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SCHEDULES

VALID FROM 01/09/2005

SCHEDULE 1 **E+W**

Section 1

HER MAJESTY'S CHIEF INSPECTOR OF SCHOOLS IN ENGLAND
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VALID FROM 01/09/2006

SCHEDULE 2 **E+W**

Section 19

HER MAJESTY'S CHIEF INSPECTOR OF EDUCATION AND TRAINING IN WALES

Chief Inspector's other staff

- 1 The Chief Inspector may, with the approval of the Assembly as to numbers and terms and conditions of service, appoint such staff, in addition to inspectors who are members of his staff by virtue of section 19(3), as he thinks fit.

Additional inspectors

- 2 (1) The Chief Inspector may arrange for such persons as he thinks fit to assist him in the discharge of his functions in relation to a particular case or class of case.
- (2) Any person assisting the Chief Inspector under any such arrangements is to be known as an additional inspector.
- (3) Any arrangements which provide for assistance by persons who are not members of the Chief Inspector's staff must be made on terms agreed by him with the Assembly.
- (4) An additional inspector acting within the authority conferred on him by the Chief Inspector has all the powers of one of Her Majesty's Inspectors of Education and Training in Wales.

Remuneration, pensions etc.

- 3 (1) There are to be paid to the Chief Inspector such remuneration, and such travelling and other allowances, as the Assembly may determine.
- (2) In the case of any such Chief Inspector as may be determined by the Assembly, there is to be paid—
- (a) such pension, allowance or gratuity to or in respect of him, or

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(b) such contributions or payments towards provision for such a pension, allowance or gratuity, as may be so determined.

(3) If, when any person ceases to hold office as Chief Inspector, the Assembly determines that there are special circumstances which make it right that he should receive compensation, there may be paid to him such sum by way of compensation as may be determined by the Assembly.

Official seal

4 The Chief Inspector is to continue to have an official seal for the authentication of documents required for the purposes of his functions.

Performance of functions

5 (1) Anything authorised or required by or under this Part of this Act or any other enactment to be done by the Chief Inspector may be done by—

- (a) any of Her Majesty's Inspectors of Education and Training in Wales,
- (b) any other member of his staff, or
- (c) any additional inspector,

who is authorised generally or specially in that behalf by the Chief Inspector.

(2) Without prejudice to the generality of sub-paragraph (1), the references to the Chief Inspector in section 23 include references to any person authorised to act on his behalf under sub-paragraph (1).

Documentary evidence

6 The Documentary Evidence Act 1868 (c. 37) has effect in relation to the Chief Inspector as if—

- (a) he were included in the first column of the Schedule to that Act,
- (b) he and any person authorised to act on his behalf were mentioned in the second column of that Schedule, and
- (c) the regulations referred to in that Act included any document issued by him or any such person.

VALID FROM 01/09/2006

SCHEDULE 3 **E+W**

Section 27

REGISTRATION OF INSPECTORS IN WALES:
 TRIBUNALS HEARING APPEALS UNDER SECTION 27

Modifications etc. (not altering text)

C1 Sch. 3 applied (with modifications) (16.5.2006) by S.I. 2006/1338, art. 6, Sch. 4 para. 5

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VALID FROM 01/09/2006

SCHEDULE 4 **E+W**

Section 28

SCHOOL INSPECTIONS IN WALES UNDER SECTION 28

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VALID FROM 01/09/2005

SCHEDULE 5 **E+W**

Section 46

SIXTH FORMS REQUIRING SIGNIFICANT IMPROVEMENT

.....

VALID FROM 01/09/2006

SCHEDULE 6 **E+W**

Section 50

INSPECTIONS OF DENOMINATIONAL EDUCATION IN WALES

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VALID FROM 01/08/2005

SCHEDULE 7 **E+W**

Section 53

INSPECTION OF CHILD MINDING, DAY CARE AND NURSERY EDUCATION

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VALID FROM 01/09/2005

SCHEDULE 8 **E+W**

Section 54

INSPECTION OF INDEPENDENT SCHOOLS

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VALID FROM 01/09/2005

SCHEDULE 9 **E+W**

Section 61

FURTHER AMENDMENTS RELATING TO SCHOOL INSPECTION

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VALID FROM 01/08/2006

SCHEDULE 10 **E+W**

Section 66

PROPOSALS UNDER SECTION 66 FOR ESTABLISHMENT
 OF SECONDARY SCHOOLS: SUPPLEMENTARY

Modifications etc. (not altering text)

- C4** [Sch. 10](#) modified (1.9.2006) by The Education (New Secondary School Proposals) (England) Regulations 2006, (S.I. 2006/2139), {reg. 24}, Sch. 3
 - C5** [Sch. 10](#) applied (1.9.2006) by 1996 c. 56, s. 529(2) (as amended by [Education Act 2005 \(c. 18\)](#), ss. 72, 125, [Sch. 12 para. 2](#)); S.I. 2006/2129, [art. 4](#)
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VALID FROM 01/09/2006

SCHEDULE 11 **E+W**

Section 67

RATIONALISATION OF SCHOOL PLACES IN ENGLAND

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VALID FROM 01/09/2006

SCHEDULE 12 **E+W**

Section 72

SCHOOL ORGANISATION: FURTHER AMENDMENTS

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VALID FROM 01/09/2005

SCHEDULE 13 **E+W**

Section 77

THE TRAINING AND DEVELOPMENT AGENCY FOR SCHOOLS

.....

VALID FROM 01/09/2005

SCHEDULE 14 **E+W**

Section 98

AMENDMENTS RELATING TO THE TRAINING OF THE SCHOOL WORKFORCE

.....

SCHEDULE 15 **E+W**

Section 99

TRANSITIONAL AND TRANSITORY PROVISIONS RELATING TO PART 3

VALID FROM 01/09/2005

Interpretation

1 In this Schedule “the 1994 Act” means the Education Act 1994 (c. 30).

Renaming of Agency

VALID FROM 01/09/2005

2 For any reference to the Teacher Training Agency in any subordinate legislation or in any other instrument or document there is substituted, as respects any

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time after the commencement of section 74, a reference to the Training and Development Agency for Schools.

3 Any reference to the Training and Development Agency for Schools in this Act (apart from section 74 and this Schedule) or in any instrument under this Act is to be read, in relation to any time before the commencement of section 74, as a reference to the Teacher Training Agency.

VALID FROM 01/09/2005

Existing members of Agency

4 Any member of the Agency appointed under section 2 of the 1994 Act is to be taken to have been appointed under section 77 of this Act.

VALID FROM 01/09/2005

Inspection of teacher training

5 In sections 18B and 18C of the 1994 Act (as substituted by Schedule 14) any reference to anything done under either of those sections includes a reference to anything done before the commencement of those sections under section 18A of that Act.

VALID FROM 01/09/2005

Duty to have regard to needs of disabled persons

6 (1) In exercising their functions, the Agency must have regard to the requirements of persons who are disabled persons for the purposes of the Disability Discrimination Act 1995 (c. 50).
(2) Sub-paragraph (1) is to cease to have effect on the coming into force in relation to the Agency of section 49A of the Disability Discrimination Act 1995 (which is inserted in that Act by the Disability Discrimination Act 2005 and imposes a similar duty on every public authority).

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SCHEDULE 17 **E+W**

Section 107

FOUNDATION, VOLUNTARY AND FOUNDATION SPECIAL SCHOOLS: DISPOSAL OF LAND

- 1 Schedule 22 to the School Standards and Framework Act 1998 (c. 31) (disposal of land in case of certain schools and disposals on discontinuance) is amended as follows.
- 2 (1) Paragraph 1 (disposal of land by governing body of foundation, voluntary or foundation special school) is amended as follows.
- (2) In sub-paragraph (1)—
- (a) at the beginning insert “ Subject to sub-paragraph (1A), ”, and
- (b) in paragraph (a), after “paragraph 5(4)(c)” insert “ or 5(4B)(d) ”.
- (3) After sub-paragraph (1) insert—
- “(1A) This paragraph does not apply to any disposal which—
- (a) is made by the governing body of a foundation or foundation special school after the commencement of this sub-paragraph, and
- (b) is a disposal to the trustees of the school made on the school becoming a school with a foundation falling within section 21(1)(a).”
- (4) In sub-paragraph (2), for “any such disposal” substitute “ any disposal to which this paragraph applies ”.
- (5) In sub-paragraph (3), after “any such disposal” insert “ and he decides to give that consent ”.
- 3 In paragraph 2 (disposal of land by foundation body), in sub-paragraph (3) after “any such disposal” insert “ and he decides to give that consent ”.
- 4 After paragraph 2 insert—

“Disposal of land by trustees of foundation school or foundation special school

- 2A (1) This paragraph applies to any disposal by the trustees of a foundation or foundation special school of—
- (a) any land acquired under paragraph 2 of Schedule 3, under paragraph 16 of Schedule 6 (including that provision as applied by any enactment), under paragraph 5(4B)(d) of this Schedule or under any regulations made under paragraph 5 of Schedule 8,
- (b) any land acquired, or enhanced in value, wholly or partly with the proceeds of disposal of any land acquired as mentioned in paragraph (a), or
- (c) any land falling within sub-paragraph (2) which was acquired by the trustees from the governing body of the school or of another foundation or foundation special school.
- (2) Land falls within this sub-paragraph if—
- (a) it had been acquired by the governing body—
- (i) under a transfer under section 201(1)(a) of the Education Act 1996, or

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- (ii) under any of the provisions mentioned in sub-paragraph (1) (a), or
 - (b) it had been acquired by the governing body, or enhanced in value, wholly or partly with the proceeds of disposal of land acquired as mentioned in paragraph (a).
 - (3) The trustees shall not make any disposal to which this paragraph applies without the written consent of the Secretary of State.
 - (4) Where the trustees apply to the Secretary of State for his consent to any such disposal and he decides to give that consent, he may do one or more of the following, namely—
 - (a) require the land or any part of the land to be transferred to such local authority as he may specify, subject to the payment by that authority of such sum by way of consideration (if any) as he determines to be appropriate; and
 - (b) give the trustees, when the land or any part of the land is disposed of—
 - (i) a direction to pay to such local authority as he may specify the whole or any part of the proceeds of the disposal; and
 - (ii) a direction as to the use to which the whole or any part of the proceeds of disposal should be put.
 - (5) More than one direction may be given under sub-paragraph (4)(b)(i) in relation to a disposal of land within sub-paragraph (1) where it is just to do so, in particular where the disposal involves the creation of a lease.
 - (6) Where the trustees of a foundation or foundation special school wish, in the case of any land held by them for the purposes of the school, to use the land for purposes not connected with the provision of education in maintained schools—
 - (a) the preceding provisions of this paragraph shall apply as if any such change of use of the land were a disposal of the land; and
 - (b) the value of the land as at the date of any direction under sub-paragraph (4)(b)(i) or (ii) shall be treated as proceeds of the disposal of the land.”
- 5 (1) Paragraph 3 (disposal of land by trustees of foundation, voluntary or foundation special school) is amended as follows.
- (2) In sub-paragraph (1)—
 - (a) at the beginning insert “ Subject to sub-paragraph (2A), ”, and
 - (b) in paragraph (a), after “enactment)” insert “ , under paragraph 5(4B)(d) of this Schedule ”.
 - (3) After sub-paragraph (2) insert—

“(2A) Nothing in sub-paragraph (1) applies in relation to any disposal to the extent that it is a disposal to which paragraph 2A applies.”
- 6 (1) Paragraph 5 (discontinuance of foundation, voluntary and foundation special schools: land) is amended as follows.
- (2) After sub-paragraph (4) insert—

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“(4A) Where the school is a foundation or foundation special school which has a foundation, the trustees of the school shall apply to the Secretary of State for him to exercise his powers under sub-paragraph (4B) in relation to any land falling within paragraph 2A(1)(a), (b) or (c) which is held by the trustees for the purposes of the school.

(4B) On an application under sub-paragraph (4A), the Secretary of State may do one or more of the following, namely—

- (a) make any such requirement as is mentioned in paragraph 2A(4)(a);
- (b) where the trustees have power to use the land for the purposes of another foundation or foundation special school or for the purposes of a voluntary school, direct the trustees to exercise that power in such manner as he may specify;
- (c) direct the trustees to pay to such local authority as he may specify the whole or any part of the value, as at the date of the direction, of the whole or any part of the land referred to in sub-paragraph (4A); and
- (d) in a case where the discontinuance of the school is connected with proposals under any enactment to establish, or to make a prescribed alteration to, any other school or schools, require the land or any part of the land to be transferred—
 - (i) to the trustees, foundation body or governing body of such maintained school as he may specify, or
 - (ii) to the trustees, foundation body or temporary governing body of such new school as he may specify.”

(3) In sub-paragraph (5)—

- (a) for “or foundation body” substitute “, foundation body or trustees ”,
- (b) for “(2) or (3)” substitute “ (2), (3) or (4A) ”, and
- (c) for “(4)” substitute “ (4) or (4B), as the case may be ”.

(4) In sub-paragraph (6)(a), after “falling within paragraph 3(1) or (2)” insert “ but not within paragraph 2A(1)(a), (b) or (c) ”.

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SCHEDULE 18 **E+W**

Section 117

FURTHER AMENDMENTS RELATED TO PROVISIONS OF PART 4

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SCHEDULE 19 **E+W**

Section 123

REPEALS

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