual Amendments

- F13** [Sch. 5](#) omitted (20.2.2014) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), [Sch. 5 para. 6\(8\)](#); [S.I. 2014/178](#), art. 2(f) (with art. 3)

F14 SCHEDULE 6 E+W

Section 59

GOVERNING BODIES CONSISTING OF INTERIM EXECUTIVE MEMBERS - SCHEDULE TO BE INSERTED IN SCHOOL STANDARDS AND FRAMEWORK ACT 1998 AS SCHEDULE 1A

Textual Amendments

- F14** [Sch. 6](#) omitted (20.2.2014) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), [Sch. 5 para. 6\(8\)](#); [S.I. 2014/178](#), art. 2(f) (with art. 3)

“SCHEDULE 1A E+W

Section 19A

Status: Point in time view as at 14/07/2014.

Changes to legislation: Education Act 2002 is up to date with all changes known to be in force on or before 19 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)

SCHEDULE 7 **E+W**

Section 65

ACADEMIES: SUPPLEMENTARY

PART 1 **E+W**

LAND

- 1 In the Education Act 1996 (c. 56), the following Schedule is inserted after Schedule 35—

“SCHEDULE
35A **E+W**

ACADEMIES: LAND

Transfer schemes

- 1 (1) The Secretary of State may make a scheme in relation to land if these requirements are met—
- (a) a [^{F1}local authority] holds a freehold or leasehold interest in the land when the scheme is made;
 - (b) at any time in the period of eight years ending with the day on which the scheme is made the land was used wholly or mainly for the purposes of a county school or community school;
 - (c) at the time the scheme is made the land is no longer used as mentioned in paragraph (b) or the Secretary of State thinks it is about to be no longer so used;
 - (d) before making the scheme the Secretary of State consulted the authority.
- (2) The Secretary of State may also make a scheme in relation to land if these requirements are met—
- (a) a [^{F1}local authority] holds a freehold or leasehold interest in the land when the scheme is made;
 - (b) the land forms the whole or part of a site specified in a notice published under section 70 of the Education Act 2002 (new schools to meet increased demand for secondary education) as a possible site for a new school;
 - (c) before making the scheme, the Secretary of State consulted the authority.
- (3) These requirements must be met as regards a scheme under subparagraph (1) or (2)—
- (a) the scheme must provide for a transfer of the authority’s interest in the land or in such part of it as is specified in the scheme;
 - (b) the transfer must be to a person (the transferee) who is specified in the scheme and is concerned with the running of an Academy;
 - (c) the transfer must be made to the transferee for the purposes of the Academy;

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- (d) in the case of a scheme under sub-paragraph (2), the Academy must have been the subject of proposals published under section 70 of the Education Act 2002;
 - (e) the scheme must provide for the transfer to the transferee of any right or liability held by the authority as holder of the interest in the land or specified part concerned.
- (4) In sub-paragraph (3) the reference to a right or liability—
- (a) includes a reference to a right or liability as a trustee, but
 - (b) excludes a reference to a liability in respect of the principal of or interest on a loan.
- (5) A scheme may include such supplementary, incidental, consequential or transitional provisions as the Secretary of State thinks are appropriate.
- (6) A scheme must be so expressed that it does not come into force while the land concerned is used as mentioned in sub-paragraph (1)(b).
- (7) A scheme comes into force—
- (a) on the day it specifies for it to come into force, or
 - (b) on the day it otherwise identifies as the day for it to come into force.
- (8) When a scheme comes into force it has effect to transfer (in accordance with its provisions) the interests, rights and liabilities to which it applies.
- (9) A transfer made by virtue of a scheme is binding on all persons (as well as on the authority and the transferee) even if, apart from this sub-paragraph, it would have required the consent or concurrence of any person.

Restriction on disposal

- 2 (1) Sub-paragraph (2) applies if—
- (a) a freehold or leasehold interest in land is held by a [^{F1}local authority],
 - (b) the authority proposes to make a disposal in respect of the interest, or to enter into a contract to make a disposal in respect of it, or to grant an option to make an acquisition in respect of it, and
 - (c) at any time in the period of eight years ending with the day on which the disposal, contract or option is proposed to be made, entered into or granted, the land was used wholly or mainly for the purposes of a county school or community school.
- (2) Unless the Secretary of State consents, the authority must not make the disposal or enter into the contract or grant the option.
- (3) Sub-paragraph (2) does not apply to a disposal made in pursuance of a contract made, or option granted, before the coming into force of this paragraph.
- (4) Sub-paragraph (2) does not apply to—
- (a) a disposal in favour of a person for the purposes of an Academy and for no consideration;
 - (b) a contract to make such a disposal;
 - (c) a grant of an option for a person to make an acquisition for the purposes of an Academy and for no consideration.

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- (5) A disposal or contract or grant is not invalid by reason only that it is made in contravention of sub-paragraph (2).
- (6) A person acquiring an interest in land or entering into a contract to acquire it is not to be concerned to enquire whether consent required by sub-paragraph (2) has been given.
- 3 (1) This paragraph applies if an authority makes a disposal or enters into a contract or grants an option in contravention of paragraph 2(2).
- (2) In the case of a grant of an option, the Secretary of State may by notice served on the option holder repudiate the option at any time before it is exercised.
- (3) In the case of a contract to make a disposal in respect of an interest, the Secretary of State may by notice served on the other party to the contract repudiate it at any time before a conveyance of the interest is executed.
- (4) A repudiation under sub-paragraph (2) or (3) has effect—
 - (a) when the notice is served, and
 - (b) as if the repudiation were made by the authority.
- (5) In the case of a disposal in respect of an interest (whether or not in pursuance of an option or contract falling within sub-paragraph (2) or (3)) the Secretary of State may purchase the interest concerned compulsorily.
- (6) The Acquisition of Land Act 1981 (c. 67) is to apply in relation to the compulsory purchase of an interest under sub-paragraph (5).
- (7) On completion of a compulsory purchase of an interest under sub-paragraph (5) the Secretary of State must transfer it to a person concerned with the running of an Academy.
- (8) If the Secretary of State acquires an interest by compulsory purchase under sub-paragraph (5) he is entitled to recover from the authority an amount equal to the aggregate of—
 - (a) the compensation agreed or awarded in respect of the purchase,
 - (b) any interest payable by him in respect of the compensation, and
 - (c) the costs and expenses incurred by him in connection with the making of the compulsory purchase order.
- (9) The authority must provide the Secretary of State with such information as he may require it to provide in connection with a compulsory purchase under sub-paragraph (5).
- 4 (1) For the purposes of paragraphs 2 and 3—
 - (a) references to a disposal in respect of an interest are to a disposal of the whole interest or of a lesser interest;
 - (b) references to an acquisition in respect of an interest are to an acquisition of the whole interest or of a lesser interest.
- (2) If the disposal referred to in paragraph 3(3) or (5) is a disposal of a lesser interest, the reference there to the interest concerned is to the lesser interest.

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Restriction on appropriation

- 5 (1) Sub-paragraph (2) applies if—
- (a) a freehold or leasehold interest in land is held by a [F1local authority],
 - (b) the authority proposes to make an appropriation of the land under section 122 of the Local Government Act 1972 (c. 70), and
 - (c) at any time in the period of eight years ending with the day on which the appropriation is proposed to be made the land was used wholly or mainly for the purposes of a county school or community school.
- (2) Unless the Secretary of State consents, the authority must not make the appropriation.
- 6 (1) This paragraph applies if an authority makes an appropriation in contravention of paragraph 5(2).
- (2) The Secretary of State may purchase the interest concerned compulsorily.
 - (3) Paragraph 3(6) to (9) apply to a compulsory purchase of an interest under sub-paragraph (2) above as they apply to a compulsory purchase of an interest under paragraph 3(5).

Duty to inform

- 7 (1) Sub-paragraph (2) applies if—
- (a) a freehold or leasehold interest in land is held by a [F1local authority],
 - (b) the authority proposes to change the use of the land in such a way that (were the change made) the land would cease to be capable of use wholly or mainly for the purposes of a school, and
 - (c) at any time in the period of eight years ending with the date of the proposed change of use the land was used wholly or mainly for the purposes of a county school or community school.
- (2) The authority must inform the Secretary of State of the proposal.

Former Academies

- 8 (1) This paragraph applies if—
- (a) a freehold or leasehold interest in land is transferred from a [F1local authority] on or after 28th July 2000,
 - (b) the transfer is made to a person for the purposes of an Academy, and
 - (c) the first or the second condition set out below is satisfied.
- (2) The first condition is that—
- (a) the school concerned ceases to be an Academy, and
 - (b) immediately before the school ceases to be an Academy the interest is held by a person for the purposes of the Academy.
- (3) The second condition is that, although the school concerned continues to be an Academy, the interest ceases to be held for the purposes of the Academy.

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- (4) This paragraph applies whether or not the transfer is made by virtue of a scheme under paragraph 1.
- (5) Sub-paragraph (2) applies whether or not, on the school ceasing to be an Academy, it simultaneously ceases to function as a school.
- (6) The Secretary of State may make a scheme providing for the transfer of the interest—
 - (a) from the person holding it;
 - (b) to the authority from which the transfer mentioned in sub-paragraph (1)(a) was made.
- (7) A scheme may include such supplementary, incidental, consequential or transitional provisions as the Secretary of State thinks are appropriate.
- (8) A scheme comes into force on the day it specifies for it to come into force.
- (9) When a scheme comes into force it has effect to transfer (in accordance with its provisions) the interest to which it applies.
- (10) A transfer made by virtue of a scheme is binding on all persons (as well as on the authority and the transferee) even if, apart from this sub-paragraph, it would have required the consent or concurrence of any person.

Disapplication of rule against perpetuities

- 9 Where—
 - (a) a freehold or leasehold interest in land is transferred for no consideration from a local authority to a person for the purposes of an Academy (whether or not by virtue of a scheme under paragraph 1), and
 - (b) at any time on or after the day on which this Schedule comes into force the authority is granted an option to make a re-acquisition of the interest (subject to whatever conditions),the rule against perpetuities does not apply to the option.

Other Acts

- 10 (1) Where a lease is granted by or transferred from a local authority to a person for the purposes of an Academy on or after the day on which this Schedule comes into force, section 153 of the Law of Property Act 1925 (c.20) (enlargement of leases granted for no rent etc) does not apply to permit that person to enlarge the term under the lease.
- (2) Section 123(2) of the Local Government Act 1972 (c. 70) (disposal for consideration less than the best reasonably obtainable) does not apply to a disposal to a person for the purposes of an Academy.
- (3) Section 123(2A) of that Act (disposal of open space requires certain procedures) does not apply to a disposal which is made—
 - (a) to a person for the purposes of an Academy, and
 - (b) for no consideration.

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- (4) Section 77(1) of the School Standards and Framework Act 1998 (c. 31) (restriction on disposal of playing fields) does not apply to a disposal which is made—
- (a) by a local authority (within the meaning of that section) to a person for the purposes of an Academy, and
 - (b) for no consideration.

Regulations

- 11 Regulations under this Schedule may in particular include—
- (a) provision requiring a person to be appointed by the Secretary of State in connection with the proposed making of a scheme under paragraph 1;
 - (b) provision requiring the appointed person to identify the interests, rights and liabilities to be the subject of a scheme under paragraph 1;
 - (c) provision requiring the authority concerned to provide the appointed person with such documents as he may require in order to identify the interests, rights and liabilities to be the subject of a scheme under paragraph 1;
 - (d) provision requiring an authority whose interest is (or is to be) transferred by virtue of a scheme under paragraph 1 to execute instruments and deliver certificates for the purposes of the enactments relating to registered land;
 - (e) provision treating such an authority as having given acknowledgement in writing of the right to production of documents;
 - (f) provision that consent under paragraph 2 is to be sought in a specified way;
 - (g) provision that information is to be given under paragraph 7 in a specified way.

Class consents

- 12 For the purposes of paragraphs 2(2) and 5(2), the consent of the Secretary of State—
- (a) may be given in relation to a particular case or class of case, and
 - (b) may be given subject to conditions.

Interpretation

- 13 A dwelling-house used by an authority for occupation by a person employed to work at a school is to be treated for the purposes of this Schedule as used for the purposes of the school.”

Textual Amendments

- F1** 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\(2\)](#)

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PART 2 **E+W**

MISCELLANEOUS

Environmental Protection Act 1990 (c. 43)

- 2 In section 98 of the Environmental Protection Act 1990 (definitions), in subsection (2)(e), for the words from “city academy” to “1996” there is substituted “Academy”.

Diocesan Boards of Education Measure 1991 (1991 No. 2)

- 3 (1) Section 10 of the Diocesan Boards of Education Measure 1991 is amended as follows.
- (2) In subsection (1), in the definition of “church school”, at the end there is inserted “or an Academy falling within subsection (1A)”.
- (3) After that subsection there is inserted—
- “(1A) An Academy falls within this subsection if—
- (a) at least one member of its governing body is appointed to that body to represent the interests of the Church of England;
 - (b) the premises provided for the Academy when first established were so provided on trust that, in the event of the discontinuance of the Academy, the property concerned was to be held for, or sold and the proceeds of sale applied for, the benefit of the Church of England; or
 - (c) the premises provided for the Academy when first established were so provided on trust in connection with the provision of education, or the conduct of an educational institution, in accordance with the tenets of the Church of England.”

Further and Higher Education Act 1992 (c. 13)

- 4 In section 54 of the Further and Higher Education Act 1992 (duty to give information), in subsection (1)(b), for “city academy” there is substituted “Academy”.

F15 ...

F15

Textual Amendments

- F15** Sch. 7 para. 5 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)

Education Act 1996 (c. 56)

- 6 (1) The Education Act 1996 has effect subject to the following amendments.

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- (2) In section 2 (definition of “secondary education” etc), in subsection (2A)(a), after “[^{F1}local authority]” there is inserted “ or is an Academy ”.
- (3) In section 316 (children with special educational needs), in subsection (4)(b)(iii), for “a city academy” there is substituted “ an Academy ”.
- (4) In section 483A (special educational needs)—
- (a) in subsection (2)(b), for “a city academy” there is substituted “ an Academy ”, and
 - (b) subsection (7) shall cease to have effect.
- (5) In section 537 (power to require information), in subsection (7)(b), for “city academy” there is substituted “ Academy ”.
- (6) In section 541 (power to require provision of information), in subsection (1)(b), for “city academy” there is substituted “ Academy ”.
- (7) In section 550B (detention), in subsection (2)(c), for “city academy” there is substituted “ Academy ”.
- (8) In section 580 (index), at the appropriate place in the table there is inserted—

“Academy

section 482”

Textual Amendments

- F1** 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)**

School Inspections Act 1996 (c. 57)

^{F16}7

Textual Amendments

- F16** Sch. 7 para. 7 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)

^{F17}8

Textual Amendments

- F17** Sch. 7 para. 8 omitted (1.9.2012) by virtue of [Education Act 2011 \(c. 21\)](#), **ss. 29(9)(b), 82(3)**; S.I. 2012/1087, art. 3

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School Standards and Framework Act 1998 (c. 31)

- 9 In section 110 of the School Standards and Framework Act 1998 (home-school agreements), in subsection (1)(b), for “a city academy” there is substituted “ an Academy ”.

Learning and Skills Act 2000 (c. 21)

- 10 In section 117 of the Learning and Skills Act 2000 (information and access), in subsection (3)(b), for “city academies” there is substituted “ Academies ”.

^{F18}SCHEDULE 8 **E+W**

Section 70

Textual Amendments

- F18** Sch. 8 repealed (1.9.2006) by [Education Act 2005 \(c. 18\)](#), ss. 66(14), 125(4), **Sch. 19 Pt. 2**; [S.I. 2006/2129](#), art. 4 (with art. 6)

^{F19}SCHEDULE 9 **E+W**

Section 72

PROPOSALS RELATING TO SIXTH FORMS: IMPLEMENTATION

Textual Amendments

- F19** Sch. 9 omitted (1.10.2013) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), **Sch. 5 para. 21(12)**; [S.I. 2013/1800](#), art. 3(j)

^{F20}SCHEDULE 10 **E+W**

Section 75

Textual Amendments

- F20** Sch. 10 omitted (1.10.2013) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), **Sch. 5 para. 21(12)**; [S.I. 2013/1800](#), art. 3(j)

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SCHEDULE 11 **E+W**

Section 119

SCHOOL TEACHERS’ REVIEW BODY

Membership

- 1 There shall be not less than five or more than nine members of the Body (including the chairman).
- 2 A member shall hold and vacate office in accordance with the terms of his appointment (subject to the following provisions of this Schedule).
- 3 A member may resign by notice in writing to the Secretary of State.
- 4 The Secretary of State may by notice in writing dismiss a member if the member—
 - (a) is adjudged bankrupt [^{F21}or has a debt relief order made in respect of him (under Part 7A of the Insolvency Act 1986)],
 - (b) enters into an arrangement with his creditors, or
 - (c) is, in the opinion of the Secretary of State, unable, unfit or unwilling to perform his duties whether by reason of physical or mental illness or otherwise.

Textual Amendments

F21 Words in Sch. 11 para. 4(a) inserted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), art. 1, **Sch. 2 para. 47** (with art. 5)

- 5 In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (disqualifying offices) for the entry relating to the body established under the School Teachers’ Pay and Conditions Act 1991 (c. 49) there shall be substituted the following—

“Member, in receipt of remuneration, of the School Teachers’ Review Body.”

Chairman

- 6 The chairman may by notice in writing to the Prime Minister—
 - (a) resign as chairman, or
 - (b) resign as chairman and as a member of the Body.
- 7 Paragraph 4 shall apply to the chairman and for that purpose—
 - (a) a reference to the Secretary of State shall be taken as a reference to the Prime Minister, and
 - (b) the power may be exercised so as to dismiss the chairman only from that office or also from membership of the Body.
- 8 If the chairman ceases to be a member of the Body he also ceases to be chairman.

Deputy Chairman

- 9 The Secretary of State may appoint a member of the Body to act as deputy chairman.
- 10 The deputy chairman may by notice in writing to the Secretary of State—
 - (a) resign as deputy chairman, or

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- (b) resign as deputy chairman and as a member of the Body.
- 11 If the deputy chairman ceases to be a member of the Body he also ceases to be deputy chairman.

Money

- 12 (1) This paragraph applies to—
- (a) a member of the Body;
 - (b) the chairman;
 - (c) the deputy chairman.
- (2) The Secretary of State may pay remuneration and allowances to a person to whom this paragraph applies.
- (3) The Secretary of State may make payments to or in respect of a person to whom this paragraph applies by way of or in connection with—
- (a) a pension;
 - (b) an allowance or gratuity on retirement or death.
- (4) The Secretary of State may pay compensation to a person who ceases to be a member of the Body if the Secretary of State thinks it right by reason of special circumstances.

Proceedings

- 13 The Body shall determine their own proceedings (including any provision for a quorum).
- 14 The validity of proceedings of the Body shall not be affected by—
- (a) a vacancy in the membership,
 - (b) a vacancy in the position of chairman, or
 - (c) a defect in the appointment of a member.

Transitional provision

- 15 An appointment made by the Prime Minister under section 1(1) of the School Teachers' Pay and Conditions Act 1991 (c. 49) shall continue to have effect, subject to paragraphs 3, 4 and 6 to 11, after the commencement of this Schedule.

Textual Amendments

F22 Sch. 11A inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 8(2)**, 82(3); [S.I. 2012/924](#), **art. 2**

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Regulations: general

- 1 The Secretary of State must make regulations in accordance with the following provisions of this Schedule.

Procedure for decisions under section 141B(2)

- 2 (1) Regulations under paragraph 1 must make provision about the procedure to be followed by the Secretary of State in reaching a decision under section 141B(2).
- (2) The regulations must not require a person to give evidence or produce any document or other material evidence which the person could not be compelled to give or produce in civil proceedings in any court in England and Wales.
- (3) The regulations may make provision for any functions of the Secretary of State under section 141B to be excluded or restricted in such circumstances as may be specified in or determined under the regulations.
- (4) The circumstances include, in particular, where the Secretary of State considers this to be appropriate taking into account the powers of the [F23 Disclosure and Barring Service] under the Safeguarding Vulnerable Groups Act 2006.

Textual Amendments

F23 Words in Sch. 11A para. 2(4) substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **13(1)(2)** (e) (with Pt. 4)

Interim prohibition orders

- 3 (1) Regulations under paragraph 1 may make provision for the Secretary of State to make an interim prohibition order, pending the Secretary of State's final decision under section 141B (2).
- (2) Regulations about interim prohibition orders must provide that an interim prohibition order may be made only if the Secretary of State considers that it is necessary in the public interest to do so.
- (3) Regulations about interim prohibition orders must provide that the Secretary of State must review an interim prohibition order—
- (a) within six months of the order being made, and
- (b) within each subsequent six month period,
- if the person to whom the order relates makes an application to the Secretary of State for such a review.

Prohibition orders

- 4 (1) Regulations under paragraph 1 may make provision—
- (a) about the service on a person to whom a prohibition order relates of notice of the order and of the right to appeal against the order under paragraph 5;
- (b) about the publication of information relating to the case of a person to whom a prohibition order relates;

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- (c) prescribing circumstances in which a person to whom a prohibition order relates may nevertheless carry out teaching work (within the meaning of section 141A).
- (2) Regulations under paragraph 1 may also make provision—
- (a) as to the time when a prohibition order takes effect;
 - (b) allowing a person to whom a prohibition order relates to apply to the Secretary of State for the order to be set aside;
 - (c) as to the minimum period for which a prohibition order must be in effect before such an application may be made;
 - (d) as to the procedure relating to such an application.

Appeals against prohibition orders

- 5
- (1) Regulations under paragraph 1 must make provision conferring on a person to whom a prohibition order relates a right to appeal against the order to the High Court.
 - (2) The regulations must provide that an appeal must be brought within 28 days of the person being served with notice of the prohibition order.
 - (3) No appeal is to lie from any decision of the Court on such an appeal.
 - (4) In this paragraph, “prohibition order” does not include an interim prohibition order made by virtue of paragraph 3.

Supplementary provisions

- 6
- (1) Regulations under paragraph 1 may make incidental and supplementary provision, including provision—
 - (a) where a prohibition order has effect in relation to a person, for the Secretary of State to serve notice of the order on the person's employer;
 - (b) requiring the employer of such a person to take such steps in consequence of the order (which may include dismissing the person) as may be prescribed;
 - (c) authorising the delegation of functions conferred by virtue of this Schedule and the determination of matters by any person or persons specified in the regulations.
 - (2) Regulations under paragraph 1 may also make provision—
 - (a) for the Secretary of State to make a decision in a particular case about the effect in England of an order prohibiting a person from teaching in schools in Wales, Scotland or Northern Ireland;
 - (b) about the effect in general in England of orders prohibiting a person from teaching in schools in Wales, Scotland or Northern Ireland.]

Status: Point in time view as at 14/07/2014.

Changes to legislation: Education Act 2002 is up to date with all changes known to be in force on or before 19 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)

[^{F24}SCHEDULE 11B E+W

Section 141G

OFFENCE UNDER SECTION 141G: SUPPLEMENTARY PROVISIONS

Textual Amendments

F24 Sch. 11B inserted (1.10.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 4](#); [S.I. 2012/2213](#), art. 3

Introduction

- 1 (1) This Schedule makes supplementary provision relating to an offence under section 141G (breach of reporting restrictions relating to alleged offences committed by teachers).
- (2) The purpose of this Schedule is to comply with Directive [2000/31/EC](#) of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (“the E-Commerce Directive”).

Domestic service providers: extension of liability

- 2 (1) This paragraph applies where a service provider is established in England and Wales (a “domestic service provider”).
- (2) Section 141G applies to a domestic service provider who—
- (a) publishes information in breach of section 141F(3) in an EEA state other than the United Kingdom, and
 - (b) does so in the course of providing information society services, as it applies to a person who publishes such information in England and Wales.
- (3) In such a case—
- (a) proceedings for the offence may be taken at any place in England and Wales, and
 - (b) the offence may for all incidental purposes be treated as having been committed at any such place.

Non-UK service providers: restriction on proceedings

- 3 (1) This paragraph applies where a service provider is established in an EEA state other than the United Kingdom (a “non-UK service provider”).
- (2) Proceedings for an offence under section 141G must not be brought against a non-UK service provider in respect of anything done in the course of the provision of information society services.

Exceptions for mere conduits

- 4 (1) A service provider is not guilty of an offence under section 141G in respect of anything done in the course of providing so much of an information society service as consists in—
- (a) the provision of access to a communication network, or

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- (b) the transmission in a communication network of information provided by a recipient of the service,
if the following condition is satisfied.
- (2) The condition is that the service provider does not—
- (a) initiate the transmission,
 - (b) select the recipient of the transmission, or
 - (c) select or modify the information contained in the transmission.
- (3) For the purposes of sub-paragraph (1)—
- (a) the provision of access to a communication network, and
 - (b) the transmission of information in a communication network,
- includes the automatic, intermediate and transient storage of the information transmitted so far as the storage is solely for the purpose of carrying out the transmission in the network.
- (4) Sub-paragraph (3) does not apply if the information is stored for longer than is reasonably necessary for the transmission.

Exception for caching

- 5 (1) This paragraph applies where an information society service consists in the transmission in a communication network of information provided by a recipient of the service.
- (2) The service provider is not guilty of an offence under section 141G in respect of the automatic, intermediate and temporary storage of information so provided, if—
- (a) the storage of the information is solely for the purpose of making more efficient the onward transmission of the information to other recipients of the service at their request, and
 - (b) the following conditions are satisfied.
- (3) The first condition is that the service provider does not modify the information.
- (4) The second condition is that the service provider complies with any conditions attached to having access to the information.
- (5) The third condition is that if the service provider obtains actual knowledge that—
- (a) the information at the initial source of the transmission has been removed from the network,
 - (b) access to it has been disabled, or
 - (c) a court or administrative authority has ordered the removal from the network of, or the disablement of access to, the information,
- the service provider expeditiously removes the information or disables access to it.

Exception for hosting

- 6 (1) A service provider is not guilty of an offence under section 141G in respect of anything done in the course of providing so much of an information society service as consists in the storage of information provided by a recipient of the service, if the condition is met.
- (2) The condition is that—

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- (a) the service provider had no actual knowledge when the information was provided that it contained offending material, or
 - (b) on obtaining actual knowledge that the information contained offending material, the service provider expeditiously removed the information or disabled access to it.
- (3) “Offending material” means material the publication of which constitutes an offence under section 141G.
- (4) This paragraph does not apply if the recipient of the service is acting under the authority or control of the service provider.

Interpretation

- 7 (1) In this Schedule—
- “information society services”—
- (a) has the meaning given in Article 2(a) of the E-Commerce Directive (which refers to Article 1(2) of Directive [98/34/EC](#) of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations), and
 - (b) is summarised in recital 17 of the E-Commerce Directive as covering “any service normally provided for remuneration, at a distance, by means of electronic equipment for the processing (including digital compression) and storage of data, and at the individual request of a recipient of a service”;
- “recipient”, in relation to a service, means any person who, for professional ends or otherwise, uses an information society service, in particular for the purposes of seeking information or making it accessible;
- “service provider” means a person providing an information society service.
- (2) For the purpose of construing references in this Schedule to a service provider who is established in England and Wales or in an EEA state other than the United Kingdom—
- (a) a service provider is established in England and Wales, or in an EEA state other than the United Kingdom, if the service provider—
 - (i) effectively pursues an economic activity using a fixed establishment in England and Wales, or in that EEA state, for an indefinite period, and
 - (ii) is a national of an EEA state or a company or firm mentioned in ^[F25]Article 54 of the Treaty on the Functioning of the European Union];
 - (b) the presence or use in a particular place of equipment or other technical means of providing an information society service does not, of itself, constitute the establishment of a service provider;
 - (c) where it cannot be determined from which of a number of establishments a given information society service is provided, that service is to be regarded as provided from the establishment at the centre of the service provider's activities relating to that service.]

Status: Point in time view as at 14/07/2014.

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Textual Amendments

- F25** Words in Sch. 11B para. 7(2)(a)(ii) substituted (1.8.2012) by [The Treaty of Lisbon \(Changes in Terminology or Numbering\) Order 2012 \(S.I. 2012/1809\)](#), **Sch. Pt. 1** (with art. 2(2))

SCHEDULE 12 **E+W**

Section 148

THE GENERAL TEACHING COUNCILS FOR ENGLAND AND WALES

PART 1 **E+W**

AMENDMENTS OF TEACHING AND HIGHER EDUCATION ACT 1998

- 1 The Teaching and Higher Education Act 1998 (c. 30) is amended as follows.

Commencement Information

- I73** Sch. 12 para. 1 wholly in force at 19.12.2002; Sch. 12 para. 1 not in force at Royal Assent, see s. 216; Sch. 12 para. 1 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. 12 para. 1 in force for W. at 19.12.2002 by [S.I. 2002/3185](#), **art. 4**, **Sch. Pt. I**

- 2 In section 2 (which relates to the advisory functions of the General Teaching Council for England, and is applied by section 9 in relation to the General Teaching Council for Wales), in subsection (2) before the word “and” immediately following paragraph (e) there is inserted—
- “(ee) the supply of teachers;
 - (ef) the retention of teachers within the teaching profession;
 - (eg) the standing of the teaching profession;”.

Commencement Information

- I74** Sch. 12 para. 2 wholly in force at 19.12.2002; Sch. 12 para. 2 not in force at Royal Assent, see s. 216; Sch. 12 para. 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.](#)); Sch. 12 para. 2 in force for W. at 19.12.2002 by [S.I. 2002/3185](#), **art. 4**, **Sch. Pt. I**

- 3 (1) Section 3 (which relates to the registration of teachers with the General Teaching Council for England, and is applied by section 9 in relation to the General Teaching Council for Wales) is amended as follows.
- (2) In subsection (1) for “a register of teachers” there is substituted “ a register for the purposes of this Chapter ”.
 - (3) In subsection (2), for “registration” there is substituted “ full or provisional registration ”.
 - (4) In subsection (3) for “registration”, where first occurring and in paragraph (b), there is substituted “ full registration ”.
 - (5) After subsection (3) there is inserted—

Status: Point in time view as at 14/07/2014.

Changes to legislation: Education Act 2002 is up to date with all changes known to be in force on or before 19 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)

“(3A) A person is eligible for provisional registration if he satisfies such conditions as may be prescribed.

(3B) A person is not eligible for provisional registration or full registration unless at the relevant time the Council are or were satisfied as to his suitability to be a teacher.

(3C) In subsection (3B) “the relevant time” means—

- (a) in relation to an applicant for provisional registration or an applicant for full registration who is already registered with provisional registration, the time of provisional registration, or
- (b) in the case of an applicant for full registration who is not already registered with provisional registration, the time of full registration.

(3D) Regulations may provide that any prescribed description of person is, or is not, to be taken to be suitable to be a teacher.”

(6) In subsection (4), for “registration” there is substituted “ full registration ”.

Commencement Information

- I75** Sch. 12 para. 3(1) (2) (4) (6) in force at 1.8.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 3](#)
- I76** Sch. 12 para. 3(1) in force at 31.5.2006 for W. by [S.I. 2006/1336](#), [art. 4](#), [Sch. Pt. 1](#)
- I77** Sch. 12 para. 3(3) in force at 1.8.2003 for specified purposes except in relation to W. by [S.I. 2003/1667](#), [art. 3](#)
- I78** Sch. 12 para. 3(3) in force at 6.11.2006 so far as not already in force except in relation to W. by [S.I. 2006/2895](#), [art. 2](#)
- I79** Sch. 12 para. 3(5) in force at 31.5.2006 for specified purposes for W. by [S.I. 2006/1336](#), [art. 4](#), [Sch. Pt. 1](#) (with [Sch. Pt. 2](#))
- I80** Sch. 12 para. 3(5) in force at 6.11.2006 except in relation to W. by [S.I. 2006/2895](#), [art. 2](#)

4 (1) Section 4 (which relates to regulations about the registration of teachers with the General Teaching Council for England, and is applied by section 9 in relation to the General Teaching Council for Wales) is amended as follows.

(2) In subsection (2), after paragraph (b) there is inserted—

“(ba) the service on applicants for registration of notice of the Council’s decision to grant or refuse the application and, in the case of a refusal, of the grounds on which the decision was taken and (where applicable) of the applicant’s right to appeal against the decision under section 4A;”.

(3) After subsection (4) there is inserted—

“(4A) The Council, in exercising any power to fix fees authorised by virtue of subsection (4), shall have regard to the expenditure of the Council in exercising—

- (a) their functions under this Act relating to registration, and
- (b) all other functions conferred on them under this Act or any other enactment.”

(4) After subsection (5) there is inserted—

Status: Point in time view as at 14/07/2014.

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“(6) In this section “registration” means full registration or provisional registration.”

Commencement Information

- I81** Sch. 12 para. 4 partly in force; Sch. 12 para. 4 not in force at Royal Assent, see s. 216; Sch. 12 para. 4(1) (3) 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. 12 para. 4(1)(3) in force for W. at 19.12.2002 by [S.I. 2002/3185, art. 4, Sch. Pt. I](#)
- I82** Sch. 12 para. 4(2) in force at 31.5.2006 for W. by [S.I. 2006/1336, art. 4, Sch. Pt. 1](#)
- I83** Sch. 12 para. 4(2) in force at 6.11.2006 except in relation to W. by [S.I. 2006/2895, art. 2](#)
- I84** Sch. 12 para. 4(4) in force at 1.8.2003 for specified purposes except in relation to W. by [S.I. 2003/1667, art. 3](#)
- I85** Sch. 12 para. 4(4) in force at 6.11.2006 so far as not already in force except in relation to W. by [S.I. 2006/2895, art. 2](#)

5 After section 4 there is inserted—

“4A Appeals against refusal of registration

- (1) Regulations shall make provision for conferring on a person aggrieved by a decision made on relevant grounds to refuse an application made by him for registration under section 3 a right to appeal against the decision to the High Court within 28 days from the date on which notice of the decision is served on him.
- (2) The reference in subsection (1) to a decision made on relevant grounds is to a decision made on the ground that at the relevant time the Council were not satisfied of the applicant’s suitability to be a teacher.
- (3) On such an appeal the Court may make any order which appears appropriate.
- (4) No appeal shall lie from any decision of the Court on such an appeal.”

Commencement Information

- I86** Sch. 12 para. 5 in force at 6.11.2006 except in relation to W. by [S.I. 2006/2895, art. 2](#)

6 After section 6 there is inserted—

“6A Power to promote teaching profession

- (1) The Council may undertake activities designed to promote the standing of the teaching profession.
- (2) Without prejudice to the generality of subsection (1), such activities may include—
 - (a) giving advice,
 - (b) organising conferences and lectures, and
 - (c) arranging for the publication of material in any form.”

Status: Point in time view as at 14/07/2014.

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Commencement Information

I87 Sch. 12 para. 6 wholly in force at 19.12.2002; Sch. 12 para. 6 not in force at Royal Assent, see s. 216; Sch. 12 para. 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. 12 para. 6 in force for W. at 19.12.2002 by [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. I](#)

F267

Textual Amendments

F26 Sch. 12 para. 7 omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 2 para. 19\(5\)](#); [S.I. 2012/924](#), [art. 2](#)

8 In section 12 (deduction of fees from salaries etc) in subsection (4), after “section —” there is inserted—

““registration” means full registration or provisional registration;”.

Commencement Information

I88 Sch. 12 para. 8 in force at 1.8.2003 for specified purposes except in relation to W. by [S.I. 2003/1667](#), [art. 3](#)

I89 Sch. 12 para. 8 in force at 6.11.2006 so far as not already in force except in relation to W. by [S.I. 2006/2895](#), [art. 2](#)

9 In section 42 (orders and regulations), in subsection (2) (a) (orders subject to negative resolution procedure), after “section 7 or 8” there is inserted “ or paragraph 18 of Schedule 1 ”.

Commencement Information

I90 Sch. 12 para. 9 partly in force; Sch. 12 para. 9 not in force at Royal Assent, see s. 216; Sch. 12 para. 9 in force for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), [Sch.](#))

10 In section 43(1) (general interpretation), in the definition of “registered teacher” after “section 3” there is inserted “ with full or provisional registration ”.

Commencement Information

I91 Sch. 12 para. 10 in force at 1.8.2003 for specified purposes except in relation to W. by [S.I. 2003/1667](#), [art. 3](#)

I92 Sch. 12 para. 10 in force at 6.11.2006 so far as not already in force except in relation to W. by [S.I. 2006/2895](#), [art. 2](#)

11 In Schedule 1 (constitution etc. of General Teaching Council for England), after paragraph 17 there is inserted—

“Power to amend Schedule

18 (1) The Secretary of State may by order amend the preceding provisions of this Schedule for the purpose of removing or relaxing any control

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exercisable by him by virtue of any of the provisions of this Schedule specified in sub-paragraph (2).

- (2) Those provisions are—
- (a) paragraph 2(3),
 - (b) paragraph 4,
 - (c) paragraph 5,
 - (d) paragraph 6,
 - (e) paragraph 11
 - (f) paragraph 14(2).”

Commencement Information

I93 Sch. 12 para. 11 partly in force; Sch. 12 para. 11 not in force at Royal Assent, see s. 216; Sch. 12 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.](#))

- 12 (1) Schedule 2 (disciplinary powers of Council) is amended as follows.
- (2) For paragraph 4 (suspension orders) there is substituted—
- “4 (1) Where a suspension order is made in relation to a person—
- (a) he shall cease to be eligible for registration under section 3, and
 - (b) if he is a registered person at the time when the order is made, his name shall be removed from the register accordingly,
- but, subject to sub-paragraph (2), he shall become so eligible again at the end of such period not exceeding two years as may be specified in the order.
- (2) A suspension order may specify conditions to be complied with by the person to whom the order relates and where it does so—
- (a) that person shall become eligible again for registration under section 3 at the end of the period specified under sub-paragraph (1) only if he has then complied with the conditions; and
 - (b) if he has not then complied with the conditions, he shall not become so eligible again until he has complied with the conditions.
- (3) Sub-paragraphs (a) and (b) of paragraph 3(2) apply in relation to a suspension order as they apply in relation to a conditional registration order.
- (4) A person in relation to whom conditions have been specified in a suspension order may, in accordance with regulations, apply to the Council for them to vary or revoke any of the conditions.”
- (3) In paragraph 8 (interpretation), after sub-paragraph (1) there is inserted—
- “(1A) References in this Schedule to registration under section 3 are references to registration under that section with full or provisional registration.”

Commencement Information

I94 Sch. 12 para. 12 partly in force; Sch. 12 para. 12 not in force at Royal Assent, see s. 216; Sch. 12 para. 12(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.](#)); Sch. 12 para. 12(1)(2) in force for W. at 31.3.2003 by [S.I. 2002/3185](#), [art. 5](#), [Sch. Pt. II](#)

Status: Point in time view as at 14/07/2014.

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- I95** Sch. 12 para. 12(1)(2) in force at 31.3.2003 for W. by [S.I. 2002/3185, art. 5, Sch. Pt. II](#)
- I96** Sch. 12 para. 12(3) in force at 1.8.2003 for specified purposes except in relation to W. by [S.I. 2003/1667, art. 3](#)
- I97** Sch. 12 para. 12(3) in force at 6.11.2006 so far as not already in force except in relation to W. by [S.I. 2006/2895, art. 2](#)

^{F27}PART 2 **E+W**

AMENDMENTS OF OTHER ENACTMENTS

Textual Amendments

- F27** Sch. 12 Pt. 2 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\(f\)](#)

^{F27}13

Commencement Information

- I98** Sch. 12 para. 13 in force at 6.11.2006 except in relation to W. by [S.I. 2006/2895, art. 2](#)

^{F27}14

Commencement Information

- I99** Sch. 12 para. 14 in force at 6.11.2006 except in relation to W. by [S.I. 2006/2895, art. 2](#)

^{F27}15

Commencement Information

- I100** Sch. 12 para. 15 in force at 6.11.2006 except in relation to W. by [S.I. 2006/2895, art. 2](#)

SCHEDULE 13 **E+W**

Section 152

REGULATION OF CHILD MINDING AND DAY CARE

Consent to checks on suitability

1 In section 79B of the Children Act 1989 (c. 41) (persons qualified for registration for child minding or day care), after subsection (5) there is inserted—

“(5A) Where, for the purposes of determining a person’s qualification for registration under this Part—

- (a) the registration authority requests any person (“A”) to consent to the disclosure to the authority by another person (“B”) of any

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information relating to A which is held by B and is of a prescribed description, and

(b) A does not give his consent (or withdraws it after having given it), the registration authority may, if regulations so provide and it thinks it appropriate to do so, regard A as not suitable to look after children under the age of eight, or not suitable to be in regular contact with such children.”

Commencement Information

I101 Sch. 13 para. 1 wholly in force at 19.12.2002; Sch. 13 para. 1 not in force at Royal Assent, see s. 216; Sch. 13 para. 1 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](#)

Suspension of registration

2 In section 79H of that Act (suspension of registration), after subsection (2) there is inserted—

“(3) A person registered under this Part for child minding by the Chief Inspector shall not act as a child minder in England at a time when that registration is suspended in accordance with regulations under this section.

(4) A person registered under this Part for child minding by the Assembly shall not act as a child minder in Wales at a time when that registration is so suspended.

(5) A person registered under this Part for providing day care on any premises shall not provide day care on those premises at any time when that registration is so suspended.

(6) If any person contravenes subsection (3), (4) or (5) without reasonable excuse, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.”

Commencement Information

I102 Sch. 13 para. 2 wholly in force at 19.12.2002; Sch. 13 para. 2 not in force at Royal Assent, see s. 216; Sch. 13 para. 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.](#)) and in force for W. at 19.12.2002 by [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. I](#)

Rights of appeal in relation to registration

3 (1) Section 79M of that Act (appeals) is amended as follows.

(2) In subsection (1), after paragraph (b) there is inserted “or

(c) a determination made by the registration authority under this Part (other than one falling within paragraph (a) or (b)) which is of a prescribed description,”.

(3) In subsection (2)(a), after “order” there is inserted “ or determination ”.

Status: Point in time view as at 14/07/2014.

Changes to legislation: Education Act 2002 is up to date with all changes known to be in force on or before 19 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

I103 Sch. 13 para. 3 wholly in force at 19.12.2002; Sch. 13 para. 3 not in force at Royal Assent, see s. 216; Sch. 13 para. 3 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](#)

Inspections by Chief Inspector

- 4 (1) Section 79Q of that Act (inspection of childminding and day care) is amended as follows.
- (2) In subsection (2), for the words from “secure” to the end there is substituted “ at prescribed intervals inspect, or secure the inspection by a registered inspector of, any child minding provided in England by a registered person ”.
- (3) In subsection (3), for the words from “secure” to the end there is substituted “ at prescribed intervals inspect, or secure the inspection by a registered inspector of, any day care provided by a registered person on any premises in England ”.

Commencement Information

I104 Sch. 13 para. 4 in force at 2.9.2002 for E. by [S.I. 2002/2002](#), [art. 4](#)

I105 Sch. 13 para. 4 in force at 2.1.2008 for W. by [S.I. 2007/3611](#), [art. 4\(1\)](#), [Sch. Pt. 1](#)

Rights of entry etc.

- 5 (1) Section 79U of that Act (rights of entry etc.) is amended as follows.
- (2) In subsection (1), for “An authorised inspector” there is substituted “ Any person authorised for the purposes of this subsection by the registration authority ”.
- (3) In subsection (2), for “an authorised inspector” there is substituted “ a person who is authorised for the purposes of this subsection by the registration authority ”.
- (4) After that subsection there is inserted—
- “(2A) Authorisation under subsection (1) or (2)—
- (a) may be given for a particular occasion or period;
- (b) may be given subject to conditions.”
- (5) In subsection (3), for the words from “An inspector” to “may-” there is substituted “ A person entering premises under this section may (subject to any conditions imposed under subsection (2A)(b))— ”.
- (6) Subsection (5) shall cease to have effect.
- (7) In subsection (9), the definition of “authorised inspector” shall cease to have effect.

Commencement Information

I106 Sch. 13 para. 5 wholly in force at 19.12.2002; Sch. 13 para. 5 not in force at Royal Assent, see s. 216; Sch. 13 para. 5 in force for E. at 2.9.2002 by [S.I. 2002/2002](#), [art. 4](#); Sch. 13 para. 5 in force for W. at 19.12.2002 by [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. I](#)

Status: Point in time view as at 14/07/2014.

Changes to legislation: Education Act 2002 is up to date with all changes known to be in force on or before 19 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)

Disqualification for registration

6 In paragraph 4 of Schedule 9A to that Act (disqualification for registration for child minding and day care), after sub-paragraph (3) there is inserted—

“(3A) Regulations under this paragraph may provide for a person not to be disqualified for registration by reason of any fact which would otherwise cause him to be disqualified if—

- (a) he has disclosed the fact to the registration authority, and
- (b) the registration authority has consented in writing to his registration and has not withdrawn that consent.”

Commencement Information

I107 Sch. 13 para. 6 wholly in force at 19.12.2002; Sch. 13 para. 6 not in force at Royal Assent, see s. 216; Sch. 13 para. 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.](#)) and in force for W. at 19.12.2002 by [S.I. 2002/3185, art. 4, Sch. Pt. I](#)

Disclosure of criminal record

F28⁷

Textual Amendments

F28 Sch. 13 para. 7 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\(f\)](#)

F29⁸

Textual Amendments

F29 Sch. 13 para. 8 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\(f\)](#)

Conduct of inspections by Inspectorate

F30¹

Textual Amendments

F30 Sch. 14 para. 1 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](#))

Status: Point in time view as at 14/07/2014.

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Registration of inspectors

- 2 (1) Paragraph 8 of that Schedule (registration of inspectors) is amended as follows.
- (2) In sub-paragraph (3), for “(5)(c)” there is substituted “ (5B) ”.
- (3) For sub-paragraphs (4) and (5) there is substituted—
- “(4) Subject to that, the Chief Inspector shall register such persons as he considers appropriate.
- (5) The factors which the Chief Inspector may take into account for the purposes of sub-paragraph (4) include the extent to which there is a need for registered inspectors in any part of England and Wales.
- (5A) The Chief Inspector may require payment of a fee before registering a person under sub-paragraph (4).
- (5B) Registration under sub-paragraph (4) may be subject to such conditions as the Chief Inspector considers it appropriate to impose.”
- (4) In sub-paragraphs (6) and (7), for “(5)(c)” there is substituted “ (5B) ”.
- (5) Sub-paragraph (9) shall cease to have effect.

Commencement Information

- I108** Sch. 14 para. 2 not in force at Royal Assent, see s. 216; Sch. 14 para. 2 in force for E. at 2.9.2002 by [S.I. 2002/2002, art. 4](#)
- I109** Sch. 14 para. 2 in force at 1.9.2004 for W. by [S.I. 2004/1728, art. 5, Sch. Pt. 2](#)

- 3 In paragraph 9 of that Schedule (removal from register), in sub-paragraphs (2)(c) and (4), for “paragraph 8(5)(c)” there is substituted “ paragraph 8(5B) ”.

Commencement Information

- I110** Sch. 14 para. 3 not in force at Royal Assent, see s. 216; Sch. 14 para. 3 in force for E. at 2.9.2002 by [S.I. 2002/2002, art. 4](#)
- I111** Sch. 14 para. 3 in force at 1.9.2004 for W. by [S.I. 2004/1728, art. 5, Sch. Pt. 2](#)

- 4 In section 79P(3) of the Children Act 1989 (c. 41) (early years child care inspectorate), for “to (9)” there is substituted “ to (8) ”.

Commencement Information

- I112** Sch. 14 para. 4 not in force at Royal Assent, see s. 216; Sch. 14 para. 4 in force for E. at 2.9.2002 by [S.I. 2002/2002, art. 4](#)
- I113** Sch. 14 para. 4 in force at 1.9.2004 for W. by [S.I. 2004/1728, art. 5, Sch. Pt. 2](#)

Appeals

F315

Status: Point in time view as at 14/07/2014.

Changes to legislation: Education Act 2002 is up to date with all changes known to be in force on or before 19 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

F31 Sch. 14 paras. 5-7 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)

F31₆

Textual Amendments

F31 Sch. 14 paras. 5-7 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)

F31₇

Textual Amendments

F31 Sch. 14 paras. 5-7 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)

SCHEDULE 15 **E+W**

Section 187

EDUCATION ACTION ZONES

Introductory

1 Chapter 3 of Part 1 of the School Standards and Framework Act 1998 (c. 31) is amended as follows.

Commencement Information

I114 Sch. 15 para. 1 in force at 1.10.2002 for E. by [S.I. 2002/2439, art. 3](#) (with transitional provisions and savings in [art. 4, Sch.](#))

I115 Sch. 15 para. 1 in force at 2.1.2008 for W. by [S.I. 2007/3611, art. 4\(1\), Sch. Pt. 1](#)

Establishment of education action zones

2 (1) In section 10, in subsection (1) for “maintained schools” there is substituted “eligible schools”.

(2) After that subsection there is inserted—

“(1A) For the purposes of subsection (1) “eligible school” means—

- (a) a maintained school;
- (b) a nursery school;
- (c) a pupil referral unit; or
- (d) an independent school.”

(3) Subsection (3) of that section is omitted.

Status: Point in time view as at 14/07/2014.

Changes to legislation: Education Act 2002 is up to date with all changes known to be in force on or before 19 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)

- (4) In subsection (4) of that section, for “, (2) or (3)” there is substituted “ or (2) ”.
- (5) In subsection (6) of that section, for paragraphs (a) and (b) there is substituted—
- “(a) references to a governing body—
 - (i) in relation to an independent school (other than an Academy, city technology college or city college for the technology of the arts), are to the proprietor of the school, and
 - (ii) in relation to a new school, include the temporary governing body of the school;
 - (b) “participating school”, in relation to an education action zone, means one of the schools that—
 - (i) for the time being is included in the order under subsection (1), or
 - (ii) has been added to the zone by virtue of section 11B, other than a school that has been removed from the zone in accordance with section 11C;
 - (c) “pupil referral unit” has the same meaning as in section 19 of the Education Act 1996 (c. 56);
 - (d) “new school” has the meaning given in section 72(3).”
- (6) Subsection (7) of that section is omitted.

Commencement Information

- I116** Sch. 15 para. 2 in force (except for the words “(b) a nursery school”) at 1.10.2002 for E. by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), [Sch.](#))
- I117** Sch. 15 para. 2 in force at 2.1.2008 for W. by [S.I. 2007/3611](#), [art. 4\(1\)](#), [Sch. Pt. 1](#)
- I118** Sch. 15 para. 2(2) 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](#)

Constitution of Education Action Forum

- 3 In section 11, the following provisions are omitted—
- (a) in subsection (2) the words from “and” to the end, and
 - (b) subsection (3).

Commencement Information

- I119** Sch. 15 para. 3 in force at 1.10.2002 for E. by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), [Sch.](#))
- I120** Sch. 15 para. 3 in force at 2.1.2008 for W. by [S.I. 2007/3611](#), [art. 4\(1\)](#), [Sch. Pt. 1](#)

- 4 After that section there is inserted—

“11A Constitution of Education Action Forum

- (1) The members of an Education Action Forum must include—

Status: Point in time view as at 14/07/2014.

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- (a) one person appointed by the governing body of each of the participating schools, unless the governing body of any such school choose not to make such an appointment, and
 - (b) one or two persons appointed by the Secretary of State, unless he chooses not to make such appointments.
- (2) Subject to that, an Education Action Forum—
- (a) shall initially be constituted in accordance with the order under section 10(1), and
 - (b) may subsequently alter its membership (as set out in that order or as previously altered under this paragraph).
- (3) In subsection (2) the references to altering the Forum’s membership include—
- (a) altering the number of members, and
 - (b) altering who may appoint members.
- (4) An alteration may be made under subsection (2)(b) only if it is made—
- (a) in accordance with any procedural requirements specified for the purposes of this section in regulations under Schedule 1, and
 - (b) with the consent of the Secretary of State.”

Commencement Information

- I121** Sch. 15 para. 4 in force at 1.10.2002 for E. by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), [Sch.](#))
- I122** Sch. 15 para. 4 in force at 2.1.2008 for W. by [S.I. 2007/3611](#), [art. 4\(1\)](#), [Sch. Pt. 1](#)

Expansion or reduction of zone

5 After section 11A (inserted by paragraph 4) there is inserted—

“11B Expansion of zone

- (1) An Education Action Forum established for an education action zone may add—
- (a) any eligible school (within the meaning of section 10(1A)), or
 - (b) any new school which has a temporary governing body,
- to the zone.
- (2) But a school may be added under this section only if it is added—
- (a) in accordance with any procedural requirements specified for the purposes of this section in regulations under Schedule 1, and
 - (b) with the consent of the governing body of the school and of the Secretary of State.
- (3) For the purposes of this section references to a school being added to an education action zone are to it becoming one of the schools which constitute collectively the zone.

Status: Point in time view as at 14/07/2014.

Changes to legislation: Education Act 2002 is up to date with all changes known to be in force on or before 19 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)

11C Removal from zone

- (1) An Education Action Forum established for an education action zone may remove a participating school from the zone.
- (2) But a school may be removed under this section only if it is removed—
 - (a) in accordance with any procedural requirements specified for the purposes of this section in regulations under Schedule 1, and
 - (b) with the consent of the Secretary of State.
- (3) For the purposes of this section references to a school being removed from an education action zone are to it ceasing to be one of the schools which constitute collectively the zone.”

Commencement Information

- I123** Sch. 15 para. 5 in force at 1.10.2002 for E. by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), [Sch.](#))
- I124** Sch. 15 para. 5 in force at 2.1.2008 for W. by [S.I. 2007/3611](#), [art. 4\(1\)](#), [Sch. Pt. 1](#)

Information relating to changes to zone or Forum

6 After section 11C (inserted by paragraph 5) there is inserted—

“11D Information relating to a Forum and its zone

- (1) An Education Action Forum established for an education action zone must provide the Secretary of State with details of—
 - (a) any alteration made to its constitution under section 11A(2)(b),
 - (b) any addition of a school to the zone under section 11B, and
 - (c) any removal of a school from the zone under section 11C.
- (2) The Forum must also, on a request being made by any person, provide him with—
 - (a) the name of each member of the Forum and of the person or body that appointed him,
 - (b) the name of any other person or body entitled to appoint a member, and
 - (c) the name of each participating school in relation to the zone.
- (3) But the duty under subsection (2) is subject, in such circumstances as the Forum may determine, to the payment by the person concerned of a reasonable fee determined by the Forum.”

Commencement Information

- I125** Sch. 15 para. 6 in force at 1.10.2002 for E. by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), [Sch.](#))
- I126** Sch. 15 para. 6 in force at 2.1.2008 for W. by [S.I. 2007/3611](#), [art. 4\(1\)](#), [Sch. Pt. 1](#)

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Functions of Education Action Forum

7 After section 12(1) there is inserted—

“(1A) With the consent of the Secretary of State, a Forum may also carry on any other activities which it considers will promote the provision of, or access to, education whether in a participating school or otherwise.”

Commencement Information

I127 Sch. 15 para. 7 in force at 1.10.2002 for E. by S.I. 2002/2439, art. 3 (with transitional provisions and savings in art. 4, Sch.)

I128 Sch. 15 para. 7 in force at 2.1.2008 for W. by S.I. 2007/3611, art. 4(1), Sch. Pt. 1

Transitional provision

8 (1) Any provision of an order under section 10 of the School Standards and Framework Act 1998 (c. 31) having effect immediately before the commencement of this Schedule which requires the Forum to include one or two persons appointed by the Secretary of State shall be read as if it were a provision having the same effect as section 11A(1)(b) of that Act.

(2) Any order under subsection (3) of section 10 of that Act which has effect immediately before the commencement of this Schedule shall continue to have effect on or after that time notwithstanding the repeal by this Act of that subsection.

(3) Until such time as section 67 of this Act comes into force, the reference in section 10(6)(a)(i) of the School Standards and Framework Act 1998 (c. 31) to an Academy shall be read as a reference to a city academy.

(4) Where before the commencement of this Schedule—

(a) an education action zone has been established by an order under section 10(1) of that Act, and

(b) the membership of the Forum set out in that order has been altered by virtue of section 14 of the Interpretation Act 1978 (c. 30),

the powers to alter the Forum’s membership conferred by section 11A of the School Standards and Framework Act 1998 are powers to alter the membership as so amended.

Commencement Information

I129 Sch. 15 para. 8 in force at 1.10.2002 for E. by S.I. 2002/2439, art. 3 (with transitional provisions and savings in art. 4, Sch.)

I130 Sch. 15 para. 8 in force at 2.1.2008 for W. by S.I. 2007/3611, art. 4(1), Sch. Pt. 1

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SCHEDULE 17 **E+W**

Section 189

AMENDMENTS OF PART 5 OF EDUCATION ACT 1997

F32
...

F32F33₁

Textual Amendments

F32 Sch. 17 paras. 1-4 and cross-heading 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)

F33 Sch. 17 para. 1 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)

F32F33₂

Textual Amendments

F32 Sch. 17 paras. 1-4 and cross-heading 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)

F33 Sch. 17 para. 1 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)

F32F33₃

Textual Amendments

F32 Sch. 17 paras. 1-4 and cross-heading 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)

F33 Sch. 17 para. 1 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)

F32F33₄

Textual Amendments

F32 Sch. 17 paras. 1-4 and cross-heading 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)

F33 Sch. 17 para. 1 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)

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Textual Amendments

- F32** Sch. 17 paras. 1-4 and cross-heading 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)
- F33** Sch. 17 para. 1 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)

The Qualifications, Curriculum and Assessment Authority for Wales

- 5 (1) Section 29 of the Education Act 1997 (functions of the Qualifications, Curriculum and Assessment Authority for Wales in relation to curriculum and assessment) is amended as follows.
- (2) In subsection (1) for the words from “with respect to” to the end there is substituted “with respect to—
- (a) pupils at maintained schools in Wales who have not ceased to be of compulsory school age,
 - (b) pupils at maintained nursery schools in Wales, and
 - (c) children for whom funded nursery education is provided in Wales otherwise than at a maintained school or maintained nursery school.”
- (3) In subsection (2)—
- (a) in paragraph (a), for “such schools” there is substituted “ maintained schools or maintained nursery schools ”, and
 - (b) paragraph (f) and the word “and” immediately preceding it are omitted.
- (4) After subsection (2) there is inserted—
- “(2A) In subsection (2) references to the curriculum for a maintained nursery school include references to the curriculum for any funded nursery education provided as mentioned in subsection (1)(c); and references to assessment in schools include references to assessment in funded nursery education.”
- (5) Subsections (3) and (4) are omitted.
- ^{F34}(6)

Textual Amendments

- F34** Sch. 17 para. 5(6) repealed (1.11.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), [Sch. 16 Pt. 4](#); S.I. 2010/2413, art. 2(b)

Commencement Information

- I131** Sch. 17 para. 5 partly in force; Sch. 17 para. 5 not in force at Royal Assent, see s. 216; Sch. 17 para. 5(1)-(4)(6) in force at 19.12.2002 by [S.I. 2002/3185](#), art. 4, [Sch. Pt. I](#)

- 6 In any order made before the commencement of this paragraph under section 30(1) of the Education Act 1997 (c. 44) (power to confer functions on Qualifications, Curriculum and Assessment Authority for Wales) any reference to functions falling

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Changes to legislation: Education Act 2002 is up to date with all changes known to be in force on or before 19 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)

within paragraph (f) of section 24(2) of that Act is to be taken to be a reference to those functions as extended by virtue of paragraph 2 of this Schedule.

7 (1) Section 32 of the Education Act 1997 (supplementary provisions relating to discharge by Qualifications, Curriculum and Assessment Authority for Wales of their functions) is amended as follows.

(2) In subsection (3), the words “or approve” and the words “and subject to such conditions” are omitted.

(3) After that subsection there is inserted—

“(3A) Where in carrying out those functions the Authority accredit any qualification, they may, at the time of accreditation or later, impose such conditions on accreditation or continued accreditation as they may determine.”

(4) In subsection (4), for paragraph (b) there is substituted—

“(b) requiring rights of entry to premises and to inspect and copy documents so far as necessary for the Authority—

(i) to satisfy themselves that the appropriate standards are being maintained, in relation to the award or authentication of the qualification in question, by the persons receiving the accreditation, or

(ii) to determine whether to impose a condition falling within paragraph (a) and if so what that condition should be.”

8 After section 32 of the Education Act 1997 there is inserted—

“32A Power of Authority to give directions

(1) If it appears to the Qualifications, Curriculum and Assessment Authority for Wales—

(a) that any person (in this section referred to as “the awarding body”) who, either alone or jointly with others, awards or authenticates any qualification accredited by the Authority has failed or is likely to fail to comply with any condition subject to which the accreditation has effect, and

(b) that the failure—

(i) prejudices or would be likely to prejudice the proper award or authentication of the qualification, or

(ii) prejudices or would be likely to prejudice persons who might reasonably be expected to seek to obtain the qualification,

the Authority may direct the awarding body to take or refrain from taking specified steps with a view to securing compliance with the conditions subject to which the accreditation has effect.

(2) It shall be the duty of the awarding body to comply with any direction under this section.

(3) Any direction under this section is enforceable, on the application of the Qualifications, Curriculum and Assessment Authority for Wales, by a mandatory order.”

Status: Point in time view as at 14/07/2014.

Changes to legislation: Education Act 2002 is up to date with all changes known to be in force on or before 19 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

F34 Sch. 17 para. 5(6) repealed (1.11.2010) by [Apprenticeships, Skills, Children and Learning Act 2009](#) (c. 22), s. 269(4), **Sch. 16 Pt. 4**; S.I. 2010/2413, art. 2(b)

Commencement Information

I131 Sch. 17 para. 5 partly in force; Sch. 17 para. 5 not in force at Royal Assent, see s. 216; Sch. 17 para. 5(1)-(4)(6) in force at 19.12.2002 by S.I. 2002/3185, art. 4, **Sch. Pt. I**

F35 ...

F35

Textual Amendments

F35 Sch. 17 para. 9 and heading repealed (1.4.2010) 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

SCHEDULE 18 **E+W**

Section 195

SPECIAL EDUCATIONAL NEEDS TRIBUNAL FOR WALES

Special Educational Needs

1 The Education Act 1996 (c. 56) is amended as follows.

Commencement Information

I132 Sch. 18 para. 1 in force at 31.3.2003 by S.I. 2002/3185, art. 5, **Sch. Pt. II**

2 In section 313 (code of practice), for subsection (5) there is substituted—

“(5) In this Part (except sections 333 to 336), “the Tribunal”, in relation to an appeal, means—

- (a) where the [^{F1}local authority] concerned is in England, the Special Educational Needs and Disability Tribunal,
- (b) where the [^{F1}local authority] concerned is in Wales, the Special Educational Needs Tribunal for Wales.”

Textual Amendments

F1 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

I133 Sch. 18 para. 2 in force at 1.9.2003 by S.I. 2002/3185, art. 6, **Sch. Pt. III**

Status: Point in time view as at 14/07/2014.

Changes to legislation: Education Act 2002 is up to date with all changes known to be in force on or before 19 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)

- 3 In section 326A (unopposed appeals), for subsection (6) there is substituted—
- “(6) In this section, “prescribed” means prescribed by regulations made—
- (a) in relation to an appeal to the Special Educational Needs and Disability Tribunal, by the Secretary of State,
 - (b) in relation to an appeal to the Special Educational Needs Tribunal for Wales, by the National Assembly for Wales.”

Commencement Information
I134 Sch. 18 para. 3 in force at 1.9.2003 by [S.I. 2002/3185](#), art. 6, **Sch. Pt. III**

F364

Textual Amendments
F36 Sch. 18 para. 4 repealed (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 228(k)**

F375

Textual Amendments
F37 Sch. 18 para. 5 repealed (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 228(k)**

- 6 In section 336A, for subsection (2) there is substituted—
- “(2) In subsection (1), “prescribed” means prescribed by regulations made—
- (a) as to orders of the Special Educational Needs and Disability Tribunal, by the Secretary of State,
 - (b) as to orders of the Special Educational Needs Tribunal for Wales, by the National Assembly for Wales with the agreement of the Secretary of State.”

Commencement Information
I135 Sch. 18 para. 6 in force at 1.9.2003 by [S.I. 2002/3185](#), art. 6, **Sch. Pt. III**

Disability Discrimination

F387

Textual Amendments
F38 Sch. 18 paras. 7-12 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)

F388

Status: Point in time view as at 14/07/2014.

Changes to legislation: Education Act 2002 is up to date with all changes known to be in force on or before 19 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

F38 Sch. 18 paras. 7-12 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)

F38⁹

Textual Amendments

F38 Sch. 18 paras. 7-12 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)

F38¹⁰

Textual Amendments

F38 Sch. 18 paras. 7-12 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)

F38¹¹

Textual Amendments

F38 Sch. 18 paras. 7-12 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)

F38¹²

Textual Amendments

F38 Sch. 18 paras. 7-12 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)

13 Section 10 of the Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33) (consultation on appointments) is not to apply to appointments to the lay panel appointed for the Special Educational Needs Tribunal for Wales under section 333(2) of the Education Act 1996 (c. 56).

Commencement Information

I136 Sch. 18 para. 13 in force at 31.3.2003 by [S.I. 2002/3185](#), art. 5, [Sch. Pt. II](#)

Consequential amendments

14 In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (disqualifying offices) there is inserted in the appropriate place—

“President of the Special Educational Needs Tribunal for Wales, or member of a panel of persons appointed to act as chairman or other member of that Tribunal.”

Status: Point in time view as at 14/07/2014.

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Commencement Information

I137 Sch. 18 para. 14 in force at 31.3.2003 by [S.I. 2002/3185](#), art. 5, **Sch. Pt. II**

15 In Schedule 1 to the Tribunals and Inquiries Act 1992 (c. 53) (bodies subject to the supervision of the Council), in paragraph 40B—

(a) the existing entry becomes sub-paragraph (a), and

(b) after that sub-paragraph there is inserted—

“(b) the Special Educational Needs Tribunal for Wales.”

Commencement Information

I138 Sch. 18 para. 15 in force at 31.3.2003 by [S.I. 2002/3185](#), art. 5, **Sch. Pt. II**

16 In section 42 of the Special Educational Needs and Disability Act 2001 (c. 10), subsection (2) (National Assembly for Wales and functions under section 336 of the Education Act 1996 (c. 56)) is omitted.

Commencement Information

I139 Sch. 18 para. 16 in force at 1.9.2003 by [S.I. 2002/3185](#), art. 6, **Sch. Pt. III**

Saving and transitional provision

17 The amendments made by any provision of this Schedule do not affect—

(a) appeals instituted under Part 4 of the Education Act 1996, or

(b) claims made under section 28I of the Special Educational Needs and Disability Act 2001,

before the coming into force of that provision.

Commencement Information

I140 Sch. 18 para. 17 in force at 1.9.2003 by [S.I. 2002/3185](#), art. 6, **Sch. Pt. III**

18 Regulations made, or having effect as if made, under any of sections 326A and 333 to 336A of the Education Act 1996 in relation to the Special Educational Needs and Disability Tribunal have effect in relation to the Special Educational Needs Tribunal for Wales until superseded by regulations made in relation to that Tribunal, but as if references to the Secretary of State were references to the National Assembly for Wales.

Commencement Information

I141 Sch. 18 para. 18 in force at 1.9.2003 by [S.I. 2002/3185](#), art. 6, **Sch. Pt. III**

Status: Point in time view as at 14/07/2014.

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SCHEDULE 19 **E+W**

Section 199

TRANSPORT FOR PERSONS OVER COMPULSORY SCHOOL AGE

1 The Education Act 1996 is amended as follows.

Commencement Information

- I142** Sch. 19 partly in force; Sch. 19 not in force at Royal assent see s. 216; Sch. 19 in force for E. at 20.1.2003 by [S.I. 2002/2952, art. 2](#)
- I143** Sch. 19 para. 1 in force at 20.1.2003 except in relation to W. by [S.I. 2002/2952, art. 2](#)
- I144** Sch. 19 para. 1 in force at 1.9.2003 for W. by [S.I. 2003/1718, art. 5, Sch. Pt. II](#)

F392

Textual Amendments

- F39** Sch. 19 para. 2 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](#)

3 After section 509 there is inserted—

“509AA Provision of transport etc. for persons of sixth form age

- (1) A [^{F1}local authority] shall prepare for each academic year a transport policy statement complying with the requirements of this section.
- (2) The statement shall specify the arrangements for the provision of transport or otherwise that the authority consider it necessary to make for facilitating the attendance of persons of sixth form age receiving education or training—
- (a) at schools,
 - (b) at any institution maintained or assisted by the authority which provides further education or higher education (or both),
 - (c) at any institution within the further education sector, or
 - (d) at any establishment (not falling within paragraph (b) or (c)) which is supported by the Learning and Skills Council for England or the National Council for Education and Training for Wales.
- (3) The statement shall specify the arrangements that the authority consider it necessary to make for the provision of financial assistance in respect of the reasonable travelling expenses of persons of sixth form age receiving education or training at any establishment such as is mentioned in subsection (2).
- (4) The statement shall specify the arrangements proposed to be made by the governing bodies of—
- (a) schools maintained by the authority at which education suitable to the requirements of persons over compulsory school age is provided, and
 - (b) institutions within the further education sector in the authority’s area,

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for the provision of transport for facilitating the attendance of persons of sixth form age receiving education or training at the schools and institutions and for the provision of financial assistance in respect of the travelling expenses of such persons.

- (5) Those governing bodies shall co-operate in giving the [F1local authority] any information and other assistance that is reasonably required by the authority for the performance of their functions under this section and section 509AB.
- (6) The statement shall specify any travel concessions (within the meaning of Part 5 of the Transport Act 1985 (c. 67)) which are to be provided under any scheme established under section 93 of that Act to persons of sixth form age receiving education at any establishment such as is mentioned in subsection (2) above in the authority's area.
- (7) The authority shall—
- (a) publish the statement, in a manner which they consider appropriate, on or before 31st May in the year in which the academic year in question begins, and
 - (b) make, and secure that effect is given to, any arrangements specified under subsections (2) and (3).
- (8) Nothing in this section prevents a [F1local authority] from making, at any time in an academic year, arrangements—
- (a) which are not specified in the transport policy statement published by the authority for that year, but
 - (b) which they have come to consider necessary for the purposes mentioned in subsections (2) and (3).
- (9) The Secretary of State may, if he considers it expedient to do so, direct a [F1local authority] to make for any academic year—
- (a) arrangements for the provision of transport or otherwise for facilitating the attendance of persons of sixth form age receiving education or training at establishments such as are mentioned in subsection (2), or
 - (b) arrangements for providing financial assistance in respect of the reasonable travelling expenses of such persons,
- which have not been specified in the transport policy statement published by the authority for that academic year.
- (10) The Secretary of State may by order amend subsection (7)(a) by substituting a different date for 31st May.”

Textual Amendments

F1 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

I145 Sch. 19 partly in force; Sch. 19 not in force at Royal Assent, see s. 216; Sch. 19 in force for E. at 20.1.2003 by [S.I. 2002/2953](#), **art. 2**

I146 Sch. 19 para. 3 in force at 20.1.2003 except in relation to W. by [S.I. 2002/2952](#), **art. 2**

Status: Point in time view as at 14/07/2014.

Changes to legislation: Education Act 2002 is up to date with all changes known to be in force on or before 19 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)

I147 Sch. 19 para. 3 in force at 1.9.2003 for W. by S.I. 2003/1718, art. 5, Sch. Pt. II

4 After section 509AA there is inserted—

“509AB Further provision about transport policy statements

- (1) A statement prepared under section 509AA shall state to what extent arrangements specified in accordance with subsection (2) of that section include arrangements for facilitating the attendance at establishments such as are mentioned in that subsection of disabled persons and persons with learning difficulties.
- (2) A statement prepared under that section shall—
 - (a) specify arrangements for persons receiving full-time education or training at establishments other than schools maintained by the [^{F1}local authority] which are no less favourable than the arrangements specified for pupils of the same age attending such schools, and
 - (b) specify arrangements for persons with learning difficulties receiving education or training at establishments other than schools maintained by the authority which are no less favourable than the arrangements specified for pupils of the same age with learning difficulties attending such schools.
- (3) In considering what arrangements it is necessary to make for the purposes mentioned in subsections (2) and (3) of section 509AA the [^{F1}local authority] shall have regard (amongst other things) to—
 - (a) the needs of those for whom it would not be reasonably practicable to attend a particular establishment to receive education or training if no arrangements were made,
 - (b) the need to secure that persons in their area have reasonable opportunities to choose between different establishments at which education or training is provided,
 - (c) the distance from the homes of persons of sixth form age in their area of establishments such as are mentioned in section 509AA(2) at which education or training suitable to their needs is provided, and
 - (d) the cost of transport to the establishments in question and of any alternative means of facilitating the attendance of persons receiving education or training there.
- (4) In considering whether or not it is necessary to make arrangements for those purposes in relation to a particular person, a [^{F1}local authority] shall have regard (amongst other things)—
 - (a) to the nature of the route, or alternative routes, which he could reasonably be expected to take; and
 - (b) to any wish of his parent for him to be provided with education or training at a school, institution or other establishment in which the religious education provided is that of the religion or denomination to which his parent adheres.
- (5) In preparing a statement under section 509AA a [^{F1}local authority] shall have regard to any guidance issued by the Secretary of State under this section.

Status: Point in time view as at 14/07/2014.

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- (6) In preparing a statement under that section a [F1local authority] shall consult—
- (a) any other [F1local authority] that they consider it appropriate to consult,
 - (b) the governing bodies mentioned in subsection (4) of that section,
 - (c) the Learning and Skills Council for England (in the case of a [F1local authority] in England) or the National Council for Education and Training for Wales (in the case of a [F1local authority] in Wales), and
 - (d) any other person specified by the Secretary of State for the purposes of this section.
- (7) In preparing a statement under that section a [F1local authority] shall also consult—
- (a) where they are the [F1local authority] for a district in a metropolitan county, the Passenger Transport Authority for that county, and
 - (b) where they are the [F1local authority] for a London borough or the City of London, Transport for London.”

Textual Amendments

F1 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

I148 Sch. 19 partly in force; Sch. 19 not in force at Royal Assent, see s. 216; Sch. 19 in force for E. at 30.1.2003 by [S.I. 2002/2952](#), **art. 2**

I149 Sch. 19 para. 4 in force at 20.1.2003 except in relation to W. by [S.I. 2002/2952](#), **art. 2**

I150 Sch. 19 para. 4 in force at 1.9.2003 for W. by [S.I. 2003/1718](#), **art. 5, Sch. Pt. II**

5 After section 509AB there is inserted—

“509AC Interpretation of sections 509AA and 509AB

- (1) For the purposes of sections 509AA and 509AB a person receiving education or training at an establishment is of sixth form age if he is over compulsory school age but—
 - (a) is under the age of 19, or
 - (b) has begun a particular course of education or training at the establishment before attaining the age of 19 and continues to attend that course.
- (2) References in section 509AA to an establishment supported by the Learning and Skills Council for England are to any establishment at which education or training is provided by a person to whom that Council secures the provision of financial resources in any of the ways mentioned in section 5(2) of the Learning and Skills Act 2000.
- (3) References in section 509AA to an establishment supported by the National Council for Education and Training for Wales are to any establishment at which education or training is provided by a person to whom that Council

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secures the provision of financial resources in any of the ways mentioned in section 34(2) of the Learning and Skills Act 2000.

(4) References in section 509AB to persons with learning difficulties are to be construed in accordance with section 13(5) and (6) of the Learning and Skills Act 2000.

(5) In sections 509AA and 509AB and this section—

“academic year” means any period commencing with 1st August and ending with the next 31st July;

“disabled person” has the same meaning as in the Disability Discrimination Act 1995;

“establishment” means an establishment of any kind, including a school or institution;

“governing body”, in relation to an institution within the further education sector, has the same meaning as in the Further and Higher Education Act 1992.

(6) The Secretary of State may by order amend the definition of “academic year” in subsection (5).”

Commencement Information

I151 Sch. 19 partly in force; Sch. 19 not in force at Royal Assent, see s. 216; Sch. 19 in force for E. at 30.1.2003 by [S.I. 2002/2952](#), [art. 2](#)

I152 Sch. 19 para. 5 in force at 20.1.2003 except in relation to W. by [S.I. 2002/2952](#), [art. 2](#)

I153 Sch. 19 para. 5 in force at 1.9.2003 for W. by [S.I. 2003/1718](#), [art. 5](#), [Sch. Pt. II](#)

6 In section 509A (travel arrangements for children receiving nursery education otherwise than at school), after subsection (4) there is inserted—

“(4A) Regulations may require a [^{F1}local authority] to publish, at such times and in such manner as may be prescribed, such information as may be prescribed with respect to the authority’s policy and arrangements relating to the making of provision under this section.”

Textual Amendments

F1 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

I154 Sch. 19 partly in force; Sch. 19 not in force at Royal Assent, see s. 216; Sch. 19 in force for E. at 30.1.2003 by [S.I. 2002/2952](#), [art. 2](#)

I155 Sch. 19 para. 6 in force at 20.1.2003 except in relation to W. by [S.I. 2002/2952](#), [art. 2](#)

I156 Sch. 19 para. 6 in force at 1.9.2003 for W. by [S.I. 2003/1718](#), [art. 5](#), [Sch. Pt. II](#)

Status: Point in time view as at 14/07/2014.

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SCHEDULE 20 E+W

Section 206

NUISANCE OR DISTURBANCE ON EDUCATIONAL PREMISES

- 1 (1) Section 547 of the Education Act 1996 (c. 56) (nuisance or disturbance on premises of a school maintained by a [^{F1}local authority]) is amended in accordance with subparagraphs (2) to (6).
- (2) In subsection (2), after paragraph (a) there is inserted—
 “(aa) any special school not so maintained, and
 (ab) any independent school.”
- (3) After that subsection there is inserted—
 “(2A) This section also applies to any premises which are—
 (a) provided by a [^{F1}local authority] under section 508, and
 (b) used wholly or mainly in connection with the provision of instruction or leadership in sporting, recreational or outdoor activities.”
- (4) In subsection (3)(b) for “a [^{F1}local authority] have” there is substituted “ the appropriate authority has ”.
- (5) For subsection (4) there is substituted—
 “(4) In subsection (3) “the appropriate authority” means—
 (a) in relation to premises of a foundation, voluntary aided or foundation special school, a [^{F1}local authority] or the governing body,
 (b) in relation to—
 (i) premises of any other school maintained by a [^{F1}local authority], and
 (ii) premises provided by a [^{F1}local authority] as mentioned in subsection (2A),
 a [^{F1}local authority], and
 (c) in relation to premises of a special school which is not so maintained or of an independent school, the proprietor of the school.”
- (6) For subsections (6) and (7) there is substituted—
 “(6) No proceedings for an offence under this section shall be brought by any person other than—
 (a) a police constable, or
 (b) an authorised person.
- (7) In subsection (6) “authorised person” means—
 (a) in relation to an offence committed on premises of a foundation, voluntary aided or foundation special school, a [^{F1}local authority] or a person whom the governing body have authorised to bring such proceedings,
 (b) in relation to an offence committed—
 (i) on premises of any other school maintained by a [^{F1}local authority], or

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- (ii) on premises provided by a [F1local authority] as mentioned in subsection (2A),
a [F1local authority], and
- (c) in relation to an offence committed on premises of a special school which is not so maintained or of an independent school, a person whom the proprietor of the school has authorised to bring such proceedings.”

Textual Amendments

F1 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

I157 Sch. 20 partly in force; Sch. 20 not in force at Royal Assent, see s. 216; Sch. 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.](#))

I158 Sch. 20 para. 1 in force at 1.9.2003 for W. by [S.I. 2003/1718](#), [art. 5, Sch. Pt. II](#)

- 2 After section 85 of the Further and Higher Education Act 1992 (c. 13) there is inserted—

“85A Nuisance or disturbance on educational premises

- (1) Any person who without lawful authority is present on premises to which this section applies and causes or permits nuisance or disturbance to the annoyance of persons who lawfully use those premises (whether or not any such persons are present at the time) is guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (2) This section applies to premises, including playing fields and other premises for outdoor recreation, of—
 - (a) any institution (other than a school) which is maintained by a [F1local authority] and provides further education or higher education (or both), and
 - (b) any institution within the further education sector.
- (3) If—
 - (a) a police constable, or
 - (b) a person whom the appropriate authority have authorised to exercise the power conferred by this subsection,has reasonable cause to suspect that any person is committing or has committed an offence under this section, he may remove him from the premises in question.
- (4) In subsection (3) “the appropriate authority” means—
 - (a) in relation to premises of an institution such as is mentioned in subsection (2)(a), a [F1local authority], and
 - (b) in relation to premises of an institution within the further education sector, the governing body.

Status: Point in time view as at 14/07/2014.

Changes to legislation: Education Act 2002 is up to date with all changes known to be in force on or before 19 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)

- (5) No proceedings under this section shall be brought by any person other than—
- (a) a police constable, or
 - (b) an authorised person.
- (6) In subsection (5) “authorised person” means—
- (a) in relation to an offence committed on premises of an institution such as is mentioned in subsection (2)(a), a [^{F1}local authority], and
 - (b) in relation to an offence committed on premises of an institution within the further education sector, a person whom the governing body have authorised to bring such proceedings.”

Textual Amendments

F1 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

I159 Sch. 20 partly in force; Sch. 20 not in force at Royal Assent, see s. 216; Sch. 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.](#))

I160 Sch. 20 para. 2 in force at 1.9.2003 for W. by [S.I. 2003/1718](#), [art. 5](#), [Sch. Pt. II](#)

SCHEDULE 21 E+W

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

I161 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.](#))

I162 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](#)

I163 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.](#)

Status: Point in time view as at 14/07/2014.

Changes to legislation: Education Act 2002 is up to date with all changes known to be in force on or before 19 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)

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

- I164** 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.](#))
- I165** Sch. 21 para. 2(a) in force at 31.5.2005 for W. by [S.I. 2005/1395](#), [art. 4](#), [Sch.](#) (with [art. 5\(3\)\(4\)](#))
- I166** Sch. 21 para. 2(b) in force at 9.1.2004 for W. by [S.I. 2003/2961](#), [art. 7](#), [Sch. Pt. IV](#)

F40 ...

F40

Textual Amendments

- F40** 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 [^{F1}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

- F1** 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\(2\)](#)

Status: Point in time view as at 14/07/2014.

Changes to legislation: Education Act 2002 is up to date with all changes known to be in force on or before 19 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

- I167** 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.](#))
- I168** 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

- I169** Sch. 21 para. 5 in force at 6.11.2006 except in relation to W. by [S.I. 2006/2895](#), [art. 2](#)
- I170** 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.”

Commencement Information

- I171** Sch. 21 para. 6 in force at 6.11.2006 except in relation to W. by [S.I. 2006/2895](#), [art. 2](#)
- I172** 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

- I173** Sch. 21 para. 7 in force at 1.4.2003 except in relation to W. by [S.I. 2003/124](#), [art. 4](#)
- I174** 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”.

Status: Point in time view as at 14/07/2014.

Changes to legislation: Education Act 2002 is up to date with all changes known to be in force on or before 19 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

I175 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

I176 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](#)

I177 Sch. 21 para. 9 in force at 31.3.2003 for W. by [S.I. 2002/3185](#), [art. 5](#), [Sch. Pt. II](#)

I178 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.

Commencement Information

I179 Sch. 21 para. 10 in force at 6.11.2006 except in relation to W. by [S.I. 2006/2895](#), [art. 2](#)

I180 Sch. 21 para. 10 in force at 2.1.2008 for W. by [S.I. 2007/3611](#), [art. 4\(1\)](#), [Sch. Pt. I](#)

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

I181 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”.

Status: Point in time view as at 14/07/2014.

Changes to legislation: Education Act 2002 is up to date with all changes known to be in force on or before 19 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

- I182** Sch. 21 para. 12 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 4](#)
I183 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 [^{F5}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

- F5** 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

- I184** 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).

Commencement Information

- I185** Sch. 21 para. 15 in force at 6.11.2006 except in relation to W. by [S.I. 2006/2895](#), [art. 2](#)
I186 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

- I187** 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](#)

Status: Point in time view as at 14/07/2014.

Changes to legislation: Education Act 2002 is up to date with all changes known to be in force on or before 19 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

F41 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

I188 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 ”.

Commencement Information

I189 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

I190 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**

Status: Point in time view as at 14/07/2014.

Changes to legislation: Education Act 2002 is up to date with all changes known to be in force on or before 19 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)

Tribunals and Inquiries Act 1992 (c. 53)

- 22 In paragraph 15 of Schedule 1 to the Tribunals and Inquiries Act 1992 (^{F42}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

F42 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

I191 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.**)

I192 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**

I193 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

I194 Sch. 21 para. 23 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), **art. 4**

I195 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.

Commencement Information

I196 Sch. 21 para. 24 in force at 1.8.2003 except in relation to W. by [S.I. 2003/1667](#), **art. 3**

- ^{F43}25

Textual Amendments

F43 Sch. 21 para. 25 repealed (1.9.2005) by [Education Act 2005 \(c. 18\)](#), s. 125(3)(b), **Sch. 19 Pt. 3**

Commencement Information

I197 Sch. 21 para. 25 in force at 31.10.2005 for W. by [S.I. 2005/2910](#), **art. 4**, **Sch.**

Status: Point in time view as at 14/07/2014.

Changes to legislation: Education Act 2002 is up to date with all changes known to be in force on or before 19 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)

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F44 26

Textual Amendments

F44 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)

F44 27

Textual Amendments

F44 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)

F44 28

Textual Amendments

F44 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)

F44 29

Textual Amendments

F44 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)

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

I198 Sch. 21 para. 30 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), **art. 4**
I199 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 ”.

Status: Point in time view as at 14/07/2014.

Changes to legislation: Education Act 2002 is up to date with all changes known to be in force on or before 19 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

I200 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

I201 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

I202 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).”

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

Commencement Information

I203 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](#)

I204 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 [^{F5}local authorities]), subsection (6) is omitted.

Status: Point in time view as at 14/07/2014.

Changes to legislation: Education Act 2002 is up to date with all changes known to be in force on or before 19 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

F5 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

I205 Sch. 21 para. 35 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 4](#)

I206 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

I207 Sch. 21 para. 36 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 4](#)

I208 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

I209 Sch. 21 para. 37 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 4](#)

I210 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

I211 Sch. 21 para. 38 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 4](#)

I212 Sch. 21 para. 38 in force at 31.10.2005 for W. by [S.I. 2005/2910](#), [art. 4](#), [Sch.](#)

- 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)—

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- (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.

F⁴⁵(5)

Textual Amendments

F45 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

- I213** 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.](#))
- I214** Sch. 21 para. 39(1)-(4) in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), **art. 4**
- I215** Sch. 21 para. 39(1)(5) in force at 1.9.2004 for W. by [S.I. 2004/1728](#), **art. 5**, **Sch. Pt. 2**
- I216** 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

- I217** Sch. 21 para. 40 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), **art. 4**
- I218** 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 ”.

Commencement Information

- I219** Sch. 21 para. 41 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), **art. 4**
- I220** 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 [^{F1}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

F1 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)**

Status: Point in time view as at 14/07/2014.

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Commencement Information

I221 Sch. 21 para. 42 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 4](#)

I222 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

I223 Sch. 21 para. 43 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 4](#)

I224 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

I225 Sch. 21 para. 44 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 4](#)

I226 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 [^{F1}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 [^{F1}local authority] in Wales, have the same meaning as in Part 7 of that Act (the curriculum in Wales); and”.

Textual Amendments

F1 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

I227 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](#)

I228 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 ”.

Status: Point in time view as at 14/07/2014.

Changes to legislation: Education Act 2002 is up to date with all changes known to be in force on or before 19 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)

(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

I229 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](#)

I230 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](#)

I231 Sch. 21 para. 46(6) in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 4](#)

I232 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—

“(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

I233 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](#)

I234 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) ”.

Status: Point in time view as at 14/07/2014.

Changes to legislation: Education Act 2002 is up to date with all changes known to be in force on or before 19 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)

- (3) In subsection (4)(b) for “section 357(1)” there is substituted “ section 88 or 109 of the Education Act 2002 ”.

Commencement Information

- I235** 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](#)
- I236** 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 “ [^{F5}local authorities] ” there is inserted “ in Wales ”.
- (4) In subsection (2) the words “England and” are omitted.
- (5) Subsection (6) is omitted.

Textual Amendments

- F5** 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

- I237** 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](#)
- I238** Sch. 21 para. 49 in force at 31.3.2003 for W. by [S.I. 2002/3185](#), [art. 5](#), [Sch. Pt. II](#)
- I239** 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—

“(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

- I240** 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\(2\)](#))
- I241** Sch. 21 para. 50 in force at 31.10.2005 for W. by [S.I. 2005/2910](#), [art. 4](#), [Sch.](#)

Status: Point in time view as at 14/07/2014.

Changes to legislation: Education Act 2002 is up to date with all changes known to be in force on or before 19 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

F46 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

I242 Sch. 21 para. 52 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 4](#)
I243 Sch. 21 para. 52 in force at 31.10.2005 for W. by [S.I. 2005/2910](#), [art. 4](#), [Sch.](#)

^{F47}53

Textual Amendments

F47 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

I244 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](#)
I245 Sch. 21 para. 53 in force at 1.4.2003 except in relation to W. by [S.I. 2003/124](#), [art. 4](#)

^{F48}54

Textual Amendments

F48 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

I246 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](#)
I247 Sch. 21 para. 54 in force at 31.3.2003 for W. by [S.I. 2002/3185](#), [art. 5](#), [Sch. Pt. II](#)
I248 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.

Status: Point in time view as at 14/07/2014.

Changes to legislation: Education Act 2002 is up to date with all changes known to be in force on or before 19 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

I249 Sch. 21 para. 55 in force at 6.11.2006 except in relation to W. by [S.I. 2006/2895](#), **art. 2**

I250 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

I251 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

I252 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 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. 1**

I253 Sch. 21 para. 57(a) in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), **art. 4**

I254 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

I255 Sch. 21 para. 58 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), **art. 4**

Status: Point in time view as at 14/07/2014.

Changes to legislation: Education Act 2002 is up to date with all changes known to be in force on or before 19 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)

I256 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)

^{F49}59

Textual Amendments
F49 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)

^{F49}60

Textual Amendments
F49 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)

^{F49}61

Textual Amendments
F49 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)

^{F49}62

Textual Amendments
F49 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)

^{F49}63

Textual Amendments
F49 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)

^{F49}64

Textual Amendments
F49 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)

^{F49}65

Status: Point in time view as at 14/07/2014.

Changes to legislation: Education Act 2002 is up to date with all changes known to be in force on or before 19 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

F49 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](#))

F49 66

Textual Amendments

F49 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](#))

F49 67

Textual Amendments

F49 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](#))

F49 68

Textual Amendments

F49 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 [F50 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 ”.]

Textual Amendments

F50 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

I257 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.](#))

I258 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 ”.

Status: Point in time view as at 14/07/2014.

Changes to legislation: Education Act 2002 is up to date with all changes known to be in force on or before 19 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

- I259** 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](#)
- I260** 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

- I261** 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](#)
- I262** 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](#)
- I263** Sch. 21 para. 71 in force at 1.6.2003 except in relation to W. by [S.I. 2003/1115, art. 3](#)
- I264** 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)

^{F51}72

Textual Amendments

- F51** 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\(f\)](#)

^{F52}73

Textual Amendments

- F52** 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\(f\)](#)

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

- I265** 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](#)
- I266** Sch. 21 para. 74 in force at 1.8.2003 except in relation to W. by [S.I. 2003/1667, art. 3](#)

- 75 ^{F53}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

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teachers)” there is substituted “ under section 142 of the Education Act 2002 (prohibition from teaching, &c.) ”.]

Textual Amendments

F53 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

I267 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](#)

I268 Sch. 21 para. 75 in force at 31.3.2003 for W. by [S.I. 2002/3185, art. 5, Sch. Pt. II](#)

I269 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) [^{F54}f 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

F54 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

I270 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](#)

I271 Sch. 21 para. 76(a) in force at 1.8.2003 except in relation to W. by [S.I. 2003/1667, art. 3](#)

I272 Sch. 21 para. 76(b) in force at 31.3.2003 for W. by [S.I. 2002/3185, art. 5, Sch. Pt. II](#)

I273 Sch. 21 para. 76(b) in force at 1.6.2003 except in relation to W. by [S.I. 2003/1115, art. 3](#)

- 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

I274 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](#)

I275 Sch. 21 para. 77 in force at 31.3.2003 for W. by [S.I. 2002/3185, art. 5, Sch. Pt. II](#)

I276 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

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the end there is substituted “ the specification of requirements of regulations under section 132 of the Education Act 2002 (qualified teacher status) ”.

Commencement Information

- I277** 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](#)
- I278** 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

- I279** Sch. 21 para. 79 in force at 6.11.2006 except in relation to W. by [S.I. 2006/2895, art. 2](#)
- I280** 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

- I281** Sch. 21 para. 80 in force at 1.8.2003 except in relation to W. by [S.I. 2003/1667, art. 3](#)
- I282** 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—
- ““school” means a school maintained by a [^{F1}local authority] or a special school not so maintained”.

Textual Amendments

- F1** 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

- I283** 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. I](#)
- I284** 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.

Status: Point in time view as at 14/07/2014.

Changes to legislation: Education Act 2002 is up to date with all changes known to be in force on or before 19 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

I285 Sch. 21 para. 82 in force at 1.8.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 3](#)

I286 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—

“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

Status: Point in time view as at 14/07/2014.

Changes to legislation: Education Act 2002 is up to date with all changes known to be in force on or before 19 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)

- (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

I287 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](#)

I288

I289 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

I290 Sch. 21 para. 84 in force at 1.10.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 5](#)

I291 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”,

Status: Point in time view as at 14/07/2014.

Changes to legislation: Education Act 2002 is up to date with all changes known to be in force on or before 19 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)

- (b) in subsection (8), after “ [F5]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 [F1]local authority] or a special school not so maintained.”.

Textual Amendments

- F1** 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)**
- F5** 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

- I292** 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**
- I293** Sch. 21 para. 85(b) in force at 31.3.2003 for W. by [S.I. 2002/3185](#), **art. 5, Sch. Pt. II**
- I294** Sch. 21 para. 85(b) in force at 1.4.2003 except in relation to W. by [S.I. 2003/124](#), **art. 4**
- I295** 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) [F55]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

- F55** 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**

Commencement Information

- I296** 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**
- I297** Sch. 21 para. 86 in force at 31.3.2003 for W. by [S.I. 2002/3185](#), **art. 5, Sch. Pt. II**
- I298** 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 ”.

Status: Point in time view as at 14/07/2014.

Changes to legislation: Education Act 2002 is up to date with all changes known to be in force on or before 19 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

- I299** 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](#)
- I300** 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

- I301** 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](#)
- I302** 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

- I303** 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

- I304** Sch. 21 para. 90 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667, art. 4](#)
- I305** 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.

Commencement Information

- I306** 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.](#))

^{F56}92

Textual Amendments

- F56** Sch. 21 paras. 92-94 omitted (20.2.2014) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), [Sch. 5 para. 6\(9\)](#); [S.I. 2014/178, art. 2\(f\)](#) (with [art. 3](#))

Status: Point in time view as at 14/07/2014.

Changes to legislation: Education Act 2002 is up to date with all changes known to be in force on or before 19 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

I307 Sch. 21 para. 92 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 4](#)

I308 Sch. 21 para. 92 in force at 31.10.2005 for W. by [S.I. 2005/2910](#), [art. 4](#), [Sch.](#)

^{F56}93

Textual Amendments

F56 Sch. 21 paras. 92-94 omitted (20.2.2014) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), [Sch. 5 para. 6\(9\)](#); [S.I. 2014/178](#), [art. 2\(f\)](#) (with [art. 3](#))

Commencement Information

I309 Sch. 21 para. 93 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 4](#)

I310 Sch. 21 para. 93 in force at 31.10.2005 for W. by [S.I. 2005/2910](#), [art. 4](#), [Sch.](#)

^{F56}94

Textual Amendments

F56 Sch. 21 paras. 92-94 omitted (20.2.2014) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), [Sch. 5 para. 6\(9\)](#); [S.I. 2014/178](#), [art. 2\(f\)](#) (with [art. 3](#))

Commencement Information

I311 Sch. 21 para. 94 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 4](#)

I312 Sch. 21 para. 94 in force at 31.10.2005 for W. by [S.I. 2005/2910](#), [art. 4](#), [Sch.](#)

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

I313 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](#)

I314 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)—

- (a) in paragraph (b), the words “under section 28 or 31” are omitted, and
- (b) 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”.

Status: Point in time view as at 14/07/2014.

Changes to legislation: Education Act 2002 is up to date with all changes known to be in force on or before 19 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

- I315** 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](#)
- I316** Sch. 21 para. 96 in force at 1.4.2003 except in relation to W. by [S.I. 2003/124, art. 4](#)

^{F57}97

Textual Amendments

- F57** 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](#)

^{F58}98

Textual Amendments

- F58** 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) a community, foundation or voluntary school,
- (b) a community or foundation special school, or
- (c) a maintained nursery school.”

(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

- I317** 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](#)
- I318** 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](#)
- I319** 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](#))
- I320** 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 “^{F1}local authority] budget or schools budget”.

Status: Point in time view as at 14/07/2014.

Changes to legislation: Education Act 2002 is up to date with all changes known to be in force on or before 19 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)

- (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

- F1** 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

- I321** 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.](#))
- I322** Sch. 21 para. 100(1)(2) in force at 4.12.2003 for W. by [S.I. 2003/2961](#), [art. 5](#), [Sch. Pt. II](#)
- I323** Sch. 21 para. 100(3) in force at 1.4.2003 except in relation to W. by [S.I. 2003/124](#), [art. 4](#)
- I324** Sch. 21 para. 100(3) in force at 1.8.2004 for W. by [S.I. 2004/1728](#), [art. 4](#), [Sch. Pt. 1](#)

- 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

- I325** Sch. 21 para. 101 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 4](#)
- I326** 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.”

Commencement Information

- I327** Sch. 21 para. 102 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 4](#)
- I328** Sch. 21 para. 102 in force at 31.10.2005 for W. by [S.I. 2005/2910](#), [art. 4](#), [Sch.](#)

- ^{F59}103

Textual Amendments

- F59** [Sch. 21 para. 103](#) omitted (20.2.2014) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), [Sch. 5 para. 6\(9\)](#); [S.I. 2014/178](#), [art. 2\(f\)](#) (with [art. 3](#))

Commencement Information

- I329** Sch. 21 para. 103 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 4](#)
- I330** 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.

Status: Point in time view as at 14/07/2014.

Changes to legislation: Education Act 2002 is up to date with all changes known to be in force on or before 19 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)

(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

I331 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](#)

I332 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

I333 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](#)

I334 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](#)

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

I335 Sch. 21 para. 106 in force at 1.4.2003 except in relation to W. by [S.I. 2003/124](#), [art. 4](#)

I336 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

I337 Sch. 21 para. 107 in force at 1.8.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 3](#)

I338 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 ”.

Status: Point in time view as at 14/07/2014.

Changes to legislation: Education Act 2002 is up to date with all changes known to be in force on or before 19 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

I339 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

I340 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](#)

I341 Sch. 21 para. 109 in force at 1.4.2003 except in relation to W. by [S.I. 2003/124, art. 4](#)

F60 110

Textual Amendments

F60 Sch. 21 para. 110 omitted (20.2.2014) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\), s. 100\(4\), Sch. 5 para. 32; S.I. 2014/178, art. 2\(g\)](#) (with [art. 3](#))

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

I342 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.](#))

I343 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

I344 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](#)

I345 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](#)

Status: Point in time view as at 14/07/2014.

Changes to legislation: Education Act 2002 is up to date with all changes known to be in force on or before 19 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)

- I346** 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**
- I347** 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)”,
 - ^{F61}(d)
 - (e) in the entry beginning “qualified teacher” for “qualified teacher” there is substituted “school teacher”,
 - (f) in the entry beginning “school opening date” for “section 44(9)” there is substituted “section 33(6)”, and
 - (g) after the entry beginning “school which has selective admission arrangements” there is inserted—
-
- “schools budget (in Part 2) section 45A(2)”.

Textual Amendments

F61 Sch. 21 para. 113(d) repealed (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. 3 Pt. 1**

Commencement Information

I348 Sch. 21 para. 113 partly in force; Sch. 21 para. 113 not in force at Royal Assent, see s. 216; Sch. 21 para. 113 (c)(d)(g) 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. 113 (except sub-paras. (a)-(d)(f)(g)) in force for W. at 19.12.2002 by [S.I. 2002/3185](#), **art. 4, Sch. Pt. I**

I349 Sch. 21 para. 113(a) in force at 9.1.2004 for W. by [S.I. 2003/2961](#), art. 7, **Sch. Pt. IV**

I350 Sch. 21 para. 113(b) in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), **art. 4**

I351 Sch. 21 para. 113(b)(f) in force at 31.10.2005 for W. by [S.I. 2005/2910](#), **art. 4, Sch.**

I352 Sch. 21 para. 113(c)(d)(g) in force at 4.12.2003 for W. by [S.I. 2003/2961](#), art. 5, **Sch. Pt. II**

I353 Sch. 21 para. 113(e) in force at 1.8.2003 except in relation to W. by [S.I. 2003/1667](#), **art. 3**

- 114 In Schedule 3 to the School Standards and Framework Act 1998 (funding of foundation, voluntary and foundation special schools), in paragraph 4(2)(a), for the words from “Part III” to “proposals)” there is substituted “any enactment”.

Commencement Information

I354 Sch. 21 para. 114 partly in force; Sch. 21 para. 114 not in force at Royal Assent, see s. 216; Sch. 21 para. 114 in force for W. at 19.12.2002 by [S.I. 2002/3185](#), **art. 4, Sch. Pt. I**

I355 Sch. 21 para. 114 in force at 1.4.2003 except in relation to W. by [S.I. 2003/124](#), **art. 4**

^{F62}115

Status: Point in time view as at 14/07/2014.

Changes to legislation: Education Act 2002 is up to date with all changes known to be in force on or before 19 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

F62 Sch. 21 para. 115 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)

F63 116

Textual Amendments

F63 Sch. 21 para. 116 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)

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

I356 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](#)

I357 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

F64(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

F65(ii)

Status: Point in time view as at 14/07/2014.

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- (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 ”.
- (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

- F64** 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)
- F65** 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

- I358** 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](#)
- I359** Sch. 21 para. 118(1)-(5) in force at 1.4.2003 except in relation to W. by [S.I. 2003/124](#), [art. 4](#)
- I360** 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

- I361** 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

- I362** 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](#)
- I363** Sch. 21 para. 120 in force at 31.3.2003 for W. by [S.I. 2002/3185](#), [art. 5](#), [Sch. Pt. II](#)
- I364** Sch. 21 para. 120 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 14/07/2014.

Changes to legislation: Education Act 2002 is up to date with all changes known to be in force on or before 19 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)

F66 121

Textual Amendments

F66 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)

—
F67(a)

(b) at the end there is inserted “or

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

Textual Amendments

F67 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

I365 Sch. 21 para. 122 in force at 1.6.2003 except in relation to W. by [S.I. 2003/1115](#), [art. 3](#)

I366 Sch. 21 para. 122(b) in force at 1.1.2004 for W. by [S.I. 2003/2961](#), [art. 6](#), [Sch. Pt. III](#)

F68 123

Textual Amendments

F68 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 ”.

F69(3)

Textual Amendments

F69 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

I367 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.](#))

Status: Point in time view as at 14/07/2014.

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I368 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”.

^{F70}(3)

Textual Amendments

F70 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)

Commencement Information

I369 Sch. 21 para. 125 in force at 4.12.2003 for W. by [S.I. 2003/2961](#), art. 5, **Sch. Pt. II**

I370 Sch. 21 para. 125 in force at 6.11.2006 except in relation to W. by [S.I. 2006/2895](#), art. 2

^{F71}126

Textual Amendments

F71 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

I371 Sch. 21 para. 127 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), art. 4

I372 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^{F72}(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.]

Status: Point in time view as at 14/07/2014.

Changes to legislation: Education Act 2002 is up to date with all changes known to be in force on or before 19 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

F72 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

I373 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**

I374 Sch. 21 para. 128 in force at 31.3.2003 for W. by S.I. 2002/3185, art. 5, **Sch. Pt. II**

I375 Sch. 21 para. 128 in force at 1.6.2003 except in relation to W. by S.I. 2003/1115, **art. 3**

SCHEDULE 22 **E+W**

Section 215(2)

REPEALS

Commencement Information

I376 Sch. 22 in force at 20.1.2003 for specified purposes except in relation to W. by S.I. 2002/2952, **art. 2** (with [Sch. para. 34](#))

I377 Sch. 22 in force at 1.4.2003 for specified purposes except in relation to W. by S.I. 2003/124, **art. 4**

I378 Sch. 22 in force at 6.4.2003 for specified purposes except in relation to W. by S.I. 2003/124, **art. 5**

I379 Sch. 22 in force at 1.6.2003 for specified purposes except in relation to W. by S.I. 2003/1115, **art. 3**

PART 1 **E+W**

REPEALS COMING INTO FORCE IN ACCORDANCE WITH SECTION 216(2)

Commencement Information

I380 Sch. 22 Pt. 1 in force at 1.8.2003 in so far as not already in force by S.I. 2003/1667, **art. 2**

I381 Sch. 22 Pt. 1 partly in force; Sch. 22 Pt. 1 not in force at Royal Assent, see s. 216; specified entries in Sch. 22 Pt. 1 in force at 1.10.2002 by S.I. 2002/2439, **art. 2** (with transitional provisions and savings in [Sch.](#))

<i>Short title and chapter</i>	<i>Extent of repeal</i>
School Teachers' Pay and Conditions Act 1991 (c. 49).	The whole Act.
Further and Higher Education Act 1992 (c. 13).	Section 26(9). Section 48.
Education Act 1996 (c. 56).	In section 578, the reference to the School Teachers' Pay and Conditions Act 1991. In Schedule 37, paragraph 101.
Education Act 1997 (c. 44).	In section 23, in subsection (2), paragraph (f) and the word "and" immediately preceding it, and subsections (3) and (4).

Status: Point in time view as at 14/07/2014.

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	In section 26(3), the words “or approve” and the words “and subject to such conditions”.
School Standards and Framework Act 1998 (c. 31).	Section 13. In Schedule 30, paragraphs 24 to 28, 44 and 214(a). In Schedule 32, paragraph 7.

PART 2 **E+W**

REPEALS COMING INTO FORCE IN ACCORDANCE WITH SECTION 216(3)

Commencement Information

- I382** Sch. 22 Pt. 2 in force at 1.9.2003 for specified purposes by [S.I. 2002/3185, art. 6, Sch. Pt. III](#)
- I383** Sch. 22 Pt. 2 partly in force; Sch. 22 Pt. 2 not in force at Royal Assent, see s. 216; specified entries in Sch. 22 Pt. 2 in force at 19.12.2002 by [S.I. 2002/3185, art. 4, Sch. Pt. I](#); further specified entries in Sch. 22 Pt. 2 in force at 1.9.2003 by [S.I. 2002/3185, art. 6, Sch. Pt. III](#)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Disability Discrimination Act 1995 (c. 50).	Section 28J(4).
Education Act 1997.	In section 29, in subsection (2), paragraph (f) and the word “and” immediately preceding it, and subsections (3) and (4). In section 32(3), the words “or approve” and the words “and subject to such conditions”.
School Standards and Framework Act 1998.	In Schedule 30, paragraph 215.
Special Educational Needs and Disability Act 2001 (c. 10).	Section 42(2). In Schedule 8, paragraph 2.

PART 3 **E+W**

REPEALS COMING INTO FORCE IN ACCORDANCE WITH SECTION 216(4)

Commencement Information

- I384** Sch. 22 Pt. 3 partly in force; Sch. 22 Pt. 3 not in force at Royal Assent, see s. 216; Sch. 22 Pt. 3 in force for E. for specified purposes at 26.7.2002 by [S.I. 2002/2002, art. 3](#); Sch. 22 Pt. 3 in force for E. for specified purposes at 2.9.2002 by [S.I. 2002/2002, art. 4](#); Sch. 22 Pt. 3 in force for E. for specified purposes at 1.10.2002 by [S.I. 2002/2439, art. 3](#) (with [Sch.](#)); Sch. 22 Pt. 3 in force for E. for specified purposes at 20.1.2003 by [S.I. 2002/2952, art. 2](#) (with [art. 3, Sch. paras. 2-4](#)); Sch. 22 Pt. 3 in force for W. for specified purposes at 19.12.2002 by [S.I. 2002/3185, art. 4, Sch. Pt. I](#) (with [art. 7](#))
- I385** Sch. 22 Pt. 3 in force at 31.3.2003 for specified purposes for W. by [S.I. 2002/3185, art. 5, Sch. Pt. II](#)
- I386** Sch. 22 Pt. 3 in force at 1.8.2003 for specified purposes for W. by [S.I. 2003/1718, art. 4, Sch. Pt. I](#)
- I387** Sch. 22 Pt. 3 in force at 1.8.2003 for specified purposes except in relation to W. by [S.I. 2003/1667, art. 3](#) (with [Sch. paras. 2, 3](#)) (which transitional provisions in Sch. para. 2 are omitted (10.9.2005) by virtue of [S.I. 2005/2570, art. 2\(b\)](#))

Status: Point in time view as at 14/07/2014.

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- I388** Sch. 22 Pt. 3 in force at 1.9.2003 for specified purposes for W. by [S.I. 2003/1718, art. 5, Sch. Pt. II](#)
- I389** Sch. 22 Pt. 3 in force at 1.9.2003 for specified purposes except in relation to W. by [S.I. 2003/1667, art. 4](#)
- I390** Sch. 22 Pt. 3 in force at 1.10.2003 for specified purposes except in relation to W. by [S.I. 2003/1667, art. 5](#)
- I391** Sch. 22 Pt. 3 in force at 4.12.2003 for specified purposes for W. by [S.I. 2003/2961, art. 5, Sch. Pt. II](#)
- I392** Sch. 22 Pt. 3 in force at 1.1.2004 for specified purposes for W. by [S.I. 2003/2961, art. 6, Sch. Pt. III](#)
- I393** Sch. 22 Pt. 3 in force at 9.1.2004 for specified purposes for W. by [S.I. 2003/2961, art. 7, Sch. Pt. IV](#)
- I394** Sch. 22 Pt. 3 in force at 31.3.2004 for specified purposes for W. by [S.I. 2004/912, art. 4, Sch. Pt. I](#)
- I395** Sch. 22 Pt. 3 in force at 1.8.2004 for specified purposes for W. by [S.I. 2004/912, art. 5, Sch. Pt. 2](#)
- I396** Sch. 22 Pt. 3 in force at 1.9.2004 for specified purposes for W. by [S.I. 2004/1728, art. 5, Sch. Pt. 2](#)
- I397** Sch. 22 Pt. 3 in force at 31.5.2005 for specified purposes for W. by [S.I. 2005/1395, art. 4, Sch.](#) (with [art. 5\(3\)\(4\)](#))
- I398** Sch. 22 Pt. 3 in force at 31.10.2005 for specified purposes for W. by [S.I. 2005/2910, art. 4, Sch.](#)
- I399** Sch. 22 Pt. 3 in force at 1.2.2006 for specified purposes for W. by [S.I. 2006/172, art. 4, Sch.](#)
- I400** Sch. 22 Pt. 3 in force at 1.4.2006 for specified purposes for W. by [S.I. 2006/879, art. 4, Sch.](#)
- I401** Sch. 22 Pt. 3 in force at 6.11.2006 for specified purposes except in relation to W. by [S.I. 2006/2895, art. 2](#) (with [art. 3](#))
- I402** Sch. 22 Pt. 3 in force at 2.1.2008 for specified purposes for W. by [S.I. 2007/3611, art. 4\(1\), Sch. Pt. 1](#) (with [Sch. Pt paras. 2, 3](#))
- I403** Sch. 22 Pt. 3 in force at 31.3.2008 for specified purposes for W. by [S.I. 2007/3611, art. 4\(2\), Sch. Pt. 2](#)
- I404** Sch. 22 Pt. 3 in force at 1.8.2008 for the repeal of Education Act 1996, section 410 for specified purposes for W. by [S.I. 2008/1728, art. 3, Sch. Pt. 2](#)
- I405** Sch. 22 Pt. 3 in force at 1.9.2011 for specified purposes for W. by [S.I. 2011/1952, art. 2\(c\)](#)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Education Act 1967 (c. 3).	The whole Act, so far as unrepealed.
Local Government Act 1974 (c. 7).	Section 25(5)(b).
Sex Discrimination Act 1975 (c. 65).	In Schedule 2, paragraph 4.
Local Government (Miscellaneous Provisions) Act 1982 (c. 30).	Section 40.
Education (Fees and Awards) Act 1983 (c. 40).	Section 1(6).
Education Act 1986 (c. 40).	Section 1(1)(b) and the word “and” immediately preceding it. Sections 2 to 4.
Education (No. 2) Act 1986 (c. 61).	Section 49. In section 50— (a) in subsection (1), paragraph (b) and the word “and” immediately preceding it, and (b) in subsection (3A), the words from “by the Secretary of State” to “teachers”.
Education Reform Act 1988 (c. 40).	Section 160. Sections 210 and 211. Sections 218 and 218A.
Children Act 1989 (c. 41).	In section 19, subsections (1) and (2) and in subsection (4) the words “the two authorities or, in Scotland,”.

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	In section 79M(1), the word “or” at the end of paragraph (a). Section 79P(4)(d) and the preceding “and”. In section 79U, subsection (5) and, in subsection (9), the definition of “authorised inspector”.
Environmental Protection Act 1990 (c. 43).	Section 98(2)(c)(ii).
Further and Higher Education Act 1992 (c. 13).	In section 23(4), paragraph (b) and the word “and” immediately preceding it. In section 37, subsection (1)(b) and the word “or” immediately preceding it and subsections (8)(a) and (9). Sections 39 to 42. Section 60. In Schedule 8, paragraphs 46, 47, 49, 83 and 90.
Judicial Pensions and Retirement Act 1993 (c. 8).	In Schedule 5, the reference to “Chairman of an Independent Schools Tribunal”. In Schedule 7, paragraph 5(5)(xxvii).
Education Act 1994 (c. 30).	Section 4(4). In section 14, subsections (1), (3) and (4). In Schedule 2, paragraph 8(4).
Disability Discrimination Act 1995 (c. 50).	Section 28Q(12). In Schedule 4A, in the Table in paragraph 1, paragraph 3.
Nursery Education and Grant-Maintained Schools Act 1996 (c. 50).	The whole Act so far as unrepealed.
Education Act 1996 (c. 56).	In section 2(3)(a) the words “(including vocational, social, physical and recreational training)”. In section 4(1) the words “part-time education suitable to the requirements of junior pupils or”. In section 5(1) the words “part-time education suitable to the requirements of junior pupils or”. Section 29(6). In section 316A(11)(b) the words “a maintained nursery school or”. In section 317 subsection (3)(b) and the word “and” preceding it. In section 318, in subsection (3A) paragraph (b) and the word “or” immediately preceding it. In section 329A(13)(a), the words “a maintained nursery school or”. Sections 350 to 369. Section 408(4)(a).

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- In section 409(1), the words “with the approval of the Secretary of State and”.
- Section 410.
- Sections 464 to 478.
- Section 483(3A).
- Section 483A(7).
- In section 484, in subsection (2) the words “England and” and subsection (6).
- Sections 486 to 488.
- Sections 490 to 492
- Section 497A(3).
- Section 509(6).
- In section 509A(5)(b), sub-paragraph (ii) and the word “or” immediately preceding it.
- Section 537(9) and (10).
- In section 545(2)(a), the words “or section 218(7) of the Education Reform Act 1988”.
- In section 548(8), in paragraph (b), sub-paragraph (ii) and the word “or” preceding that sub-paragraph, and paragraph (c).
- In section 568, in subsection (2) the words “sections 468, 471(1) and 474”, in subsection (3) the words from “section 354(6)” to “401”, and subsection (4).
- In section 578, the entries relating to the Education Act 1967 and the Nursery Education and Grant-Maintained Schools Act 1996.
- In section 580, the entries relating to—
- city academy;
 - city college for the technology of the arts;
 - city technology college;
 - register, registration;
 - registered school;
 - Registrar of Independent Schools.
- In Schedule 1, paragraph 7.
- Schedule 34.
- In Schedule 37, paragraphs 13 and 55, in paragraph 65(2), paragraph (b) and the word “and” immediately preceding it, paragraph 76 and paragraph 131.
- School Inspections Act 1996 (c. 57).
- In section 3(3), the word “and” at the end of paragraph (a).
- In section 6(3), the word “and” at the end of paragraph (a).
- In section 10, subsection (3)(e) and, in subsection (4B), paragraph (f) and the preceding “or”.
- In section 11(5), in paragraph (a), “(e)” and paragraph (b).

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	<p>In section 15(4)(c) the words “except where the school is a maintained nursery school”.</p> <p>In section 16(3), the word “and” preceding paragraph (d).</p> <p>In section 20(3), paragraph (b) and the preceding “or”.</p> <p>In section 21—</p> <p>in subsection (3)(b) the words “except in the case of a maintained nursery school”, and in subsection (4), paragraph (b) and the preceding “or”.</p> <p>In Schedule 3, in the definition of “appropriate authority” in paragraph 1, paragraph (b), and in paragraph (c), “(e)”.</p>
Education Act 1997 (c. 44).	<p>Chapter 1 of Part 4.</p> <p>Section 49.</p> <p>In Schedule 7, paragraphs 8, 9(3), 14, 27, 28 and 36.</p>
Police Act 1997 (c. 50).	<p>In section 113—</p> <p>(a) in subsection (3A), paragraph (a)(ii) and (iii), and</p> <p>(b) in subsection (3B), paragraph (c) and the words from “and the reference” to the end.</p> <p>Section 115(6A)(a)(ii) and (iii).</p>
Teaching and Higher Education Act 1998 (c. 30).	<p>Section 1(8).</p> <p>In section 3—</p> <p>(a) the words “within the meaning of section 218(2) of the Education Reform Act 1988”, and</p> <p>(b) subsection (3)(c).</p> <p>Section 10.</p> <p>Section 11.</p> <p>Section 13.</p> <p>Section 18.</p> <p>In Schedule 2, paragraph 1(5).</p> <p>In Schedule 3, paragraph 5.</p>
School Standards and Framework Act 1998 (c. 31).	<p>Section 3.</p> <p>Section 7(10).</p> <p>Section 10(3) and (7).</p> <p>In section 11, in subsection (2) the words from “and” to the end, and subsection (3).</p> <p>Section 16(4) and (13).</p> <p>In section 22(1), in paragraph (b) the words “under section 28 or 31” and in paragraph (c) the words “under section 28”.</p> <p>In section 33(1), the word “and” at the end of paragraph (b).</p> <p>Sections 36 to 44.</p> <p>Section 46.</p> <p>In section 52(2), the word “and” at the end of paragraph (b).</p>

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Sections 54 to 57.

In section 63, in subsections (1) and (3) the word “unauthorised” and, in subsection (4), the definition of “unauthorised absence”.

Sections 64 to 68.

In section 84(6), the definition of “the relevant standard number”.

Section 86(3)(b) and (6).

Section 91.

Section 93.

Section 115.

In section 119(5), the word “and” at the end of paragraph (a).

In section 120(2)(a), the words “of proposals” and “and”.

In section 121, in subsection (1), the words “the authority’s statement of proposals” and in subsection (9) the words “early years development”.

Section 127(6)(e), (f), (h), (i) and (k).

In section 138—

(a) in subsection (2)(b), the words “paragraph 3(5) or 4 of Schedule 10”,

(b) in subsection (4)(b), the words “paragraph 4 or 8 of Schedule 23 or”, and

(c) in subsection (5), paragraph (a) (ii) and (iii) and, in paragraph (b)(ii), the word “46”.

In section 143, the entries relating to local schools budget and relevant standard number.

In Schedule 4, paragraph 5(4)(e).

In Schedule 6—

in paragraph 3(2), the word “or” at the end of paragraph (b);

in paragraph 4(3), the word “or” at the end of paragraph (d);

in paragraph 4(5), the word “or” at the end of paragraph (a);

in paragraph 5(9), the words “or (8)”;

in paragraph 10(6), the words “or (5)”.

Schedules 9 to 13.

Schedules 16 to 18.

Schedules 23 to 25.

In Schedule 26, in paragraph 1, subparagraph (1)(c) and the word “or” preceding it, and paragraphs 6(4), 8(9) and 15.

In Schedule 28, paragraph 4(1) and Part 2.

In Schedule 30—

paragraph 3(3),

paragraph 14,

paragraph 17,

paragraph 47(a),

paragraph 56,

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	in paragraph 74 sub-paragraphs (2) and (3) and in sub-paragraph (4) paragraph (b) and the word “and” preceding it, paragraphs 85 to 90, paragraph 133(b), paragraph 194(3)(a)(ii), paragraph 204(b).
Protection of Children Act 1999 (c. 14).	Section 5. In section 7— (a) subsection (1)(a)(ii) and (iii), (b) the word “and” immediately preceding subsection (2)(c), and (c) subsection (4). In section 9(2), the word “or” at the end of paragraph (d). In section 12(2), the definition of “the 1988 Act”.
Employment Relations Act 1999 (c. 26).	Section 40.
Immigration and Asylum Act 1999 (c. 33).	In Schedule 14, paragraph 117.
Care Standards Act 2000 (c.14).	Section 100. In Schedule 4, paragraph 24.
Learning and Skills Act 2000 (c. 21).	Sections 130 to 132. Section 148(2). In Schedule 7, in paragraph 35(1), the word “or” at the end of paragraph (b). Schedule 8. In Schedule 9, paragraphs 18, 26, 30, 35 and 58, in paragraph 59, sub-paragraphs (6)(b), (7)(b) and (c) and (8), and paragraph 91.
Criminal Justice and Court Services Act 2000 (c. 43).	Section 35(5). In Schedule 7, paragraph 83.

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