

Status: Point in time view as at 27/02/2007.

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SCHEDULES

SCHEDULE 1

Section 6

AMENDMENTS RELATED TO SECTION 6

Disability Discrimination Act 1995 (c. 50)

- 1 (1) In paragraph 1 of Schedule 4C to the Disability Discrimination Act 1995 (modifications of Chapter 2 of Part 4 of the Act where further education etc. is provided by an LEA), the substituted section 28R is amended as follows.
- (2) For subsection (12) substitute—
- “(12) “Recreational or training facilities” means—
- (a) in the case of a local education authority in England, any facilities secured by the authority under section 507A or 507B of the Education Act 1996 (functions of LEAs in England in respect of recreation etc), and
 - (b) in the case of a local education authority in Wales, any facilities secured by the authority under subsection (1), or provided by them under subsection (1A), of section 508 of that Act (functions of LEAs in Wales in respect of recreation and social and physical training).”

Commencement Information

I1 Sch. 1 para. 1 in force at 8.1.2007, see s. 188(2)

Education Act 1996 (c. 56)

- 2 EA 1996 is amended as follows.

Commencement Information

I2 Sch. 1 para. 2 in force at 8.1.2007, see s. 188(2)

- 3 In section 312 (meaning of “special educational needs”), in subsection (2), after “or 15B” insert “ or section 507B ”.

Commencement Information

I3 Sch. 1 para. 3 in force at 8.1.2007, see s. 188(2)

- 4 In section 508 (functions in respect of facilities for recreation etc.)—
- (a) in subsections (1) and (1A), after “local education authority” insert “ in Wales ”, and

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(b) in the heading, for “Functions” substitute “LEAs in Wales: functions”.

Commencement Information

I4 Sch. 1 para. 4 in force at 8.1.2007, see s. 188(2)

5 In section 510 (provision of clothing), in subsection (4)(c), for “made available for them by the authority under section 508(2)” substitute “secured by the authority under section 507A or 507B (if the authority are in England) or made available by the authority for such persons under section 508(2) (if the authority are in Wales)”.

Commencement Information

I5 Sch. 1 para. 5 in force at 8.1.2007, see s. 188(2)

6 In section 547 (nuisance or disturbance on school premises), in subsection (2A)(a), for “section 508” substitute “section 507A or 507B (if the authority are in England) or section 508 (if the authority are in Wales)”.

Commencement Information

I6 Sch. 1 para. 6 in force at 8.1.2007, see s. 188(2)

VALID FROM 01/04/2007

SCHEDULE 2

Sections 7, 10, 11 and 15

PROPOSALS FOR ESTABLISHMENT OR DISCONTINUANCE OF SCHOOLS IN ENGLAND

VALID FROM 25/05/2007

SCHEDULE 3

Section 30

AMENDMENTS RELATING TO SCHOOL ORGANISATION

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VALID FROM 25/05/2007

SCHEDULE 4

Section 36

DISPOSALS AND CHANGES OF USE OF LAND

PART 1

AMENDMENTS TO SCHEDULE 22 TO SSFA 1998

- 1 Schedule 22 to SSFA 1998 (disposal of land by foundation, voluntary or foundation special schools and disposals on discontinuance) is amended as follows.
- 2 Before Part 1 of the Schedule insert—

“PART A1

FOUNDATION, VOLUNTARY AND FOUNDATION SPECIAL SCHOOLS IN ENGLAND: DISPOSALS OF LAND

Disposal of land by governing body of foundation, voluntary or foundation special school

- A1 (1) This paragraph applies to any disposal by the governing body of a foundation, voluntary or foundation special school in England of—
- (a) any land acquired under a transfer under section 201(1)(a) of the Education Act 1996,
 - (b) any land acquired under any of the following—
 - paragraph 2 of Schedule 3;
 - paragraph 16 of Schedule 6 (including that provision as applied by any enactment);
 - paragraph 5(4)(c), 5(4B)(d) or 8A of this Schedule;
 - any regulations made under paragraph 5 of Schedule 8;
 - paragraph 28(2) of Schedule 2 to the Education and Inspections Act 2006 (including that provision as applied by any enactment),
 - (c) any land acquired under any regulations made under—
 - section 24 of the Education and Inspections Act 2006 by virtue of subsection (3)(b) of that section, or
 - section 27 of that Act by virtue of subsection (2)(b) of that section,
 - (d) any land acquired from a foundation body,
 - (e) any land acquired from the Funding Agency for Schools,
 - (f) any land acquired, or enhanced in value, wholly or partly by means of any maintenance, special purpose or capital grant

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- (within the meaning of Chapter 6 of Part 3 of the Education Act 1996),
- (g) any land acquired, or enhanced in value, wholly or partly by means of any grant made on or after 1st April 2007 by the Secretary of State under paragraph 5 of Schedule 3 (including that provision as applied by any enactment) in relation to which notice is given in accordance with paragraph A27,
 - (h) any land acquired, or enhanced in value, wholly or partly by means of expenditure incurred for the purposes of the school and treated by the local education authority as expenditure of a capital nature, or
 - (i) any land acquired, or enhanced in value, wholly or partly with the proceeds of disposal of any land acquired or enhanced in value as mentioned in any of paragraphs (a) to (h).
- (2) But 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 established otherwise than under this Act.
- (3) Sub-paragraph (1)(h) does not apply in the case of any expenditure incurred on or after the appointed day unless the authority—
- (a) prepared an appropriate statement in relation to the expenditure, and
 - (b) sent a copy of the statement to the governing body either before, or no later than 12 months after, the expenditure was incurred.
- (4) An “appropriate statement” in relation to expenditure is a statement in writing which—
- (a) contains details of the amount of the expenditure, the acquisition or works funded (or to be funded) by such expenditure, and the total cost (or estimated total cost) of that acquisition or those works, and
 - (b) indicates that the expenditure was being treated by the authority as expenditure of a capital nature.
- A2 (1) This paragraph applies to a disposal of land to which paragraph A1 applies if, or to the extent that, it comprises a disposal of non-playing field land.
- (2) “Non-playing field land” means land which does not include playing fields within the meaning of section 77.
- (3) Accordingly, in this paragraph, paragraphs A3 to A5 and paragraph A19—
- (a) references to the disposal are to the disposal by the governing body of the non-playing field land, and
 - (b) references to the land are to that non-playing field land.

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- (4) The governing body must give the local education authority notice of their intention to dispose of the land.
- (5) That notification must specify—
 - (a) the relevant capital expenditure upon which it is proposed the publicly funded proceeds of disposal are to be used, and
 - (b) the estimated amount of the proceeds of disposal.
- (6) For the purposes of this paragraph and paragraphs A3 and A4, the “publicly funded proceeds of disposal” means the proceeds of disposal which are attributable to the land having been acquired or enhanced in value, or both, as the case may be, as mentioned in the relevant paragraph or paragraphs of sub-paragraph (1) of paragraph A1.
- (7) The authority may, within the requisite period, give the governing body any or all of the following—
 - (a) notice of their objection to the disposal, giving reasons for their objection;
 - (b) notice of their objection to the proposed use of the publicly funded proceeds of disposal, giving reasons for their objection;
 - (c) notice of their claim to the whole or a part of the publicly funded proceeds of disposal.
- (8) The “requisite period” means the period of 6 weeks beginning with the date upon which the governing body gave notification of the disposal to the authority under sub-paragraph (4).
- (9) A notice given under sub-paragraph (7) may be withdrawn at any time by the authority giving the governing body notice to that effect.
- (10) The governing body may not make the disposal within the requisite period unless within that period—
 - (a) the authority give the governing body notice that they relinquish any right to give notice under sub-paragraph (7) (a) in relation to the disposal, or
 - (b) in a case where the authority give notice of their objection to the disposal in accordance with sub-paragraph (7)(a), the relevant requirements in relation to such a notice are met.
- (11) If the authority give notice of their objection to the disposal in accordance with sub-paragraph (7)(a), the governing body may not make the disposal on or after the expiry of the requisite period until the relevant requirements in relation to such a notice are met.
- (12) The “relevant requirements” in relation to a notice given under sub-paragraph (7)(a) are met if—
 - (a) the adjudicator has approved the disposal on a reference made under paragraph A3(1), or
 - (b) the authority have withdrawn notice of their objection to the disposal in accordance with sub-paragraph (9).

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- (13) If the authority give either or both of the following notices in relation to the disposal in accordance with sub-paragraph (7)—
- (a) notice of their objection to the proposed use of the publicly funded proceeds of disposal under sub-paragraph (7)(b);
 - (b) notice of their claim to the whole or a part of the publicly funded proceeds of disposal under sub-paragraph (7)(c),
- the governing body may not use the publicly funded proceeds of disposal until the relevant requirements in relation to each notice so given are met.
- (14) The “relevant requirements” in relation to a notice given under sub-paragraph (7)(b) are met if—
- (a) the relevant capital expenditure upon which the publicly funded proceeds of disposal are to be used has been determined in accordance with paragraph A3(2), or
 - (b) the authority have withdrawn notice of their objection to the proposed use of the publicly funded proceeds of disposal in accordance with sub-paragraph (9).
- (15) The “relevant requirements” in relation to a notice given under sub-paragraph (7)(c) are met if—
- (a) the “appropriate amount” has been determined in accordance with paragraph A3(3), or
 - (b) the authority have withdrawn notice of their claim in accordance with sub-paragraph (9).
- A3 (1) Where the authority give the governing body notice of their objection to the disposal in accordance with paragraph A2(7)(a), the governing body or the authority may refer the matter to the adjudicator for a determination by him as to whether he approves the disposal.
- (2) Where the authority give the governing body notice of their objection to the proposed use of the publicly funded proceeds of disposal in accordance with paragraph A2(7)(b), the relevant capital expenditure upon which those proceeds are to be used is to be determined—
- (a) by agreement between the governing body and the authority, or
 - (b) by the adjudicator where—
 - (i) the governing body or the authority refer the matter to him for determination, and
 - (ii) by the time of his determination the matter has not been determined by agreement between the governing body and the authority.
- (3) Where the authority give the governing body notice of their claim to the whole or a part of the publicly funded proceeds of disposal in accordance with paragraph A2(7)(c), the amount of those proceeds which it is appropriate for the governing body to pay to the authority (the “appropriate amount”) is to be determined—
- (a) by agreement between the governing body and the authority, or
 - (b) by the adjudicator where—

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- (i) the governing body or the authority refer the matter to him for determination, and
 - (ii) by the time of his determination the matter has not been determined by agreement between the governing body and the authority.
 - (4) Before making a reference to the adjudicator under sub-paragraph (1), (2)(b) or (3)(b), the governing body or, as the case may be, the authority, must give the other notice of their intention to make the reference.
 - (5) On a reference under sub-paragraph (1), (2)(b) or (3)(b), the adjudicator may determine the proportion (if any) of the proceeds of disposal that are or will be the publicly funded proceeds of disposal.
- A4
- (1) This paragraph applies where the disposal is made.
 - (2) The governing body must notify the authority that the disposal has been made and of the amount of the proceeds of disposal.
 - (3) Where—
 - (a) the authority gave notice of their claim to the whole or a part of the publicly funded proceeds of disposal in accordance with paragraph A2(7)(c), and
 - (b) the “appropriate amount” has been determined in accordance with paragraph A3(3) to be an amount greater than zero,the governing body must pay the “appropriate amount” to the authority.
 - (4) The governing body must ensure that the remaining publicly funded proceeds of disposal are used on the agreed relevant capital expenditure.
 - (5) If the amount of the remaining publicly funded proceeds of disposal exceeds the amount of the agreed relevant capital expenditure, then the governing body must ensure that the surplus amount is used on relevant capital expenditure.
 - (6) The “agreed relevant capital expenditure” means—
 - (a) in a case where—
 - (i) no notice of objection to the proposed use of the publicly funded proceeds of disposal was given by the authority in accordance with paragraph A2(7)(b), or
 - (ii) such a notice was so given and was then withdrawn in accordance with paragraph A2(9),the relevant capital expenditure specified in the notification of the disposal given to the authority under paragraph A2(4), and
 - (b) in a case where such notice of objection was so given and was not withdrawn, the relevant capital expenditure upon which the publicly funded proceeds of disposal are to be used as determined in accordance with paragraph A3(2).

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- (7) The “remaining publicly funded proceeds of disposal” means the amount of the publicly funded proceeds of disposal which remains after deducting the “appropriate amount” (if any) determined in accordance with paragraph A3(3).
- (8) Sub-paragraphs (3), (4) and (5) are subject to paragraph A2(13) (restriction on use of publicly funded proceeds of disposal where notices given under paragraph A2(7)(b) or (c)).
- A5 (1) This paragraph applies where—
- (a) the authority gave notice of their objection to the disposal in accordance with paragraph A2(7)(a), and
 - (b) the adjudicator has determined that he does not approve the disposal.
- (2) The governing body may apply to the adjudicator for an order to be made by him requiring 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.
- (3) Before making an application under sub-paragraph (2), the governing body must give the local education authority notice of their intention to make the application.
- A6 (1) For the purposes of paragraphs A2 to A4, “relevant capital expenditure”, in relation to a disposal of land by the governing body of a foundation, voluntary or foundation special school, means capital expenditure in relation to the premises of—
- (a) the school,
 - (b) any existing foundation, voluntary or foundation special school, city technology college, city college for the technology of the arts, or Academy, or
 - (c) any proposed foundation, voluntary or foundation special school, or Academy.
- (2) For the purposes of sub-paragraph (1)(c) it is irrelevant whether proposals have yet been published under any enactment in respect of the proposed school or Academy in question.

Disposal of land by foundation body

- A7 (1) This paragraph applies to any disposal by a foundation body in England of—
- (a) any land acquired under any of the following—
 - paragraph 2, 4 or 9 of Schedule 3;
 - paragraph 16 or 20 of Schedule 6 (including that provision as applied by any enactment);
 - paragraph 5 or 6 of Schedule 21;
 - paragraph 5(4B)(d) of this Schedule;
 - any regulations made under paragraph 5 of Schedule 8,
 - (b) any land acquired under any of the following—

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- paragraph 8(5) of Schedule 8 to the Education Act 2002;
- paragraph 14(5) of Schedule 10 to the Education Act 2005;
- paragraph 28(2) or 31(1) of Schedule 2 to the Education and Inspections Act 2006 (including that provision as applied by any enactment);
- any regulations made under section 24 of that Act by virtue of subsection (3)(b) of that section;
- any regulations made under section 27 of that Act by virtue of subsection (2)(b) of that section,
- (c) any land acquired from the governing body of a maintained school,
- (d) any land acquired from another foundation body,
- (e) any land acquired, or enhanced in value, wholly or partly by means of any grant provided by the Secretary of State on or after the appointed day other than a grant made on or after 1st April 2007 under paragraph 5 of Schedule 3 (including that provision as applied by any enactment),
- (f) any land acquired, or enhanced in value, wholly or partly by means of any grant made on or after 1st April 2007 by the Secretary of State under paragraph 5 of Schedule 3 (including that provision as applied by any enactment) in relation to which notice is given in accordance with paragraph A27,
- (g) any land acquired, or enhanced in value, wholly or partly by means of expenditure incurred for the purposes of any of the schools comprising the group for which the body acts and treated by the local education authority as expenditure of a capital nature, or
- (h) any land acquired, or enhanced in value, wholly or partly with the proceeds of disposal of any land acquired or enhanced in value as mentioned in any of paragraphs (a) to (g).
- (2) A “foundation body in England” means a foundation body where each of the schools comprising the group of schools for which the foundation body acts is maintained by a local education authority in England.
- (3) But this paragraph does not apply to any disposal which—
- (a) is made by a foundation body after the commencement of this sub-paragraph, and
- (b) is a disposal to the trustees of a foundation or foundation special school made on the school leaving the group for which the foundation body acts and becoming a school with a foundation established otherwise than under this Act.
- (4) Sub-paragraph (1)(g) does not apply in the case of any expenditure incurred on or after the appointed day unless the authority—
- (a) prepared an appropriate statement in relation to the expenditure, and

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- (b) sent a copy of the statement to the foundation body either before, or no later than 12 months after, the expenditure was incurred.
- (5) An “appropriate statement” in relation to expenditure is a statement in writing which—
- (a) contains details of the amount of the expenditure, the acquisition or works funded (or to be funded) by such expenditure, and the total cost (or estimated total cost) of that acquisition or those works, and
- (b) indicates that the expenditure was being treated by the authority as expenditure of a capital nature.
- A8 (1) This paragraph applies to a disposal of land to which paragraph A7 applies if, or to the extent that, it comprises a disposal of non-playing field land.
- (2) “Non-playing field land” means land which does not include playing fields within the meaning of section 77.
- (3) Accordingly, in this paragraph, paragraphs A9 to A11 and paragraph A19—
- (a) references to the disposal are to the disposal by the foundation body of the non-playing field land, and
- (b) references to the land are to that non-playing field land.
- (4) The foundation body must give the local education authority notice of its intention to dispose of the land.
- (5) That notification must specify—
- (a) the relevant capital expenditure upon which it is proposed the publicly funded proceeds of disposal are to be used, and
- (b) the estimated amount of the proceeds of disposal.
- (6) For the purposes of this paragraph and paragraphs A9 and A10, the “publicly funded proceeds of disposal” means the proceeds of disposal which are attributable to the land having been acquired or enhanced in value, or both, as the case may be, as mentioned in the relevant paragraph or paragraphs of sub-paragraph (1) of paragraph A7.
- (7) The authority may, within the requisite period, give the foundation body any or all of the following—
- (a) notice of their objection to the disposal, giving reasons for their objection;
- (b) notice of their objection to the proposed use of the publicly funded proceeds of disposal, giving reasons for their objection;
- (c) notice of their claim to the whole or a part of the publicly funded proceeds of disposal.
- (8) The “requisite period” means the period of 6 weeks beginning with the date upon which the foundation body gave notification of the disposal to the authority under sub-paragraph (4).

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- (9) A notice given under sub-paragraph (7) may be withdrawn at any time by the authority giving the foundation body notice to that effect.
- (10) The foundation body may not make the disposal within the requisite period unless within that period—
- (a) the authority give the foundation body notice that they relinquish any right to give notice under sub-paragraph (7) (a) in relation to the disposal, or
 - (b) in a case where the authority give notice of their objection to the disposal in accordance with sub-paragraph (7)(a), the relevant requirements in relation to such a notice are met.
- (11) If the authority give notice of their objection to the disposal in accordance with sub-paragraph (7)(a), the foundation body may not make the disposal on or after the expiry of the requisite period until the relevant requirements in relation to such a notice are met.
- (12) The “relevant requirements” in relation to a notice given under sub-paragraph (7)(a) are met if—
- (a) the adjudicator has approved the disposal on a reference made under paragraph A9(1), or
 - (b) the authority have withdrawn notice of their objection to the disposal in accordance with sub-paragraph (9).
- (13) If the authority give either or both of the following notices in relation to the disposal in accordance with sub-paragraph (7)—
- (a) notice of their objection to the proposed use of the publicly funded proceeds of disposal under sub-paragraph (7)(b);
 - (b) notice of their claim to the whole or a part of the publicly funded proceeds of disposal under sub-paragraph (7)(c),
- the foundation body may not use the publicly funded proceeds of disposal until the relevant requirements in relation to each notice so given are met.
- (14) The “relevant requirements” in relation to a notice given under sub-paragraph (7)(b) are met if—
- (a) the relevant capital expenditure upon which the publicly funded proceeds of disposal are to be used has been determined in accordance with paragraph A9(2), or
 - (b) the authority have withdrawn notice of their objection to the proposed use of the publicly funded proceeds of disposal in accordance with sub-paragraph (9).
- (15) The “relevant requirements” in relation to a notice given under sub-paragraph (7)(c) are met if—
- (a) the “appropriate amount” has been determined in accordance with paragraph A9(3), or
 - (b) the authority have withdrawn notice of their claim in accordance with sub-paragraph (9).
- A9 (1) Where the authority give the foundation body notice of their objection to the disposal in accordance with paragraph A8(7)(a), the foundation

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body or the authority may refer the matter to the adjudicator for a determination by him as to whether he approves the disposal.

- (2) Where the authority give the foundation body notice of their objection to the proposed use of the publicly funded proceeds of disposal in accordance with paragraph A8(7)(b), the relevant capital expenditure upon which those proceeds are to be used is to be determined—
 - (a) by agreement between the foundation body and the authority, or
 - (b) by the adjudicator where—
 - (i) the foundation body refers or the authority refer the matter to him for determination, and
 - (ii) by the time of his determination the matter has not been determined by agreement between the foundation body and the authority.
- (3) Where the authority give the foundation body notice of their claim to the whole or a part of the publicly funded proceeds of disposal in accordance with paragraph A8(7)(c), the amount of those proceeds which it is appropriate for the foundation body to pay to the authority (the “appropriate amount”) is to be determined—
 - (a) by agreement between the foundation body and the authority, or
 - (b) by the adjudicator where—
 - (i) the foundation body refers or the authority refer the matter to him for determination, and
 - (ii) by the time of his determination the matter has not been determined by agreement between the foundation body and the authority.
- (4) Before making a reference to the adjudicator under sub-paragraph (1), (2)(b) or (3)(b), the foundation body or, as the case may be, the authority, must give the other notice of its or their intention to make the reference.
- (5) On a reference under sub-paragraph (1), (2)(b) or (3)(b), the adjudicator may determine the proportion (if any) of the proceeds of disposal that are or will be the publicly funded proceeds of disposal.

A10 (1) This paragraph applies where the disposal is made.

(2) The foundation body must notify the authority that the disposal has been made and of the amount of the proceeds of disposal.

(3) Where—

(a) the authority gave notice of their claim to the whole or a part of the publicly funded proceeds of disposal in accordance with paragraph A8(7)(c), and

(b) the “appropriate amount” has been determined in accordance with paragraph A9(3) to be an amount greater than zero,

the foundation body must pay the “appropriate amount” to the authority.

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- (4) The foundation body must ensure that the remaining publicly funded proceeds of disposal are used on the agreed relevant capital expenditure.
 - (5) If the amount of the remaining publicly funded proceeds of disposal exceeds the amount of the agreed relevant capital expenditure, then the foundation body must ensure that the surplus amount is used on relevant capital expenditure.
 - (6) The “agreed relevant capital expenditure” means—
 - (a) in a case where—
 - (i) no notice of objection to the proposed use of the publicly funded proceeds of disposal was given by the authority in accordance with paragraph A8(7)(b), or
 - (ii) such a notice was so given and was then withdrawn in accordance with paragraph A8(9),the relevant capital expenditure specified in the notification of the disposal given to the authority under paragraph A8(4), and
 - (b) in a case where such notice of objection was so given and was not withdrawn, the relevant capital expenditure upon which the publicly funded proceeds of disposal are to be used as determined in accordance with paragraph A9(2).
 - (7) The “remaining publicly funded proceeds of disposal” means the amount of the publicly funded proceeds of disposal which remains after deducting the “appropriate amount” (if any) determined in accordance with paragraph A9(3).
 - (8) Sub-paragraphs (3), (4) and (5) are subject to paragraph A8(13) (restriction on use of publicly funded proceeds of disposal where notices given under paragraph A8(7)(b) or (c)).
- A11 (1) This paragraph applies where—
 - (a) the authority gave notice of their objection to the disposal in accordance with paragraph A8(7)(a), and
 - (b) the adjudicator has determined that he does not approve the disposal.
- (2) The foundation body may apply to the adjudicator for an order to be made by him requiring 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.
 - (3) Before making an application under sub-paragraph (2), the foundation body must give the local education authority notice of its intention to make the application.
- A12 (1) For the purposes of paragraphs A8 to A10, “relevant capital expenditure”, in relation to a disposal of land by a foundation body, means capital expenditure in relation to the premises of—

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- (a) any of the schools comprising the group for which the body acts,
 - (b) any existing foundation, voluntary or foundation special school, city technology college, city college for the technology of the arts, or Academy, or
 - (c) any proposed foundation, voluntary or foundation special school, or Academy.
- (2) For the purposes of sub-paragraph (1)(c) it is irrelevant whether proposals have yet been published under any enactment in respect of the proposed school or Academy in question.

Disposal of land by trustees of foundation, voluntary or foundation special school

- A13 (1) This sub-paragraph applies to any disposal by the trustees of a foundation, voluntary or foundation special school in England of—
- (a) any land acquired under section 60, 61 or 70 of the Education Act 1996,
 - (b) any land acquired under any of the following—
 - paragraph 2 of Schedule 3;
 - paragraph 16 of Schedule 6 (including that provision as applied by any enactment);
 - paragraph 5(4B)(d) of this Schedule;
 - any regulations made under paragraph 5 of Schedule 8,
 - (c) any land acquired under any of the following—
 - paragraph 4 or 9 of Schedule 3;
 - paragraph 20 of Schedule 6 (including that provision as applied by any enactment),
 - (d) any land acquired under any of the following—
 - paragraph 8(5) of Schedule 8 to the Education Act 2002;
 - paragraph 14(5) of Schedule 10 to the Education Act 2005;
 - paragraph 28(2) or 31(1) of Schedule 2 to the Education and Inspections Act 2006 (including that provision as applied by any enactment);
 - any regulations made under section 24 of that Act by virtue of subsection (3)(b) of that section,
 - (e) any land acquired, or enhanced in value, wholly or partly by means of expenditure incurred on or after the appointed day for the purposes of the school and treated by the local education authority as expenditure of a capital nature,
 - (f) any land acquired from the Funding Agency for Schools,
 - (g) any land acquired, or enhanced in value, wholly or partly by means of—
 - (i) any maintenance, special purpose or capital grant (within the meaning of Chapter 6 of Part 3 of the Education Act 1996), or

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- (ii) any grant paid under section 216(2) of that Act,
 - (h) any land acquired wholly or partly with the proceeds of disposal of any land acquired or enhanced in value as mentioned in paragraph (f) or (g),
 - (i) any land acquired, or enhanced in value, wholly or partly by means of any grant made in pursuance of a special agreement (as defined by section 32(5) of the Education Act 1996),
 - (j) any land acquired, or enhanced in value, wholly or partly by means of any grant made on or after 1st April 2007 by the Secretary of State under paragraph 5 of Schedule 3 (including that provision as applied by any enactment) in relation to which notice is given in accordance with paragraph A27, or
 - (k) any land acquired, or enhanced in value, wholly or partly with the proceeds of disposal of any land acquired or enhanced in value as mentioned in paragraph (j).
- (2) This sub-paragraph applies to any disposal by the trustees of a foundation or foundation special school in England of—
- (a) any land acquired by the trustees from the governing body of the school or of another foundation or foundation special school which was land—
 - (i) acquired by the governing body under a transfer under section 201(1)(a) of the Education Act 1996,
 - (ii) acquired by the governing body under any of the provisions mentioned in sub-paragraph (1)(b) or under paragraph 8A of this Schedule, or
 - (iii) acquired by the governing body, or enhanced in value, wholly or partly with the proceeds of disposal of land acquired as mentioned in sub-paragraph (i) or (ii), or
 - (b) any land acquired, or enhanced in value, wholly or partly with the proceeds of disposal of any land acquired as mentioned in sub-paragraph (1)(b).
- (3) This sub-paragraph applies to any disposal by the trustees of a voluntary school in England of—
- (a) any land acquired by the trustees from the governing body of the school which was land acquired by the governing body—
 - (i) under a transfer under section 201(1)(a) of the Education Act 1996, or
 - (ii) wholly or partly with the proceeds of disposal of any land so acquired,and transferred by the governing body to be held on trust by the trustees, or
 - (b) in the case of a school to which sub-paragraph (4) applies, any land acquired, or enhanced in value, wholly or partly by means of expenditure incurred under section 63 or 64 of the Education Act 1996.

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- (4) This sub-paragraph applies to a voluntary aided school which was, immediately before the appointed day, a controlled school within the meaning of the Education Act 1996.
- (5) Sub-paragraph (1)(e) does not apply in the case of any expenditure unless the authority—
- (a) prepared an appropriate statement in relation to the expenditure, and
 - (b) sent a copy of the statement to the trustees either before, or no later than 12 months after, the expenditure was incurred.
- (6) An “appropriate statement” in relation to expenditure is a statement in writing which—
- (a) contains details of the amount of the expenditure, the acquisition or works funded (or to be funded) by such expenditure, and the total cost (or estimated total cost) of that acquisition or those works, and
 - (b) indicates that the expenditure was being treated by the authority as expenditure of a capital nature.
- (7) Where the trustees of a foundation, voluntary 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 the preceding provisions of this paragraph and paragraphs A14 to A16 apply (subject to the modifications specified in paragraphs A14(18), A15(5) and A16(9)) as if any such change of use of the land were a disposal of the land.
- A14 (1) This paragraph applies to a disposal of land to which sub-paragraph (1), (2) or (3) of paragraph A13 applies.
- (2) But this paragraph only applies to a disposal if, or to the extent that, it comprises a disposal of non-playing field land which does not fall within sub-paragraph (5).
- (3) “Non-playing field land” means land which does not include playing fields within the meaning of section 77.
- (4) Accordingly, in this paragraph, paragraphs A15 to A17 and paragraph A19—
- (a) references to the disposal are to the disposal by the trustees of the non-playing field land, and
 - (b) references to the land are to that non-playing field land.
- (5) A disposal of non-playing field land falls within this sub-paragraph if it is a disposal of—
- (a) land acquired under section 60 or 61 of the Education Act 1996, or
 - (b) land acquired under paragraph 2 or 4 of Schedule 3 to this Act,

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by the trustees of an institution which is, or has at any time been, within the further education sector (as defined by section 4(3) of the Education Act 1996).

- (6) The trustees must give the local education authority notice of their intention to dispose of the land.
- (7) That notification must specify—
 - (a) the relevant capital expenditure upon which it is proposed the publicly funded proceeds of disposal are to be used, and
 - (b) the estimated amount of the proceeds of disposal.
- (8) For the purposes of this paragraph and paragraphs A15 and A16, the “publicly funded proceeds of disposal” means the proceeds of disposal which are attributable to the land having been acquired or enhanced in value, or both, as the case may be, as mentioned in the relevant paragraph or paragraphs of sub-paragraph (1), (2) or (3) of paragraph A13.
- (9) The authority may, within the requisite period, give the trustees any or all of the following—
 - (a) notice of their objection to the disposal, giving reasons for their objection;
 - (b) notice of their objection to the proposed use of the publicly funded proceeds of disposal, giving reasons for their objection;
 - (c) notice of their claim to the whole or a part of the publicly funded proceeds of disposal.
- (10) The “requisite period” means the period of 6 weeks beginning with the date upon which the trustees gave notification of the disposal to the authority under sub-paragraph (6).
- (11) A notice given under sub-paragraph (9) may be withdrawn at any time by the authority giving the trustees notice to that effect.
- (12) The trustees may not make the disposal within the requisite period unless within that period—
 - (a) the authority give the trustees notice that they relinquish any right to give notice under sub-paragraph (9)(a) in relation to the disposal, or
 - (b) in a case where the authority give notice of their objection to the disposal in accordance with sub-paragraph (9)(a), the relevant requirements in relation to such a notice are met.
- (13) If the authority give notice of their objection to the disposal in accordance with sub-paragraph (9)(a), the trustees may not make the disposal on or after the expiry of the requisite period until the relevant requirements in relation to such a notice are met.
- (14) The “relevant requirements” in relation to a notice given under sub-paragraph (9)(a) are met if—
 - (a) the adjudicator has approved the disposal on a reference made under paragraph A15(1), or

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- (b) the authority have withdrawn notice of their objection to the disposal in accordance with sub-paragraph (11).
- (15) If the authority give either or both of the following notices in relation to the disposal in accordance with sub-paragraph (9)—
 - (a) notice of their objection to the proposed use of the publicly funded proceeds of disposal under sub-paragraph (9)(b);
 - (b) notice of their claim to the whole or a part of the publicly funded proceeds of disposal under sub-paragraph (9)(c),
 the trustees may not use the publicly funded proceeds of disposal until the relevant requirements in relation to each notice so given are met.
- (16) The “relevant requirements” in relation to a notice given under sub-paragraph (9)(b) are met if—
 - (a) the relevant capital expenditure upon which the publicly funded proceeds of disposal are to be used has been determined in accordance with paragraph A15(2), or
 - (b) the authority have withdrawn notice of their objection to the proposed use of the publicly funded proceeds of disposal in accordance with sub-paragraph (11).
- (17) The “relevant requirements” in relation to a notice given under sub-paragraph (9)(c) are met if—
 - (a) the “appropriate amount” has been determined in accordance with paragraph A15(3), or
 - (b) the authority have withdrawn notice of their claim in accordance with sub-paragraph (11).
- (18) In its application in the case of a disposal of land to which sub-paragraph (1), (2) or (3) of paragraph A13 applies by virtue of sub-paragraph (7) of that paragraph, this paragraph is modified as follows—
 - (a) in sub-paragraph (7) for paragraphs (a) and (b) substitute “the purposes for which it is proposed the land is to be used”,
 - (b) in sub-paragraph (9)—
 - (i) omit paragraphs (a) and (c), and
 - (ii) in paragraph (b), for “proposed use of the publicly funded proceeds of disposal” substitute “proposed purposes for which the land is to be used”,
 - (c) in sub-paragraph (15)—
 - (i) for “proposed use of the publicly funded proceeds of disposal” substitute “proposed purposes for which the land is to be used”, and
 - (ii) for “use the publicly funded proceeds of disposal” substitute “use the land for purposes not connected with the provision of education in maintained schools”, and
 - (d) in sub-paragraph (16)—
 - (i) for “relevant capital expenditure upon which the publicly funded proceeds of disposal are to be used

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- has” substitute “purposes for which the land is to be used have”, and
- (ii) for “proposed use of the publicly funded proceeds of disposal” substitute “proposed purposes for which the land is to be used”.
- A15 (1) Where the authority give the trustees notice of their objection to the disposal in accordance with paragraph A14(9)(a), the trustees or the authority may refer the matter to the adjudicator for a determination by him as to whether he approves the disposal.
- (2) Where the authority give the trustees notice of their objection to the proposed use of the publicly funded proceeds of disposal in accordance with paragraph A14(9)(b), the relevant capital expenditure upon which those proceeds are to be used is to be determined—
- (a) by agreement between the trustees and the authority, or
- (b) by the adjudicator where—
- (i) the trustees or the authority refer the matter to him for determination, and
- (ii) by the time of his determination the matter has not been determined by agreement between the trustees and the authority.
- (3) Where the authority give the trustees notice of their claim to the whole or a part of the publicly funded proceeds of disposal in accordance with paragraph A14(9)(c), the amount of those proceeds which it is appropriate for the trustees or their successors to pay to the authority (the “appropriate amount”) is to be determined—
- (a) by agreement between the trustees and the authority, or
- (b) by the adjudicator where—
- (i) the trustees or the authority refer the matter to him for determination, and
- (ii) by the time of his determination the matter has not been determined by agreement between the trustees and the authority.
- (4) Before making a reference to the adjudicator under sub-paragraph (1), (2)(b) or (3)(b), the trustees or, as the case may be, the authority, must give the other notice of their intention to make the reference.
- (5) On a reference under sub-paragraph (1), (2)(b) or (3)(b), the adjudicator may determine the proportion (if any) of the proceeds of disposal that are or will be the publicly funded proceeds of disposal.
- (6) In the application of this paragraph in the case of a disposal of land to which sub-paragraph (1), (2) or (3) of paragraph A13 applies by virtue of sub-paragraph (7) of that paragraph, sub-paragraph (2) is modified as follows—
- (a) for “proposed use of the publicly funded proceeds of disposal” substitute “proposed purposes for which the land is to be used”, and

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(b) for “relevant capital expenditure upon which those proceeds are to be used is” substitute “purposes for which the land is to be used are”.

- A16 (1) This paragraph applies where the disposal is made.
- (2) The trustees must notify the authority that the disposal has been made and of the amount of the proceeds of disposal.
- (3) Where—
- (a) the authority gave notice of their claim to the whole or a part of the publicly funded proceeds of disposal in accordance with paragraph A14(9)(c), and
- (b) the “appropriate amount” has been determined in accordance with paragraph A15(3) to be an amount greater than zero, the trustees or their successors must pay the “appropriate amount” to the authority.
- (4) The trustees and their successors must ensure that the remaining publicly funded proceeds of disposal are used on the agreed relevant capital expenditure.
- (5) If the amount of the remaining publicly funded proceeds of disposal exceeds the amount of the agreed relevant capital expenditure, then the trustees and their successors must ensure that the surplus amount is used on relevant capital expenditure.
- (6) The “agreed relevant capital expenditure” means—
- (a) in a case where—
- (i) no notice of objection to the proposed use of the publicly funded proceeds of disposal was given by the authority in accordance with paragraph A14(9)(b), or
- (ii) such a notice was so given and was then withdrawn in accordance with paragraph A14(11), the relevant capital expenditure specified in the notification of the disposal given to the authority under paragraph A14(6), and
- (b) in a case where such notice of objection was so given and was not withdrawn, the relevant capital expenditure upon which the publicly funded proceeds of disposal are to be used as determined in accordance with paragraph A15(2).
- (7) The “remaining publicly funded proceeds of disposal” means the amount of the publicly funded proceeds of disposal which remains after deducting the “appropriate amount” (if any) determined in accordance with paragraph A15(3).
- (8) Sub-paragraphs (3), (4) and (5) are subject to paragraph A14(15) (restriction on use of publicly funded proceeds of disposal where notices given under paragraph A14(9)(b) or (c)).
- (9) In its application in the case of a disposal of land to which sub-paragraph (1), (2) or (3) of paragraph A13 applies by virtue of

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sub-paragraph (7) of that paragraph, this paragraph is modified as follows—

- (a) in sub-paragraph (2) omit the words from “and of the amount” to the end,
- (b) in sub-paragraph (4) for “remaining publicly funded proceeds of disposal are used on the agreed relevant capital expenditure” substitute “land is used for the agreed purposes”,
- (c) omit sub-paragraph (5), and
- (d) in sub-paragraph (6)—
 - (i) for “agreed relevant capital expenditure” substitute “agreed purposes”,
 - (ii) for “proposed use of the publicly funded proceeds of disposal” substitute “proposed purposes for which the land is to be used”,
 - (iii) for “relevant capital expenditure” substitute “proposed purposes”, and
 - (iv) for “relevant capital expenditure upon which the publicly funded proceeds of disposal are to be used” substitute “purposes for which the land is to be used”.

A17 (1) This paragraph applies where—

- (a) the authority gave notice of their objection to the disposal in accordance with paragraph A14(9)(a), and
 - (b) the adjudicator has determined that he does not approve the disposal.
- (2) The trustees may apply to the adjudicator for an order to be made by him requiring 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.
- (3) Before making an application under sub-paragraph (2), the trustees must give the local education authority notice of their intention to make the application.

A18 (1) For the purposes of paragraphs A14 to A16, “relevant capital expenditure”, in relation to a disposal of land by the trustees of a foundation, voluntary or foundation special school, means capital expenditure in relation to the premises of—

- (a) the school,
 - (b) any existing foundation, voluntary or foundation special school, city technology college, city college for the technology of the arts, or Academy, or
 - (c) any proposed foundation, voluntary or foundation special school, or Academy.
- (2) For the purposes of sub-paragraph (1)(c) it is irrelevant whether proposals have yet been published under any enactment in respect of the proposed school or Academy in question.

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Duty to have regard to guidance etc

- A19 (1) A local education authority, a governing body, a foundation body and trustees must have regard, in particular, to any guidance given from time to time by the Secretary of State—
- (a) in determining whether to give a notice, or make a reference or application to the adjudicator, under any of paragraphs A2 to A17, or
 - (b) in determining the publicly funded proceeds of disposal or the “appropriate amount” for the purposes of any of those paragraphs.
- (2) In determining any matter for the purposes of any of the provisions mentioned in sub-paragraph (1), the adjudicator must have regard, in particular, to any guidance given from time to time by the Secretary of State.
- (3) In addition to having regard to guidance as required under sub-paragraph (1)(b) or (2), a local education authority, a governing body, a foundation body, trustees and the adjudicator, must also have regard, in particular, to the factors mentioned in sub-paragraph (4) in determining any of the following for the purposes of any of paragraphs A2 to A17—
- (a) the publicly funded proceeds of disposal;
 - (b) the “appropriate amount”;
 - (c) the amount of the consideration (if any) to be paid under paragraph A5, A11 or A17.
- (4) The factors referred to in sub-paragraph (3) are—
- (a) in the case of any disposal, the value of the land as at the date of the determination,
 - (b) in the case of any disposal, any enhancement in value of the land attributable to expenditure on the land by the local education authority or a relevant person,
 - (c) in the case of any disposal, any expenditure on the land by a relevant person,
 - (d) in the case of any disposal, any relevant payments made by a relevant person to the local education authority or the Secretary of State,
 - (e) in the case of any disposal, to the extent that they do not fall within paragraph (c) or (d), any payments in respect of the acquisition of the land, and
 - (f) in the case of a disposal falling within paragraph A1(1)(i), paragraph A7(1)(h) or paragraph A13(1)(h) or (k), (2)(a)(iii) or (b), or (3)(a)(ii), the extent to which the proceeds of disposal mentioned in the provision in question were publicly funded proceeds of disposal as defined for the purposes of paragraph A2, A8 or A14, as the case may be.
- (5) A “relevant person” means—

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- (a) in the case of a disposal to which paragraph A2 or A14 applies, the governing body or the trustees of the school in question, and
 - (b) in the case of a disposal to which paragraph A8 applies, the foundation body in question.
- (6) A “relevant payment” means—
- (a) in the case of any disposal, a payment in respect of the current school site or sites to which the land relates,
 - (b) in the case of any disposal, a payment under any of the following provisions—
 - paragraph 2(6) of Schedule 3;
 - paragraph 16(5) of Schedule 6 (including that provision as applied by any enactment);
 - section 60(4) of the Education Act 1996;
 - paragraph 28(5) of Schedule 2 to the Education and Inspections Act 2006 (including that provision as applied by any enactment), and
 - (c) in the case of a disposal of land falling within any of the following provisions—
 - paragraph A1(1)(f) or (g);
 - paragraph A7(1)(e) or (f);
 - paragraph A13(1)(g), (i) or (j),
- a payment in respect of the grant mentioned in the provision in question.
- (7) The reference in sub-paragraph (5)(a) to the governing body or the trustees of the school in question includes—
- (a) where the school was established in pursuance of proposals published under section 28(2) or 28A(2), the persons who published the proposals,
 - (b) where the school was established in pursuance of proposals published under section 70 of the Education Act 2002 or section 66 of the Education Act 2005 which were made by persons other than a local education authority, the persons by whom the proposals were made, and
 - (c) where the school was established in pursuance of proposals published under any of sections 7, 10 and 11 of the Education and Inspections Act 2006, any persons, other than a local education authority, by whom the proposals were treated for the purposes of Schedule 2 to that Act as having been made.
- (8) The reference in sub-paragraph (5)(b) to the foundation body in question includes—
- (a) where the school or any of the schools to which the land in question relates was established in pursuance of proposals published under section 28(2) or 28A(2), the persons who published the proposals,
 - (b) where the school or any of the schools to which the land in question relates was established in pursuance of proposals published under section 70 of the Education Act 2002 or

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section 66 of the Education Act 2005 which were made by persons other than a local education authority, the persons by whom the proposals were made, and

- (c) where the school or any of the schools to which the land in question relates was established in pursuance of proposals published under any of sections 7, 10 and 11 of the Education and Inspections Act 2006, any persons, other than a local education authority, by whom the proposals were treated for the purposes of Schedule 2 to that Act as having been made.

Power to vary or revoke determinations or orders

- A20 (1) A determination made by the adjudicator on a reference made to him under any of paragraphs A3 to A15 may be varied or revoked by a further determination made by him if—
- (a) the matter is referred to him by a relevant person in relation to the determination, and
 - (b) before making the further determination, the adjudicator consults such persons as he considers appropriate.
- (2) A “relevant person” in relation to a determination means—
- (a) the local education authority, governing body, foundation body or trustees who made the reference to the adjudicator in relation to which the determination was made, or
 - (b) any other of those persons who could have made that reference.
- (3) In determining whether to make a reference to the adjudicator under sub-paragraph (1)(a), a relevant person must have regard, in particular, to any guidance given from time to time by the Secretary of State.
- (4) An order made by the adjudicator on an application under paragraph A5, A11 or A17 may be varied or revoked by a further order made by him if—
- (a) an application for its variation or revocation is made to him by an appropriate person in relation to the order, and
 - (b) before making the further order, the adjudicator consults such persons as he considers appropriate.
- (5) An “appropriate person” in relation to an order made under paragraph A5, A11 or A17 means—
- (a) the governing body, the foundation body or the trustees, as the case may be, who applied for the order,
 - (b) the local education authority, or
 - (c) if different from that authority, the local authority to whom land is required to be transferred under the order.
- (6) In determining whether to make an application to the adjudicator under sub-paragraph (4)(a), an appropriate person must have regard, in particular, to any guidance given from time to time by the Secretary of State.

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- (7) Paragraph A19 applies in relation to the further determination by the adjudicator, by virtue of sub-paragraph (1) or (4), of any matter for the purposes of any of paragraphs A2 to A17 as it applies in relation to the original determination of the matter.

Meaning of “capital expenditure”

- A21 (1) This paragraph applies to the references to capital expenditure in the definition of “relevant capital expenditure” in paragraphs A6, A12 and A18.
- (2) Subject to sub-paragraphs (3) and (4), such references are references to—
- (a) in the case of paragraph A6, expenditure which, if it were to be incurred by the governing body, would fall to be capitalised in accordance with proper accounting practices;
 - (b) in the case of paragraph A12, expenditure which, if it were to be incurred by the foundation body, would fall to be capitalised in accordance with proper accounting practices;
 - (c) in the case of paragraph A18, expenditure which, if it were to be incurred by the trustees, would fall to be capitalised in accordance with proper accounting practices.
- (3) The Secretary of State may by regulations prescribe classes or descriptions of expenditure which are to be treated—
- (a) for the purposes of paragraph A6 as being, or as not being, capital expenditure of any governing body, or any prescribed class or description of governing body;
 - (b) for the purposes of paragraph A12 as being, or as not being, capital expenditure of any foundation body, or any prescribed class or description of foundation body;
 - (c) for the purposes of paragraph A18 as being, or as not being, capital expenditure of any trustees, or any prescribed class or description of trustee.
- (4) The Secretary of State may by direction provide that—
- (a) expenditure of a particular governing body, which is expenditure of a particular class or description, is to be treated for the purposes of paragraph A6 as being, or as not being, capital expenditure of that body;
 - (b) expenditure of a particular foundation body, which is expenditure of a particular class or description, is to be treated for the purposes of paragraph A12 as being, or as not being, capital expenditure of that body;
 - (c) expenditure of particular trustees, which is expenditure of a particular class or description, is to be treated for the purposes of paragraph A18 as being, or as not being, capital expenditure of those persons.
- (5) Directions under sub-paragraph (4) may be expressed to have effect in specified circumstances or subject to specified conditions.

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- A22 (1) For the purposes of paragraph A21, “proper accounting practices”, in relation to a governing or foundation body, or to trustees, means those accounting practices—
- (a) which, whether by virtue of any enactment or by reference to any generally recognised published code or otherwise, are regarded as proper accounting practices to be followed in the keeping of accounts by that body, or as the case may be, those persons, or
 - (b) which, whether by virtue of any enactment or by reference to any generally recognised published code or otherwise, are regarded as proper accounting practices to be followed in the keeping of accounts by the relevant local education authority.
- (2) The “relevant local education authority” means the local education authority to whom notice of the disposal in question is required to be given under paragraph A2, A8 or A14.
- (3) In the event of conflict between the accounting practices falling within paragraph (a) of sub-paragraph (1) and those falling within paragraph (b) of that sub-paragraph, only those falling within paragraph (a) are to be regarded as proper accounting practices.

Land required by local education authority for certain purposes

- A23 (1) A local education authority in England may apply to the adjudicator for a transfer order under this paragraph in relation to publicly funded land which—
- (a) is held for the purposes of a foundation, voluntary or foundation special school by the governing body of the school,
 - (b) is held by a foundation body for the purposes of the group of schools for which it acts, or
 - (c) is held, or held on trust, for the purposes of a foundation, voluntary or foundation special school by the trustees of the school.
- (2) A transfer order is an order requiring the land in relation to which it is made to be transferred by the body or trustees holding it to the authority, subject to the payment by the authority of such sum by way of consideration (if any) as the adjudicator determines to be appropriate.
- (3) In determining whether to make an application under sub-paragraph (1) for a transfer order, a local education authority must have regard, in particular, to any guidance given from time to time by the Secretary of State.
- (4) Before making an application under sub-paragraph (1) for a transfer order in relation to publicly funded land, the authority must give the body or trustees holding the land notice of the authority's intention to make the application.

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- (5) An application under sub-paragraph (1) must state the purpose for which the land to which it relates is required by the authority (“the stated purpose”).
- (6) In relation to the content of such an application, a local education authority must have regard, in particular, to any guidance given from time to time by the Secretary of State.
- (7) Where an application is made under sub-paragraph (1) for a transfer order in relation to publicly funded land, the adjudicator may make a transfer order if he is satisfied that—
 - (a) the land is not required for the purposes of the school or, as the case may be, the schools in the group,
 - (b) the land is required by the authority for the stated purpose,
 - (c) the stated purpose is a qualifying purpose, and
 - (d) it is appropriate for the land to be used for that purpose.
- (8) For the purposes of sub-paragraph (7)(c) the stated purpose is a qualifying purpose if it falls within one or more of the following descriptions of purpose—
 - (a) the land is required for the purposes of any school or institution which is, or is to be, maintained by the authority, or which they have power to assist;
 - (b) the land is otherwise required for the purposes of the exercise of any of the functions of the authority;
 - (c) the land is required for the provision of children's services by or on behalf of the local authority who are that authority in the exercise of any of the relevant functions of that local authority.
- (9) For the purposes of sub-paragraph (8)(c)—

“children's services” are services provided for or in relation to any of the following persons (whether or not they are also provided for or in relation to any other persons)—

 - (a) children;
 - (b) persons aged 18 or 19;
 - (c) persons over the age of 19 who are receiving services under sections 23C to 24D of the Children Act 1989;
 - (d) persons over the age of 19 but under the age of 25 who have a learning difficulty, within the meaning of section 13 of the Learning and Skills Act 2000, and are receiving services under that Act;

“relevant functions” means the functions described in any of paragraphs (a), (c), (d) or (e) of subsection (1) of section 135 of the Education and Inspections Act 2006.
- (10) Before making a transfer order the adjudicator must consult the body or trustees holding the land in relation to which the application for the transfer order is made.

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- (11) In determining whether to make a transfer order, the adjudicator must have regard, in particular, to any guidance given from time to time by the Secretary of State.
- (12) Where a transfer order is made, the authority must use the land to which it relates for the stated purpose.
- (13) A transfer order made by the adjudicator may be varied or revoked by a further order made by the adjudicator if—
- (a) an application for its variation or revocation is made to him by a relevant person in relation to the order, and
 - (b) before making the further order, the adjudicator consults such persons as he considers appropriate.
- (14) A “relevant person” in relation to a transfer order means—
- (a) the local education authority who applied for the transfer order, or
 - (b) the body or trustees who held the land to which the order relates.
- (15) In determining whether to make an application to the adjudicator under sub-paragraph (13)(a), a relevant person must have regard, in particular, to any guidance given from time to time by the Secretary of State.
- (16) Sub-paragraph (11) applies in relation to the making of a further order by virtue of sub-paragraph (13) as it applies in relation to the making of the original transfer order.
- A24 (1) For the purposes of paragraph A23, land held for the purposes of a foundation, voluntary or foundation special school by the governing body of the school is “publicly funded land” if it is—
- (a) land acquired under a transfer under section 201(1)(a) of the Education Act 1996,
 - (b) land acquired under any of the following—
 - paragraph 2 of Schedule 3;
 - paragraph 16 of Schedule 6 (including that provision as applied by any enactment);
 - paragraph 5(4)(c), 5(4B)(d) or 8A of this Schedule;
 - any regulations made under paragraph 5 of Schedule 8;
 - paragraph 28(2) of Schedule 2 to the Education and Inspections Act 2006 (including that provision as applied by any enactment),
 - (c) land acquired under any regulations made under—
 - section 24 of the Education and Inspections Act 2006 by virtue of subsection (3)(b) of that section, or
 - section 27 of that Act by virtue of subsection (2)(b) of that section,
 - (d) land acquired from a foundation body,
 - (e) land acquired from the Funding Agency for Schools,
 - (f) land acquired wholly by means of—

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- (i) any maintenance, special purpose or capital grant (within the meaning of Chapter 6 of Part 3 of the Education Act 1996), or
 - (ii) any grant paid under any regulations made under paragraph 4 of Schedule 32 to this Act other than a grant paid under such regulations to the governing body of a voluntary aided school,
 - (g) land acquired wholly or partly by means of any grant made on or after 1st April 2007 by the Secretary of State under paragraph 5 of Schedule 3 (including that provision as applied by any enactment) in relation to which notice is given in accordance with paragraph A27,
 - (h) land acquired wholly by means of expenditure incurred for the purposes of the school and treated by the local education authority as expenditure of a capital nature, or
 - (i) land acquired wholly with the proceeds of disposal of any land acquired as mentioned in any of paragraphs (a) to (h).
- (2) Sub-paragraph (1)(h) does not apply in the case of any expenditure incurred on or after the appointed day unless the authority—
 - (a) prepared an appropriate statement in relation to the expenditure, and
 - (b) sent a copy of the statement to the governing body either before, or no later than 12 months after, the expenditure was incurred.
- (3) An “appropriate statement” in relation to expenditure is a statement in writing which—
 - (a) contains details of the amount of the expenditure, the acquisition or works funded (or to be funded) by such expenditure, and the total cost (or estimated total cost) of that acquisition or those works, and
 - (b) indicates that the expenditure was being treated by the authority as expenditure of a capital nature.
- A25 (1) For the purposes of paragraph A23, land held by a foundation body for the purposes of the group of schools for which it acts is “publicly funded land” if it is—
 - (a) land acquired under any of the following—
 - paragraph 2, 4 or 9 of Schedule 3;
 - paragraph 16 or 20 of Schedule 6 (including that provision as applied by any enactment);
 - paragraph 5 or 6 of Schedule 21;
 - paragraph 5(4B)(d) of this Schedule;
 - any regulations made under paragraph 5 of Schedule 8,
 - (b) land acquired under any of the following—
 - paragraph 8(5) of Schedule 8 to the Education Act 2002;
 - paragraph 14(5) of Schedule 10 to the Education Act 2005;

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- paragraph 28(2) or 31(1) of Schedule 2 to the Education and Inspections Act 2006 (including that provision as applied by any enactment);
any regulations made under section 24 of that Act by virtue of subsection (3)(b) of that section;
any regulations made under section 27 of that Act by virtue of subsection (2)(b) of that section,
- (c) land acquired from the governing body of a maintained school,
- (d) land acquired from another foundation body,
- (e) land acquired wholly by means of—
- (i) any grant provided by the Secretary of State on or after the appointed day other than a grant made on or after 1st April 2007 under paragraph 5 of Schedule 3 (including that provision as applied by any enactment), or
- (ii) any grant paid under any regulations made under paragraph 4 of Schedule 32 to this Act other than a grant paid under such regulations to the governing body of a voluntary aided school,
- (f) land acquired wholly or partly by means of any grant made on or after 1st April 2007 by the Secretary of State under paragraph 5 of Schedule 3 (including that provision as applied by any enactment) in relation to which notice is given in accordance with paragraph A27,
- (g) land acquired wholly by means of expenditure incurred for the purposes of any of the schools comprising the group for which the body acts and treated by the local education authority as expenditure of a capital nature, or
- (h) land acquired wholly with the proceeds of disposal of any land acquired as mentioned in any of paragraphs (a) to (g).
- (2) Sub-paragraph (1)(g) does not apply in the case of any expenditure incurred on or after the appointed day unless the authority—
- (a) prepared an appropriate statement in relation to the expenditure, and
- (b) sent a copy of the statement to the foundation body either before, or no later than 12 months after, the expenditure was incurred.
- (3) An “appropriate statement” in relation to expenditure is a statement in writing which—
- (a) contains details of the amount of the expenditure, the acquisition or works funded (or to be funded) by such expenditure, and the total cost (or estimated total cost) of that acquisition or those works, and
- (b) indicates that the expenditure was being treated by the authority as expenditure of a capital nature.

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- A26 (1) For the purposes of paragraph A23, land held, or held on trust, for the purposes of a foundation, voluntary or foundation special school by the trustees of the school is “publicly funded land” if it is—
- (a) land acquired under section 60, 61 or 70 of the Education Act 1996,
 - (b) land acquired under any of the following—
 - paragraph 2 of Schedule 3;
 - paragraph 16 of Schedule 6 (including that provision as applied by any enactment);
 - paragraph 5(4B)(d) of this Schedule;
 - any regulations made under paragraph 5 of Schedule 8,
 - (c) land acquired under any of the following—
 - paragraph 4 or 9 of Schedule 3;
 - paragraph 20 of Schedule 6 (including that provision as applied by any enactment),
 - (d) land acquired under any of the following—
 - paragraph 8(5) of Schedule 8 to the Education Act 2002;
 - paragraph 14(5) of Schedule 10 to the Education Act 2005;
 - paragraph 28(2) or 31(1) of Schedule 2 to the Education and Inspections Act 2006 (including that provision as applied by any enactment);
 - any regulations made under section 24 of that Act by virtue of subsection (3)(b) of that section,
 - (e) land acquired wholly by means of expenditure incurred on or after the appointed day for the purposes of the school and treated by the local education authority as expenditure of a capital nature,
 - (f) land acquired from the Funding Agency for Schools,
 - (g) land acquired wholly by means of—
 - (i) any maintenance, special purpose or capital grant (within the meaning of Chapter 6 of Part 3 of the Education Act 1996),
 - (ii) any grant paid under section 216(2) of that Act, or
 - (iii) any grant paid under any regulations made under paragraph 4 of Schedule 32 to this Act other than a grant paid under such regulations to the governing body of a voluntary aided school,
 - (h) land acquired wholly or partly by means of any grant made on or after 1st April 2007 by the Secretary of State under paragraph 5 of Schedule 3 (including that provision as applied by any enactment) in relation to which notice is given in accordance with paragraph A27,
 - (i) land acquired wholly with the proceeds of disposal of any land acquired as mentioned in any of paragraphs (f) to (h), or

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- (j) land acquired wholly by means of any grant made in pursuance of a special agreement (as defined by section 32(5) of the Education Act 1996).
- (2) For the purposes of paragraph A23, land held, or held on trust, for the purposes of a foundation or foundation special school by the trustees of the school is also “publicly funded land” if it is—
 - (a) land acquired by the trustees from the governing body of the school or of another foundation or foundation special school which was land—
 - (i) acquired by the governing body under a transfer under section 201(1)(a) of the Education Act 1996,
 - (ii) acquired by the governing body under any of the provisions mentioned in sub-paragraph (1)(b) or under paragraph 8A of this Schedule, or
 - (iii) acquired by the governing body wholly with the proceeds of disposal of land acquired as mentioned in sub-paragraph (i) or (ii), or
 - (b) land acquired wholly with the proceeds of disposal of any land acquired as mentioned in sub-paragraph (1)(b).
- (3) For the purposes of paragraph A23, land held, or held on trust, for the purposes of a voluntary school by the trustees of the school is also “publicly funded land” if it is—
 - (a) land acquired by the governing body of the school—
 - (i) under a transfer under section 201(1)(a) of the Education Act 1996, or
 - (ii) wholly with the proceeds of disposal of any land so acquired,
and transferred by the governing body to be held on trust by the trustees, or
 - (b) in the case of a school to which sub-paragraph (4) applies, land acquired wholly by means of expenditure incurred under section 63 or 64 of the Education Act 1996.
- (4) This sub-paragraph applies to a voluntary aided school which was, immediately before the appointed day, a controlled school within the meaning of the Education Act 1996.
- (5) Land held, or held on trust, for the purposes of a foundation, voluntary or foundation special school by the trustees of the school is not “publicly funded land” for the purposes of paragraph A23 if it is—
 - (a) land acquired under section 60 or 61 of the Education Act 1996, or
 - (b) land acquired under paragraph 2 or 4 of Schedule 3 to this Act,
by the trustees of an institution which is, or has at any time been, within the further education sector (as defined by section 4(3) of the Education Act 1996).
- (6) Sub-paragraph (1)(e) does not apply in the case of any expenditure unless the authority—

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- (a) prepared an appropriate statement in relation to the expenditure, and
 - (b) sent a copy of the statement to the trustees either before, or no later than 12 months after, the expenditure was incurred.
- (7) An “appropriate statement” in relation to expenditure is a statement in writing which—
- (a) contains details of the amount of the expenditure, the acquisition or works funded (or to be funded) by such expenditure, and the total cost (or estimated total cost) of that acquisition or those works, and
 - (b) indicates that the expenditure was being treated by the authority as expenditure of a capital nature.

Notice in relation to grants under paragraph 5 of Schedule 3

- A27 (1) Where a grant is made on or after 1st April 2007 by the Secretary of State under paragraph 5 of Schedule 3 (including that provision as applied by any enactment), the Secretary of State may within the relevant period give the body or other persons to whom the grant is made notice that—
- (a) any land acquired, or enhanced in value, wholly or partly by means of the grant is land falling within paragraph A1(1)(g), A7(1)(f) and A13(1)(j), and
 - (b) any land acquired wholly or partly by means of the grant is land falling within paragraph A24(1)(g), A25(1)(f) and A26(1)(h).
- (2) The “relevant period” means the period of 6 months beginning with the date upon which the grant is made.”

3 In the heading to Part 1 of the Schedule after “SCHOOLS” insert “ IN WALES ”.

4 (1) Paragraph 1 is amended as follows.

(2) In sub-paragraph (1)—

- (a) after “foundation special school” insert “ in Wales ”, and
- (b) omit paragraph (c).

(3) In sub-paragraph (1A)(b) for “falling within section 21(1)(a)” substitute “ established otherwise than under this Act ”.

(4) In sub-paragraphs (2) and (3) for “Secretary of State” substitute “ Assembly ”.

(5) In sub-paragraph (3)—

- (a) for “his” substitute “ its ”,
- (b) for “he”, wherever occurring, substitute “ the Assembly ”, and
- (c) for “him” substitute “ the Assembly ”.

5 (1) Paragraph 2 is amended as follows.

(2) In sub-paragraph (1)—

- (a) after “by a foundation body” insert “ in Wales ”,
- (b) in paragraph (a) omit the words from “or acquired” to the end, and

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- (c) in paragraph (d) for “Secretary of State” substitute “ Assembly ”.
- (3) After that sub-paragraph insert—
- “(1A) A “foundation body in Wales” means a foundation body where each of the schools comprising the group of schools for which the foundation body acts is maintained by a local education authority in Wales.”
- (4) In sub-paragraphs (2) and (3) for “Secretary of State” substitute “ Assembly ”.
- (5) In sub-paragraph (3)—
- (a) for “his” substitute “ its ”, and
- (b) for “he”, wherever occurring, substitute “ the Assembly ”.
- 6 (1) Paragraph 2A is amended as follows.
- (2) In sub-paragraph (1) after “trustees of a foundation or foundation special school” insert “ in Wales ”.
- (3) In sub-paragraphs (3) and (4) for “Secretary of State” substitute “ Assembly ”.
- (4) In sub-paragraph (4)—
- (a) for “his” substitute “ its ”, and
- (b) for “he”, wherever occurring, substitute “ the Assembly ”.
- (5) In sub-paragraph (6) after “foundation special school” insert “ in Wales ”.
- 7 (1) Paragraph 3 is amended as follows.
- (2) In sub-paragraph (1)—
- (a) after “foundation special school” insert “ in Wales ”,
- (b) in paragraph (a) omit the words from “or acquired” to the end,
- (c) omit paragraph (d), and
- (d) in paragraph (f) omit “(d) or”.
- (3) In sub-paragraph (2) after “voluntary aided school” insert “ in Wales ”.
- (4) In sub-paragraphs (3) and (4) for “Secretary of State” substitute “ Assembly ”.
- (5) In sub-paragraph (8) omit “(d),”.
- (6) In sub-paragraph (9)—
- (a) for “Secretary of State”, wherever occurring, substitute “ Assembly ”, and
- (b) for “he” substitute “ the Assembly ”.
- (7) In sub-paragraph (12) after “foundation special school” insert “ in Wales ”.
- 8 (1) Paragraph 4 is amended as follows.
- (2) In sub-paragraph (1)—
- (a) after “local education authority” insert “ in Wales ”, and
- (b) for “Secretary of State” substitute “ Assembly ”.
- (3) In sub-paragraph (2)—
- (a) for “Secretary of State” substitute “ Assembly ”, and
- (b) for “he” substitute “ the Assembly ”.
- 9 (1) Paragraph 5 is amended as follows.

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- (2) In sub-paragraph (1)(b)—
- (a) for “Secretary of State” substitute “ appropriate authority ”, and
 - (b) for sub-paragraphs (i) and (ii) substitute—
 - “(i) under section 19(1) requiring a foundation, voluntary or foundation special school in Wales to be discontinued,
 - (ii) under section 32(1) requiring a foundation special school in Wales to be discontinued,
 - (iii) under section 68(1) of the Education and Inspections Act 2006 requiring a foundation, voluntary or foundation special school in England to be discontinued, or
 - (iv) under section 17(1) of that Act requiring a foundation special school in England to be discontinued.”
- (3) In sub-paragraph (2) for the words from “Secretary of State” to the end substitute “appropriate authority for it to exercise its powers under sub-paragraph (4) below in relation to—
- (a) if the school is in England, any land falling within paragraphs (a) to (i) of paragraph A1(1) other than land falling within sub-paragraph (2A), or
 - (b) if the school is in Wales, any land falling within paragraphs (a) to (f) of paragraph 1(1),
- which is held by the body for the purposes of the school. ”
- (4) After sub-paragraph (2) insert—
- “(2A) Land falls within this sub-paragraph if it is—
- (a) land falling within paragraph (g) of paragraph A1(1) by virtue of being land enhanced in value as mentioned in that paragraph, or
 - (b) land falling within paragraph (i) of paragraph A1(1) by virtue of being land acquired, or enhanced in value, wholly or partly with the proceeds of disposal of any land falling within paragraph (a) above.
- (2B) If the school is in England and the governing body dispose of any land falling within sub-paragraph (2A) which is held by them for the purposes of the school, paragraph A1 shall apply to them.”
- (5) In sub-paragraph (3) for the words from “Secretary of State” to the end substitute “appropriate authority for it to exercise its powers under sub-paragraph (4) below in relation to—
- (a) if the school is in England, any land falling within paragraphs (a) to (h) of paragraph A7(1) other than land falling within sub-paragraph (3A), or
 - (b) if the school is in Wales, any land falling within paragraphs (a) to (f) of paragraph 2(1),
- which is held by the body for the purposes of the schools comprising the group. ”

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(6) After sub-paragraph (3) insert—

“(3A) Land falls within this sub-paragraph if it is—

- (a) land falling within paragraph (f) of paragraph A7(1) by virtue of being land enhanced in value as mentioned in that paragraph, or
- (b) land falling within paragraph (h) of paragraph A7(1) by virtue of being land acquired, or enhanced in value, wholly or partly with the proceeds of disposal of any land falling within paragraph (a) above.

(3B) If the school is in England and the foundation body disposes of any land falling within sub-paragraph (3A) which is held by it for the purposes of the schools comprising the group, paragraph A7 shall apply to it.”

(7) In sub-paragraph (4)—

- (a) for “Secretary of State” substitute “ appropriate authority ”,
- (b) for paragraph (a) substitute—
 - “(a) require the land or any part of the land to be transferred to such local authority as the appropriate authority may specify, subject to the payment by that local authority of such sum by way of consideration (if any) as the appropriate authority determines to be appropriate;”,
- (c) in paragraph (b) for “him” and “he” substitute “ the appropriate authority ”, and
- (d) in paragraph (c) for “he” substitute “ the appropriate authority ”.

(8) After sub-paragraph (4) insert—

“(4ZA) Where the school is in England, the trustees of the school shall apply to the appropriate authority for it to exercise its powers under sub-paragraph (4B) in relation to any land falling within paragraph A13(1), (2) or (3), other than land falling within sub-paragraph (4ZB), which is held by the trustees for the purposes of the school.

(4ZB) Land falls within this sub-paragraph if it is—

- (a) land falling within paragraph (j) of paragraph A13(1) by virtue of being land enhanced in value as mentioned in that paragraph, or
- (b) land falling within paragraph (k) of paragraph A13(1) by virtue of being land acquired, or enhanced in value, wholly or partly with the proceeds of disposal of any land falling within paragraph (a) above.”

(9) In sub-paragraph (4A)—

- (a) after “Where the school” insert “ is in Wales and ”, and
- (b) for “Secretary of State for him to exercise his” substitute “ appropriate authority for it to exercise its ”.

(10) In sub-paragraph (4B)—

- (a) after “under sub-paragraph” insert “ (4ZA) or ”,
- (b) for “Secretary of State” substitute “ appropriate authority ”,
- (c) for paragraph (a) substitute—

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- “(a) require the land or any part of the land to be transferred to such local authority as the appropriate authority may specify, subject to the payment by that local authority of such sum by way of consideration (if any) as the appropriate authority determines to be appropriate;”
- (d) in paragraph (b) for the words from “for the purposes of another” to the end substitute “—
- (i) in the case of a school in England, for the purposes of another foundation, voluntary or foundation special school, or
- (ii) in the case of a school in Wales, 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 the appropriate authority may specify; ”,
- (e) in paragraph (c) after “sub-paragraph” insert “ (4ZA) or, as the case may be, ”, and
- (f) in paragraphs (c) and (d) for “he”, wherever occurring, substitute “ the appropriate authority ”.
- (11) In sub-paragraph (5)—
- (a) after “(3)” insert “ , (4ZA) ”, and
- (b) for “Secretary of State” substitute “ appropriate authority ”.
- (12) After that sub-paragraph insert—
- “(5A) Where the school is in England and the trustees of the school—
- (a) dispose of any land falling within sub-paragraph (4ZB), or
- (b) wish to use any such land for purposes not connected with the provision of education in maintained schools,
- paragraph A13 shall apply to them.”
- (13) In sub-paragraph (6) after “Where” insert “ the school is in Wales and ”.
- 10 (1) Paragraph 6 is amended as follows.
- (2) In sub-paragraph (1) for “Secretary of State's” substitute “ appropriate authority's ”.
- (3) In sub-paragraph (2)—
- (a) for “Secretary of State” substitute “ appropriate authority ”,
- (b) for “he”, wherever occurring, substitute “ the appropriate authority ”,
- (c) for “the authority”, wherever occurring, substitute “ the local education authority ”, and
- (d) for “him” substitute “ the appropriate authority ”.
- (4) After sub-paragraph (3) insert—
- “(3A) Where the school is in England and the trustees of the school—
- (a) dispose of any land falling within paragraph A13(1), (2) or (3), or
- (b) wish to use any such land for purposes not connected with the provision of education in maintained schools,
- paragraph A13 shall apply to them.”

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- (5) In sub-paragraph (4) after “Where” insert “ the school is in Wales and ”.
- 11 In paragraph 7, in sub-paragraphs (2)(ii), (3)(c) and (6), for “Secretary of State” substitute “ appropriate authority ”.
- 12 In paragraph 8(2)—
- (a) for “Secretary of State” substitute “ appropriate authority ”,
 - (b) for “he”, wherever occurring, substitute “ the appropriate authority ”,
 - (c) for “him” substitute “ the appropriate authority ”, and
 - (d) for “the authority”, wherever occurring, substitute “ the local education authority ”.
- 13 After paragraph 8 insert—

“PART 2A

MAINTAINED SCHOOL: TRANSFER OF LAND FROM TRUSTEE TO GOVERNING BODY

- 8A (1) This paragraph applies where the trustee of one or more foundation or foundation special schools to which section 23A (requirements as to foundations) applies is a body corporate.
- (2) Where—
- (a) the body corporate has under any enactment passed a resolution for its winding up,
 - (b) a court has made an order for the winding up of the body corporate,
 - (c) the body corporate has been removed under subsection (4) of section 3 of the Charities Act 1993 from the register of charities kept under that section, or
 - (d) prescribed conditions relating to the ability of the body corporate to pay its debts or to its continued existence as a body corporate or as a charity are met,
- the Secretary of State may make an order under this paragraph.
- (3) Conditions may be prescribed under sub-paragraph (2)(d) by reference to the opinion of the Secretary of State as to any prescribed matter.
- (4) An order under this paragraph is an order directing that any land falling within paragraph A13(1)(b) or (2) held by the body corporate on trust for one or more foundation or foundation special schools to which section 23A applies is to be transferred to, and by virtue of the order vest in—
- (a) the governing body of the school, or
 - (b) where the land is held on trust for two or more schools, such of the governing bodies of the schools as the Secretary of State thinks proper.
- (5) In a case where—

Status: Point in time view as at 27/02/2007.

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- (a) proposals to establish a new foundation or foundation special school fall to be implemented under Schedule 2 to the Education and Inspections Act 2006, and
- (b) the local education authority have before the school opening date transferred land to be held on trust for the school,
- references in this paragraph to a foundation or foundation special school include references to a proposed such school, references to a governing body include references to a proposed governing body and for the purpose of sub-paragraph (1) section 23A is to be taken to apply to the proposed school if it would apply to the school when it is established.
- (6) In this paragraph—
“charity” has the same meaning as in the Charities Act 1993;
“foundation” means a foundation established otherwise than under this Act.”
- 14 In paragraph 9(1)—
(a) after “paragraph” insert “ A5, A11, A17, A23, ”, and
(b) for “or 8(2)(b)” substitute “ , 8(2)(b) or 8A ”.
- 15 (1) Paragraph 10 is amended as follows.
(2) In sub-paragraph (1) after paragraph (d) insert—
“(e) “the appropriate authority” means—
(i) in relation to a school in England, the Secretary of State, and
(ii) in relation to a school in Wales, the Assembly.”
- (3) In sub-paragraph (3) after “paragraphs” insert “ A1(1), A13(1), (2) or (3)(a), A24 to A26, ”.
- (4) In sub-paragraph (4) after “paragraphs” insert “ A1(1), A13(1), ”.
- (5) In sub-paragraph (5) for “paragraph 1(1)” substitute “ paragraphs A1(1) and 1(1) ”.
- 16 (1) Paragraph 11 is amended as follows.
(2) For paragraph (a) of sub-paragraph (1) substitute—
“(a) subject to sub-paragraph (7), “capital expenditure” means expenditure of the governing body in question which falls to be capitalised in accordance with proper accounting practices;”.
- (3) In paragraph (b) of that sub-paragraph for “that Order” substitute “ the Regulatory Reform (Voluntary Aided Schools Liabilities and Funding) (England) Order 2002 ”.
- (4) In sub-paragraph (4) for the words from “, either by agreement” to the end substitute “—
(a) by agreement between the authority and the relevant body, or
(b) by the adjudicator where—
(i) the authority or the relevant body refer the matter to him for determination, and
(ii) by the time of his determination, the matter has not been determined by agreement between the authority and the relevant body.”

Status: Point in time view as at 27/02/2007.

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(5) After sub-paragraph (4) insert—

“(4A) In determining whether to make a reference to the adjudicator under sub-paragraph (4)(b), the authority or, as the case may be, the relevant body, must have regard, in particular, to any guidance given from time to time by the Secretary of State.

(4B) Before making a reference to the adjudicator under sub-paragraph (4)(b), the authority or, as the case may be, the relevant body, must give the other notice of their intention to make the reference.”

(6) In sub-paragraph (5)—

- (a) for “Secretary of State” substitute “ adjudicator ”, and
- (b) after “particular” insert “ to any guidance given from time to time by the Secretary of State and ”.

(7) After sub-paragraph (5) insert—

“(5A) A determination made by the adjudicator on a reference made to him under sub-paragraph (4)(b) may be varied or revoked by a further determination made by him if—

- (a) the matter is referred to him by the local education authority or the relevant body, and
- (b) before making the further determination, the adjudicator consults such persons as he considers appropriate.

(5B) In determining whether to make a reference to the adjudicator under sub-paragraph (5A)(a), the local education authority or the relevant body must have regard, in particular, to any guidance given from time to time by the Secretary of State.

(5C) Sub-paragraph (5) applies in relation to the further determination of any matter by the adjudicator, by virtue of sub-paragraph (5A), as it applies in relation to the original determination of the matter.”

(8) After sub-paragraph (6) insert—

“(7) The Secretary of State may—

- (a) by regulations prescribe classes or descriptions of expenditure which are to be treated for the purposes of this paragraph as being, or as not being, capital expenditure of any governing body or of any prescribed class or description of governing body;
- (b) by direction provide that expenditure of a particular governing body which is expenditure of a particular class or description is to be treated for the purposes of this paragraph as being, or as not being, capital expenditure of that body.

(8) Directions under sub-paragraph (7)(b) may be expressed to have effect in specified circumstances or subject to specified conditions.”

17 After paragraph 11 insert—

“12 (1) For the purposes of paragraph 11(1)(a), “proper accounting practices”, in relation to a governing body, means those accounting practices—

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- (a) which, whether by virtue of any enactment or by reference to any generally recognised published code or otherwise, are regarded as proper accounting practices to be followed in the keeping of accounts by the governing body, or
 - (b) which, whether by virtue of any enactment or by reference to any generally recognised published code or otherwise, are regarded as proper accounting practices to be followed in the keeping of accounts by the local education authority.
- (2) In the event of conflict between the accounting practices falling within paragraph (a) of sub-paragraph (1) and those falling within paragraph (b) of that sub-paragraph, only those falling within paragraph (a) are to be regarded as proper accounting practices.”

PART 2

AMENDMENTS TO SECTION 77 OF SSFA 1998

- 18 (1) Section 77 of SSFA 1998 (control of disposals or changes of use of school playing fields in relation to England) is amended as follows.
- (2) In subsection (1)—
- (a) for “Except” substitute “ Subject to subsections (2A) and (2B), except ”, and
 - (b) after “a body” insert “ or trustees ”.
- (3) For subsection (2) substitute—
- “(2) Subsection (1) applies to—
- (a) a local authority;
 - (b) the governing body of a maintained school;
 - (c) a foundation body;
 - (d) the trustees of a foundation, voluntary or foundation special school.”
- (4) After subsection (2) insert—
- “(2A) Subsection (1) applies in the case of a disposal by the trustees of a foundation, voluntary or foundation special school, only if the disposal is of land falling within paragraph A13(1), (2) or (3) of Schedule 22.
- (2B) Subsection (1) does not apply—
- (a) to a disposal in pursuance of a transfer order under paragraph A23 of that Schedule, or
 - (b) to a disposal to which paragraph 5 or 6 of Schedule 22 (disposals on discontinuance) applies.”
- (5) In subsection (3)—
- (a) for “Except” substitute “ Subject to subsections (4) and (4A), except ”,
 - (b) for “a local authority” substitute “ a body or trustees to whom subsection (1) applies ”, and

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(c) for “falling within subsection (1)” substitute “ which falls within subsection (1) or is excluded from that subsection by subsection (2B)(a) or (b) ”.

(6) In subsection (4) omit “by a local authority”.

(7) After subsection (4) insert—

“(4A) Subsection (3) applies in relation to the trustees of a foundation, voluntary or foundation special school only if the playing fields in question are land falling within paragraph A13(1), (2) or (3) of Schedule 22.”

(8) In subsection (7), at the appropriate place, insert—

““maintained school” includes a maintained nursery school;”.

PART 3

CONSEQUENTIAL AMENDMENTS

- 19 In section 75(2) of SSFA 1998 (transfer of land by governing body to trustees) after “Paragraph” insert “ A1 or ”.
- 20 In section 79(1)(b) of SSFA 1998 (stamp duty exemption for certain transfers) after “paragraph” insert “ A23, ”.
- 21 In section 138 of SSFA 1998 (orders and regulations), in subsection (2)(b) (orders not made by statutory instrument), for “or 7(3)(c)” substitute “ , 7(3)(c) or 8A ”.
- 22 In Schedule 3 to SSFA 1998 (funding of foundation, voluntary and foundation special schools), in paragraph 2, in sub-paragraph (10), after “paragraphs” insert “ A1 to A16 or ”.
- 23 In Schedule 32 to SSFA 1998 (transitional provisions and savings), in paragraph 4(4)—
- (a) in paragraph (a) for “paragraph 1(1)(d)” substitute “ paragraphs A1(1)(f) and 1(1)(d) ”,
 - (b) in paragraph (b) for “paragraph 2(1)(d)” substitute “ paragraphs A7(1)(e) and 2(1)(d) ”, and
 - (c) in paragraph (c) for “paragraph 3(1)(e)” substitute “ paragraphs A13(1)(g) and 3(1)(e) ”.

SCHEDULE 5

Section 57

FUNDING OF MAINTAINED SCHOOLS

- 1 In section 17(6) of SSFA 1998 (power of LEA to suspend right to delegated budget), omit the words from “but” onwards.

Status: Point in time view as at 27/02/2007.

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Commencement Information

17 Sch. 5 para. 1 in force at 8.2.2007 for E. by S.I. 2006/3400, art. 4(c)

- 2 (1) Section 47A of SSFA 1998 (schools forums) is amended as follows.
- (2) In subsection (3)(b), for the words from “function” to the end substitute “ other function that may be imposed on the schools forum by or under this Chapter ”.
- (3) Omit subsection (6) (which enables regulations under subsection (5) of that section to enable the Secretary of State or the Assembly to remove a non-schools member from membership of a schools forum).
- (4) For subsection (9) substitute—
- “(9) In this section “relevant authority”, in relation to a schools forum, means the local education authority by whom the forum is established.”

Commencement Information

18 Sch. 5 para. 2 in force at 8.2.2007 for E. by S.I. 2006/3400, art. 4(c)

- 3 (1) Section 48 of SSFA 1998 (local education authorities' financial schemes) is amended as follows.
- (2) In subsection (1), for “prepare” substitute “ maintain ”.
- (3) In subsection (3), for “prepared” substitute “ maintained ”.
- (4) In subsection (4), omit the words from “the approval” to “and for”.
- (5) In subsection (5), for the words from “the scheme prepared” to the end substitute “ the scheme for the time being maintained under this section ”.

Commencement Information

19 Sch. 5 para. 3 in force at 8.2.2007 for E. by S.I. 2006/3400, art. 4(c)

- 4 In section 49 of SSFA 1998 (maintained schools to have delegated budgets) for subsections (2) and (3) substitute—
- “(2) A new school shall have a delegated budget from a date determined in accordance with regulations.
- (2A) Regulations under subsection (2) may—
- (a) enable the date that would otherwise apply by virtue of the regulations to be varied in accordance with the regulations, on the application of the local education authority, by the authority's schools forum or by the Secretary of State, and
- (b) make provision about the respective powers of the schools forum and the Secretary of State in relation to any application to vary that date.”

Status: Point in time view as at 27/02/2007.

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Commencement Information

I10 Sch. 5 para. 4 in force at 8.2.2007 for E. by S.I. 2006/3400, art. 4(c)

- 5 (1) Schedule 14 to SSFA 1998 (approval, imposition and revision of local education authority schemes) is amended as follows.
- (2) For the heading substitute “ REVISION OF LOCAL EDUCATION AUTHORITY SCHEMES ”.
- (3) For the italic heading immediately before paragraph 1 substitute “ Publication of schemes ”.
- (4) In paragraph 1—
- (a) omit sub-paragraphs (1) to (6), and
 - (b) for sub-paragraph (7) substitute—

“(7) A scheme maintained by a local education authority under section 48(1) shall be published in such manner as may be prescribed—

 - (a) on its coming into force as revised under this Schedule, and
 - (b) on such other occasions as may be prescribed.”
- (5) For paragraph 2 substitute—
- “2A (1) A local education authority may, in accordance with this paragraph, revise the whole or part of the scheme maintained by them under section 48(1).
- (2) In revising the scheme, the local education authority shall take into account any guidance given by the Secretary of State, whether—
- (a) generally, or
 - (b) in relation to that authority or any class or description of local education authorities to which that authority belongs,
- as to the provisions the Secretary of State regards as appropriate for inclusion in the scheme.
- (3) As regards any proposed variation of the scheme, the authority—
- (a) shall first consult the governing body and head teacher of every school maintained by the authority (within the meaning of this Chapter), and
 - (b) shall then submit a copy of their proposals to the authority's schools forum for their approval.
- 2B (1) Regulations may make provision preventing schemes as revised from coming into force unless they are approved in accordance with the regulations by the local education authority's schools forum or by the Secretary of State.
- (2) The regulations may in particular—
- (a) prescribe circumstances in which proposals which have been submitted to a local education authority's schools forum may be submitted to the Secretary of State,
 - (b) enable the schools forum or the Secretary of State to approve proposals with modifications, and

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- (c) enable the schools forum or the Secretary of State, in giving their or his approval, to specify the date on which the scheme as revised is to come into force.”

Commencement Information

I11 Sch. 5 para. 5 in force at 8.2.2007 for E. by S.I. 2006/3400, art. 4(c)

- 6 In Schedule 15 to SSFA 1998 (suspension of financial delegation), the following provisions (which confer on the governing body a right to appeal to the Secretary of State or the Assembly or relate to that right of appeal) are omitted—
 - (a) paragraph 1(4) and (6),
 - (b) paragraph 2(5), and
 - (c) paragraph 3.

Commencement Information

I12 Sch. 5 para. 6 in force at 8.2.2007 for E. by S.I. 2006/3400, art. 4(c)

VALID FROM 01/04/2007

SCHEDULE 6

Section 70

GOVERNING BODIES CONSISTING OF INTERIM EXECUTIVE MEMBERS

VALID FROM 01/04/2007

SCHEDULE 7

Section 71

AMENDMENTS RELATING TO SCHOOLS CAUSING CONCERN

Status: Point in time view as at 27/02/2007.

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VALID FROM 01/09/2007

SCHEDULE 8

Section 77

TRAVEL TO SCHOOLS ETC: MEANING OF “ELIGIBLE CHILD”

PROSPECTIVE

After Schedule 35A to EA 1996 insert—

“SCHEDULE 35B

Section 508B

MEANING OF “ELIGIBLE CHILD” FOR PURPOSES OF SECTION 508B

1 For the purposes of section 508B (travel arrangements for eligible children) an “eligible child” means a child who falls within any of paragraphs 2 to 7 or 9 to 13.

Children with special educational needs, a disability or mobility problems

2 A child falls within this paragraph if—

- (a) he is of compulsory school age and is any of the following—
 - a child with special educational needs;
 - a disabled child;
 - a child with mobility problems,
- (b) he is a registered pupil at a qualifying school which is within walking distance of his home,
- (c) no suitable arrangements have been made by the local education authority for enabling him to become a registered pupil at a qualifying school nearer to his home, and
- (d) having regard to whichever of the following are relevant—
 - his special educational needs;
 - his disability;
 - his mobility problems,
 he cannot reasonably be expected to walk to the school mentioned in paragraph (b).

3 A child falls within this paragraph if—

- (a) he is of compulsory school age and is any of the following—
 - a child with special educational needs;
 - a disabled child;
 - a child with mobility problems,
- (b) he is receiving education at a place other than a school by virtue of arrangements made in pursuance of section 19(1), and
- (c) having regard to whichever of the following are relevant—
 - his special educational needs;
 - his disability;
 - his mobility problems,

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he cannot reasonably be expected to walk to that place.

Children who cannot reasonably be expected to walk because of nature of routes

- 4 A child falls within this paragraph if—
- (a) he is of compulsory school age and is a registered pupil at a qualifying school which is within walking distance of his home,
 - (b) no suitable arrangements have been made by the local education authority for enabling him to become a registered pupil at a qualifying school nearer to his home, and
 - (c) having regard to the nature of the routes which he could reasonably be expected to take, he cannot reasonably be expected to walk to the school mentioned in paragraph (a).
- 5 A child falls within this paragraph if—
- (a) he is of compulsory school age and is receiving education at a place other than a school by virtue of arrangements made in pursuance of section 19(1), and
 - (b) having regard to the nature of the routes which he could reasonably be expected to take, he cannot reasonably be expected to walk to that place.

Children outside walking distance where no suitable alternative arrangements made

- 6 A child falls within this paragraph if—
- (a) he is of compulsory school age and is a registered pupil at a qualifying school which is not within walking distance of his home,
 - (b) no suitable arrangements have been made by the local education authority for boarding accommodation for him at or near the school, and
 - (c) no suitable arrangements have been made by the local education authority for enabling him to become a registered pupil at a qualifying school nearer to his home.
- 7 A child falls within this paragraph if—
- (a) he is of compulsory school age and is receiving education at a place other than a school by virtue of arrangements made in pursuance of section 19(1),
 - (b) that place is not within walking distance of his home,
 - (c) no suitable arrangements have been made by the local education authority for boarding accommodation for him at or near that place, and
 - (d) no suitable arrangements have been made by the local education authority for enabling him to become a registered pupil at a qualifying school nearer to his home.
- 8 (1) Where—
- (a) a child of compulsory school age has been excluded from a relevant school,
 - (b) he remains for the time being a registered pupil at the school, and
 - (c) he is required by the appropriate authority for the school to attend at a place outside the school premises for the purpose of receiving any instruction or training,

paragraph 6 has effect as if the place at which the child is required to attend were a qualifying school and the child were a registered pupil at that school (and not at the school mentioned in paragraph (b)).

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(2) For the purposes of sub-paragraph (1)—

- (a) “relevant school” and “appropriate authority” have the same meaning as in section 444ZA (application of section 444 to alternative educational provision), and
- (b) subsection (3) of that section applies in relation to that sub-paragraph as it applies in relation to subsection (2) of that section.

Children entitled to free school meals etc

9 A child falls within this paragraph if—

- (a) he has attained the age of 8 but not the age of 11,
- (b) he is a registered pupil at a qualifying school which is more than two miles from his home,
- (c) no suitable arrangements have been made by the local education authority for enabling him to become a registered pupil at a qualifying school nearer to his home, and
- (d) the appropriate condition is met in relation to him.

10 A child falls within this paragraph if—

- (a) he has attained the age of 8 but not the age of 11,
- (b) he is receiving education at a place other than a school by virtue of arrangements made in pursuance of section 19(1),
- (c) that place is more than two miles from his home, and
- (d) the appropriate condition is met in relation to him.

11 A child falls within this paragraph if—

- (a) he has attained the age of 11,
- (b) he is a registered pupil at a qualifying school which is more than two miles, but not more than six miles, from his home,
- (c) there are not three or more suitable qualifying schools which are nearer to his home, and
- (d) the appropriate condition is met in relation to him.

12 A child falls within this paragraph if—

- (a) he has attained the age of 11,
- (b) he is a registered pupil at a qualifying school which is more than two miles, but not more than fifteen miles, from his home,
- (c) his parent has expressed a wish, based on the parent's religion or belief, for him to be provided with education at that school,
- (d) having regard to the religion or belief on which the parent's wish is based, there is no suitable qualifying school which is nearer to the child's home, and
- (e) the appropriate condition is met in relation to him.

13 A child falls within this paragraph if—

- (a) he has attained the age of 11,
- (b) he is receiving education at a place other than a school by virtue of arrangements made in pursuance of section 19(1),
- (c) that place is more than two miles, but not more than six miles, from his home, and

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- (d) the appropriate condition is met in relation to him.
- 14 (1) For the purposes of paragraphs 9 to 13, the appropriate condition is met in relation to a child if condition A or condition B is met.
- (2) Condition A is met if the child is within section 512ZB(4) (provision of free school lunches and milk).
- (3) Condition B is met if—
- (a) a parent of the child, with whom the child is ordinarily resident, is a person to whom working tax credit is awarded, and
 - (b) the award is at the rate which is the maximum rate for the parent's case or, in the case of an award to him jointly with another, at the rate which is the maximum rate for their case.

Meaning of “qualifying school” etc

- 15 (1) The definitions in sub-paragraphs (2) to (5) apply for the purposes of this Schedule.
- (2) “Qualifying school” in relation to a child means—
- (a) a community, foundation or voluntary school,
 - (b) a community or foundation special school,
 - (c) a school approved under section 342 (non-maintained special schools),
 - (d) a pupil referral unit,
 - (e) a maintained nursery school, or
 - (f) a city technology college, a city college for the technology of the arts or an Academy.
- (3) In relation to a child with special educational needs, an independent school, other than a college or Academy falling within sub-paragraph (2)(f), is also a “qualifying school” if—
- (a) it is the only school named in the statement maintained for the child under section 324, or
 - (b) it is one of two or more schools named in that statement and of those schools it is the nearer or nearest to the child's home.
- (4) “Disabled child” means a child who has a disability for the purposes of the Disability Discrimination Act 1995, and “disability” is to be construed accordingly.
- (5) “Walking distance” has the meaning given by section 444(5).
- (6) “Religion” and “belief” are to be read in accordance with section 509AD(3).
- (7) In the case of a child who is a registered pupil at both a pupil referral unit and at a school other than a unit, references in this Schedule to the school at which he is a registered pupil are to be read as references to the unit.”

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VALID FROM 01/04/2007

SCHEDULE 9

Section 78

SCHOOL TRAVEL SCHEMES

PROSPECTIVE

After Schedule 35B to EA 1996 (inserted by section 77 above) insert—

“SCHEDULE 35C

Section 508E

SCHOOL TRAVEL SCHEMES

Power to make scheme

- 1 (1) A local education authority in England may make a school travel scheme for their area.
- (2) Before making a school travel scheme, a local education authority must consult such persons as the authority consider appropriate.

Arrangements to be included in scheme

- 2 (1) A school travel scheme must set out (in general terms) what arrangements in connection with the attendance of children in the authority's area receiving education—
 - (a) at schools,
 - (b) at any institution within the further education sector, or
 - (c) at any other place by virtue of arrangements made in pursuance of section 19(1),
 the scheme authority consider it appropriate to be made in relation to travel to and from such places.
- (2) Those arrangements are to be either or both of the following—
 - (a) arrangements to be made by the authority;
 - (b) arrangements to be made by any other persons.
- (3) A school travel scheme may include travel arrangements of any description and may, in particular, include—
 - (a) arrangements for the provision of transport;
 - (b) any of the following arrangements only if made with the relevant parental consent—
 - (i) arrangements for the provision of one or more persons to escort a child (whether alone or together with other children) when travelling to or from any of the places mentioned in any of paragraphs (a) to (c) of sub-paragraph (1);

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- (ii) arrangements for the payment of the whole or any part of a person's reasonable travelling expenses;
 - (iii) arrangements for the payment of allowances in respect of the use of particular modes of travel;
 - (c) arrangements to facilitate or promote the use of particular modes of travel.
- (4) The reference in sub-paragraph (3) to the relevant parental consent is to the consent of a parent of each child in relation to whom the arrangements in question are made.
- (5) A school travel scheme must require that if any arrangements set out in the scheme involve arrangements to be made by any person other than the scheme authority and those arrangements—
 - (a) are not made by that person or by any other persons, or
 - (b) are so made but are not given effect to in compliance with the requirements of the scheme,the scheme authority must make suitable alternative arrangements.

Travel arrangements for “eligible children”

- 3 (1) A school travel scheme must require that, in the case of an eligible child in the scheme authority's area to whom sub-paragraph (2) applies, the authority must make such travel arrangements as they consider necessary in order to secure that suitable home to school travel arrangements, for the purpose of facilitating the child's attendance at the relevant educational establishment in relation to him, are made in relation to the child.
- (2) This sub-paragraph applies to an eligible child if—
- (a) no travel arrangements relating to travel in either direction between his home and the relevant educational establishment in relation to him, or in both directions, are provided in relation to him by any person who is not the scheme authority, or
 - (b) such travel arrangements are provided in relation to him by any person who is not the scheme authority but those arrangements, taken together with any other such travel arrangements which are so provided, do not provide suitable home to school travel arrangements for the purpose of facilitating his attendance at the relevant educational establishment in relation to him.
- (3) “Home to school travel arrangements”, in relation to an eligible child, are travel arrangements relating to travel in both directions between the child's home and the relevant educational establishment in question in relation to that child.
- (4) “Travel arrangements”, in relation to an eligible child, are travel arrangements of any description and include—
- (a) arrangements for the provision of transport, and
 - (b) any of the following arrangements only if they are made with the consent of a parent of the child—
 - (i) arrangements for the provision of one or more persons to escort the child (whether alone or together with other children) when travelling to or from the relevant educational establishment in relation to the child;
 - (ii) arrangements for the payment of the whole or any part of a person's reasonable travelling expenses;

Status: Point in time view as at 27/02/2007.

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- (iii) arrangements for the payment of allowances in respect of the use of particular modes of travel.
- (5) “Travel arrangements”, in relation to an eligible child, include travel arrangements of any description made by any parent of the child only if those arrangements are made by the parent voluntarily.
- (6) Regulations may modify sub-paragraphs (1) and (2) to provide for their application in cases where there is more than one relevant educational establishment in relation to a child.
- 4 (1) For the purposes of paragraph 3, an “eligible child” is a child who falls within any of the following paragraphs of Schedule 35B—
- (a) paragraph 2 or 3 (children of compulsory school age with special educational needs, a disability or mobility problems);
 - (b) paragraph 4 or 5 (children of compulsory school age who cannot reasonably be expected to walk because of the nature of the routes);
 - (c) paragraph 6 or 7 (children of compulsory school age who live outside walking distance and for whom no suitable alternative arrangements are made);
 - (d) paragraph 9, 10, 11, 12 or 13 (children aged 8 or over who are entitled to free school meals etc).
- (2) References in paragraph 3 to the “relevant educational establishment”, in relation to an eligible child, are references to—
- (a) in the case of a child who is an eligible child by virtue of falling within any of paragraphs 2, 4, 6, 9, 11 and 12 of Schedule 35B, the qualifying school at which the child is a registered pupil referred to in the paragraph in question, and
 - (b) in the case of a child who is an eligible child by virtue of falling within any of paragraphs 3, 5, 7, 10 and 13 of Schedule 35B, the place other than a school, where the child is receiving education by virtue of arrangements made in pursuance of section 19(1), referred to in the paragraph in question.

Charges

- 5 (1) A school travel scheme must set out the policy applicable to charging in relation to anything provided in pursuance of the scheme.
- (2) The policy to be set out under sub-paragraph (1) must include provision to the effect that anything provided in pursuance of the scheme for a protected child is provided free of charge.
- (3) The policy to be set out under sub-paragraph (1) must include provision to the effect mentioned in sub-paragraph (3) of paragraph 7 in relation to any child falling within sub-paragraph (1) or (2) of that paragraph.
- 6 (1) For the purposes of paragraph 5, a “protected child” is a child of compulsory school age in the scheme authority's area who falls within any of sub-paragraphs (2) to (4).
- (2) A child falls within this sub-paragraph if he is a child falling within any of the following paragraphs of Schedule 35B—
- (a) paragraph 2 or 3 (children of compulsory school age with special educational needs, a disability or mobility problems);

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- (b) paragraph 4 or 5 (children of compulsory school age who cannot reasonably be expected to walk because of nature of routes).
 - (3) A child falls within this sub-paragraph if he is within section 512ZB(4) (provision of free school lunches and milk).
 - (4) A child falls within this sub-paragraph if—
 - (a) a parent of the child, with whom the child is ordinarily resident, is a person to whom working tax credit is awarded, and
 - (b) the award is at the rate which is the maximum rate for the parent's case or, in the case of an award to him jointly with another, at the rate which is the maximum rate for their case.
- 7
- (1) For the purposes of paragraph 5(3), a child falls within this sub-paragraph if—
 - (a) he is of compulsory school age and is any of the following—
 - a child with special educational needs;
 - a disabled child;
 - a child with mobility problems,
 - (b) he is a registered pupil at a qualifying school which is not within walking distance of his home, and
 - (c) no suitable arrangements have been made by the local education authority for enabling him to become a registered pupil at a qualifying school nearer to his home.
 - (2) For the purposes of paragraph 5(3), a child falls within this sub-paragraph if—
 - (a) he is of compulsory school age and is any of the following—
 - a child with special educational needs;
 - a disabled child;
 - a child with mobility problems,
 - (b) he is receiving education at a place other than a school by virtue of arrangements made in pursuance of section 19(1), and
 - (c) that place is not within walking distance of his home.
 - (3) The effect referred to in paragraph 5(3) is that the amount payable in respect of anything provided in pursuance of the scheme for a child falling within sub-paragraph (1) or (2) is not to exceed the amount (if any) which would be payable under the scheme if—
 - (a) he were a child who is not a child with special educational needs, a disabled child or a child with mobility problems,
 - (b) in the case of a child falling within sub-paragraph (1), he were registered as a pupil at his nearest qualifying school, and
 - (c) he took full advantage of any arrangements under the scheme for the provision of transport for persons of his description.
 - (4) In sub-paragraph (3)(b), the reference to the child's nearest qualifying school is to whichever of the following is the nearest to his home to provide education for persons of his age who are not children with special educational needs, disabled children or children with mobility problems—
 - (a) a community school,
 - (b) a foundation school,
 - (c) a voluntary school,

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- (d) an Academy,
- (e) a city technology college, and
- (f) a city college for the technology of the arts.

8 Any sum payable in respect of a charge for anything provided by the scheme authority in pursuance of arrangements made by that authority in pursuance of a school travel scheme is to be recoverable summarily as a civil debt.

9 (1) This paragraph applies if a school travel scheme will give rise to any need to incur expenditure in order for a child to take advantage of anything provided for him in pursuance of the scheme.

(2) The scheme must include provision for any expenditure that needs to be incurred for the purpose mentioned in sub-paragraph (1) in the case of a protected child to be met by the scheme authority.

(3) “Protected child” has the meaning given for the purposes of paragraph 5.

Commencement of scheme

10 (1) A school travel scheme is not to come into force unless approved by the Secretary of State.

(2) A school travel scheme which has been approved by the Secretary of State is to come into force in accordance with directions given by the Secretary of State.

(3) The earliest date on which a school travel scheme may come into force is 31 August 2007.

Amendment or revocation of scheme

11 (1) The scheme authority may amend or revoke a school travel scheme.

(2) Before amending a school travel scheme, the scheme authority must consult such persons as they consider appropriate.

(3) The power of amendment under sub-paragraph (1) is exercisable only with the consent of the Secretary of State.

(4) The Secretary of State may consent to the exercise of the power of amendment under sub-paragraph (1) on an application by the scheme authority specifying the proposed exercise of the power.

(5) If on an application under sub-paragraph (4) the Secretary of State consents to the exercise of the power of amendment under sub-paragraph (1), the scheme authority must exercise the power accordingly.

(6) Any amendment under this paragraph is to come into force in accordance with directions given by the Secretary of State.

Provision of information

12 (1) The scheme authority must—

- (a) make such reports and returns to the Secretary of State, and
- (b) compile and give to the Secretary of State such information,

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as the Secretary of State may require for any of the purposes mentioned in sub-paragraph (2).

- (2) Those purposes are—
- (a) the purpose of monitoring the operation or effect of a school travel scheme approved under this Schedule;
 - (b) the purpose of preparing or publishing an evaluation under section 80 of the Education and Inspections Act 2006.

Guidance

- 13 (1) The Secretary of State must issue, and may from time to time revise, guidance as to the matters which he will take into account in exercising his power under paragraph 10(1) or 11(3).
- (2) Before issuing or revising guidance under sub-paragraph (1), the Secretary of State must consult such persons as he considers appropriate.

Interpretation

- 14 In this Schedule—
- “disabled child” means a child who has a disability for the purposes of the Disability Discrimination Act 1995, and “disability” is to be construed accordingly;
 - “qualifying school” has the same meaning as it has for the purposes of Schedule 35B;
 - “scheme authority”, in relation to a school travel scheme, means the local education authority by which the scheme is made;
 - “walking distance” has the meaning given by section 444(5).”

VALID FROM 01/04/2007

SCHEDULE 10

Section 85

FURTHER AMENDMENTS RELATING TO TRAVEL TO SCHOOLS ETC

VALID FROM 01/09/2007

Public Passenger Vehicles Act 1981 (c. 14)

1 In section 46 of the Public Passenger Vehicles Act 1981 (fare-paying passengers on school buses), in subsection (3), in the definition of “free school transport”—

- (a) after “under” insert “ section 508B(1), section 508C(1), section 508F(1), ” and
- (b) after “1996,” insert—

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“(aa) in pursuance of arrangements made by the authority in pursuance of a scheme made by them under Schedule 35C to that Act (school travel schemes)”.

VALID FROM 01/09/2007

Transport Act 1985 (c. 67)

- 2 (1) Section 6 of the Transport Act 1985 (registration of local services) is amended as follows.
- (2) In subsection (1) after “London local service” insert “ nor a service which falls within subsection (1A) below ”.
- (3) After subsection (1) insert—
- “(1A) A service falls within this subsection if conditions A and B are satisfied in relation to it.
- (1B) Condition A is satisfied if the service is provided in pursuance of—
- (a) the obligation placed on a local education authority by section 508B(1), section 508F(1), section 509(1) or (1A), or section 509AA(7)(b) or (9)(a) of the Education Act 1996 (provision of transport etc);
- (b) the exercise of the power of a local education authority under section 508C(1) of that Act; or
- (c) arrangements made by a local education authority in pursuance of a scheme made by them under Schedule 35C to that Act (school travel schemes).
- (1C) Condition B is satisfied if the service is for the carriage of any of the following persons (and no other)—
- (a) a person receiving education or training at premises to or from which transport is provided in pursuance of the obligation, the exercise of the power or the arrangements, as the case may be, mentioned in paragraph (a), (b) or (c) of subsection (1B);
- (b) a person supervising or escorting any such person while he is using such transport;
- (c) a person involved with the provision of education or training at any such premises.”

Education Act 1996 (c. 56)

VALID FROM 01/09/2007

- 3 In section 455(1) of EA 1996 (permitted charges), in paragraph (c), for “509(2)” substitute “ 508B(1), 508F(3) or 509(2), or section 508E(2)(d) and paragraph 5(2) of Schedule 35C, ”.

Status: Point in time view as at 27/02/2007.

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VALID FROM 01/09/2007

- 4 (1) Section 509 of EA 1996 (provision of transport etc) is amended as follows.
- (2) In subsection (1)—
- (a) after “local education authority” insert “ in Wales ”, and
 - (b) for “Secretary of State” substitute “ National Assembly for Wales ”.
- (3) In subsection (1A)—
- (a) after “authority” insert “ in Wales ”, and
 - (b) for “Secretary of State” substitute “ National Assembly for Wales ”.
- (4) In subsection (1B)—
- (a) omit “the Learning and Skills Council for England or”, and
 - (b) in paragraph (b), omit “13 or”.
- (5) In subsection (3), after “authority” insert “ in Wales ”.
- (6) In subsection (5), in paragraph (c), for “section 13” substitute “ section 41 ”.
- (7) In the heading, for “Provision” substitute “ LEAs in Wales: provision ”.
- 5 In section 509AB of EA 1996 (further provision about transport policy statements)—
- (a) after subsection (3) insert—
 - “(3A) In considering whether or not it is necessary to make arrangements for those purposes in relation to a particular person, a local education authority in England shall have regard (amongst other things) to the nature of the route, or alternative routes, which he could reasonably be expected to take.”, and
 - (b) in subsection (4)—
 - (i) for “those purposes” substitute “ the purposes mentioned in subsections (2) and (3) of section 509AA ”, and
 - (ii) after “authority” insert “ in Wales ”.

SCHEDULE 11

Section 112

THE OFFICE FOR STANDARDS IN EDUCATION, CHILDREN'S SERVICES AND SKILLS

Modifications etc. (not altering text)

- C1** Sch. 11 modified (temp.) (12.12.2006) by Office for Standards in Education, Children's Services and Skills (Transitional Provisions) Regulations 2006 (S.I. 2006/2991), regs. 1(1), **2(b)**

Membership

- 1 The Office is to consist of—
- (a) a chairman appointed by the Secretary of State;

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- (b) not less than 5 and not more than 10 other members appointed by the Secretary of State (“the appointed members”); and
- (c) the Chief Inspector.

Commencement Information

I13 Sch. 11 para. 1 in force at 12.12.2006 by S.I. 2006/2990, art. 2(i)(i)

Terms of appointment

- 2 (1) The chairman and the appointed members hold and vacate office in accordance with the terms of their respective appointments.
- (2) Sub-paragraph (1) has effect subject to the following provisions of this Schedule.
- (3) Section 113 makes provision for the holding and vacation of office by the Chief Inspector.

Commencement Information

I14 Sch. 11 para. 2(1) in force at 12.12.2006 by S.I. 2006/2990, art. 2(i)(i)

I15 Sch. 11 para. 2(2) in force at 12.12.2006 for specified purposes by S.I. 2006/2990, art. 2(i)(ii)

- 3 A person appointed as chairman or appointed member—
 - (a) must not be appointed for a term of more than five years,
 - (b) may at any time resign by giving written notice to the Secretary of State, and
 - (c) may be removed from office by the Secretary of State on the grounds that he is unable or unfit to carry out the duties of his office.

Commencement Information

I16 Sch. 11 para. 3 in force at 12.12.2006 by S.I. 2006/2990, art. 2(i)(ii)

VALID FROM 01/04/2007

- 4 The previous appointment of a person as chairman or appointed member does not affect his eligibility for appointment to either office.

Remuneration of members

- 5 (1) The Office must pay to the chairman and each of the appointed members such remuneration and allowances as may be determined by the Secretary of State.
- (2) The Office must, if required to do so by the Secretary of State—
 - (a) pay such pension, allowances or gratuities as may be determined by the Secretary of State to or in respect of a person who is or has held office as chairman or appointed member; or

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- (b) make such payments as may be so determined towards provision for the payment of a pension, allowances or gratuities to or in respect of such a person.
- (3) If, where a person ceases to hold office as chairman or appointed member, the Secretary of State determines that there are special circumstances which make it right that he should receive compensation, the Office must pay to him such amount by way of compensation as the Secretary of State may determine.
- (4) Paragraph 1 of Schedule 12 makes provision for the payment to the Chief Inspector of remuneration etc.

Commencement Information

I17 Sch. 11 para. 5(1) in force at 12.12.2006 by S.I. 2006/2990, art. 2(i)(ii)

Staff

- 6 (1) The Office has power to appoint staff—
 - (a) for the purposes of the performance of its own functions, and
 - (b) for the purposes of the performance of functions of the Chief Inspector.
- (2) But that power is exercisable only by the Chief Inspector acting on behalf of the Office.
- (3) The conditions of service of persons appointed under this paragraph are to be determined by the Chief Inspector, subject to the approval of the Minister for the Civil Service.
- (4) The management of the staff of the Office is to be the responsibility of the Chief Inspector.
- (5) Nothing in this paragraph is to be read as preventing any delegation by the Chief Inspector under paragraph 9 of Schedule 12.

Commencement Information

I18 Sch. 11 para. 6(1)-(4) in force at 12.12.2006 by S.I. 2006/2990, art. 2(i)(ii)

Committees

- 7 (1) The Office may establish committees, and any committee so established may establish sub-committees.
- (2) The members of a committee of the Office may include persons who are not members of the Office (and the members of a sub-committee may include persons who are not members of the committee or of the Office).
- (3) The Office may make arrangements for the payment of such remuneration and allowances as it thinks fit to any person who—
 - (a) is a member of a committee or sub-committee, but
 - (b) is not a member of the Office.

Status: Point in time view as at 27/02/2007.

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Commencement Information

I19 Sch. 11 para. 7(1) in force at 12.12.2006 by S.I. 2006/2990, art. 2(i)(ii)

Procedure etc.

- 8 (1) The Office may make such provision as it thinks fit to regulate—
- (a) its own proceedings (including quorum), and
 - (b) the procedure (including quorum) of its committees and sub-committees.
- (2) The validity of any proceedings of the Office, or any of its committees or sub-committees, is not affected by—
- (a) any vacancy in the office of chairman or in the membership of the Office or (as the case may be) of the committee or sub-committee, or
 - (b) any defect in the appointment of the chairman or any other member of the Office or (as the case may be) of any member of the committee or sub-committee.

Commencement Information

I20 Sch. 11 para. 8 in force at 12.12.2006 by S.I. 2006/2990, art. 2(i)(ii)

Performance of functions

- 9 Anything authorised or required to be done by the Office may be done by—
- (a) any member of the Office who is authorised for the purpose by the Office, whether generally or specially, or
 - (b) any committee or sub-committee of the Office which has been so authorised.

Commencement Information

I21 Sch. 11 para. 9 in force at 12.12.2006 by S.I. 2006/2990, art. 2(i)(ii)

Execution of documents

- 10 The application of the seal of the Office must be authenticated by the signature of—
- (a) any member of the Office, or
 - (b) some other person who has been authorised for that purpose by the Office, whether generally or specially.

Commencement Information

I22 Sch. 11 para. 10 in force at 12.12.2006 by S.I. 2006/2990, art. 2(i)(ii)

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Evidence

- 11 The Documentary Evidence Act 1868 (c. 37) shall have effect in relation to the Office as if—
- (a) the Office were included in the first column of the Schedule to that Act,
 - (b) any member or other person authorised to act on behalf of the Office were mentioned in the second column of that Schedule, and
 - (c) the regulations referred to in that Act included any document issued by or under the authority of the Office.

Commencement Information

I23 Sch. 11 para. 11 in force at 12.12.2006 by S.I. 2006/2990, art. 2(i)(ii)

Supplementary powers

- 12 (1) The Office has power—
- (a) to enter into contracts,
 - (b) to acquire, and dispose of, land or other property, and
 - (c) to arrange for the provision of accommodation,
- in connection with the performance of its own functions or in connection with the performance of functions of the Chief Inspector.
- (2) But those powers are exercisable only by the Chief Inspector acting on behalf of the Office.
- (3) The management of any property or accommodation held or used in connection with the performance of any of the functions mentioned in sub-paragraph (1) is to be the responsibility of the Chief Inspector.
- (4) Nothing in this paragraph is to be read as preventing any delegation by the Chief Inspector under paragraph 9 of Schedule 12.

Commencement Information

I24 Sch. 11 para. 12(1)-(3) in force at 12.12.2006 by S.I. 2006/2990, art. 2(i)(ii)

- 13 (1) The Office may do anything that it considers is necessary or expedient for the purposes of, or in connection with, its functions.
- (2) But to the extent that paragraph 6 or 12 makes provision for restricting the exercise of any such power, the power is accordingly exercisable subject to any such restriction.

Commencement Information

I25 Sch. 11 para. 13 in force at 12.12.2006 by S.I. 2006/2990, art. 2(i)(ii)

Status: Point in time view as at 27/02/2007.

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VALID FROM 01/04/2007

SCHEDULE 12

Section 115

THE CHIEF INSPECTOR AND OTHER INSPECTORS ETC.

PART 1

THE CHIEF INSPECTOR

Remuneration, pensions etc. of Chief Inspector

- 1 (1) The Office is to pay the Chief Inspector such remuneration, and such travelling and other allowances, as the Secretary of State may determine.
- (2) In the case of any Chief Inspector determined by the Secretary of State, the Office is to pay—
- (a) such pension, allowance or gratuity to or in respect of him, or
 - (b) such contributions or payments towards provision for such a pension, allowance or gratuity,
- as the Secretary of State may determine.
- (3) If, when any person ceases to hold office as Chief Inspector, the Secretary of State determines that there are special circumstances which make it right that he should receive compensation, the Office may pay to him such sum by way of compensation as the Secretary of State may determine.
- (4) Service as Chief Inspector is one of the kinds of service to which a scheme under section 1 of the Superannuation Act 1972 (c. 11) can apply.
- (5) The Office must pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of any increase attributable to sub-paragraph (4) in the sums payable out of money provided by Parliament under that Act.

Temporary appointment of Chief Inspector; performance of functions during vacancy or incapacity etc.

- 2 (1) If there is a vacancy in the office of Chief Inspector, the Secretary of State may appoint a person to be Chief Inspector during such period (not exceeding one year) as he thinks fit.
- (2) Any such appointment is to be on such terms as the Secretary of State may determine.
- (3) Those terms may include provision for the Secretary of State to terminate the appointment before the time when it would otherwise end.
- 3 (1) The Chief Inspector may designate an HMI to perform his functions during any period when he is absent or unable to act.

Status: Point in time view as at 27/02/2007.

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- (2) If (at a time when no designation is in force under sub-paragraph (1)) it appears to the chairman of the Office that the Chief Inspector is, as a result of any incapacity—
- (a) unable to act, and
 - (b) unable to make a designation under that sub-paragraph,
- the chairman may designate an HMI to perform the Chief Inspector's functions so long as he remains in office and is unable to act.
- (3) For the purposes of this paragraph the Chief Inspector's functions include his functions as a member of the Office.

Execution of documents

- 4 The application of the Chief Inspector's seal must be authenticated by the signature of—
- (a) the Chief Inspector, or
 - (b) some other person who has been authorised for that purpose by the Chief Inspector, whether generally or specially.

Evidence

- 5 The Documentary Evidence Act 1868 (c. 37) shall have effect in relation to the Chief Inspector as if—
- (a) he were mentioned 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.

Ancillary powers

- 6 The Chief Inspector may do anything that he considers necessary or expedient for the purposes of, or in connection with, his functions.

Nature of functions conferred on Chief Inspector

- 7 (1) Functions conferred on the Chief Inspector by virtue of this Part or any other enactment are conferred on him in his capacity as holder of the office of Chief Inspector and not in his capacity as a member of the Office.
- (2) Sub-paragraph (1) does not apply to any function of the Chief Inspector under—
- (a) section 114(4),
 - (b) paragraph 6 or 12 of Schedule 11, or
 - (c) paragraph 3 of this Schedule.
- (3) References in this Part to functions of the Chief Inspector are references to functions conferred on him in his capacity as holder of the office of Chief Inspector.
- This is subject to paragraph 3(3).
- (4) Any proceedings brought in respect of any such function of the Chief Inspector are to be brought against the Chief Inspector in his capacity as holder of that office.

Status: Point in time view as at 27/02/2007.

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Relationship between Chief Inspector and the Office

- 8 (1) For all purposes relating to the government department constituted by the Office, the Chief Inspector is to be regarded—
- (a) as part of that government department, whether acting in his capacity as holder of the office of Chief Inspector or in his capacity as a member of the Office, and
 - (b) as performing his functions (in whatever capacity) on behalf of it.
- (2) Sub-paragraph (1) applies subject to any provision made by virtue of sub-paragraph (3).
- (3) The Secretary of State may by order make such provision as he considers appropriate for—
- (a) supplementing or modifying the effect of sub-paragraph (1), or
 - (b) prescribing other matters in connection with responsibilities of the Chief Inspector in relation to the Office or otherwise connected with the relationship between them.
- (4) Such an order may in particular provide—
- (a) for allocating functions, property, rights or liabilities as between the Office and the Chief Inspector;
 - (b) for conferring on the Chief Inspector responsibilities in relation to property, rights or liabilities of the Office, including responsibilities as to the conduct of proceedings;
 - (c) for the capacity in which the Chief Inspector is to discharge any such functions or responsibilities.

PART 2

INSPECTORS ETC. ACTING ON BEHALF OF CHIEF INSPECTOR

Delegation of functions

- 9 (1) Anything authorised or required by or under any enactment to be done by the Chief Inspector may be done by—
- (a) any HMI,
 - (b) any other member of the staff of the Office, or
 - (c) any additional inspector,
- who is authorised generally or specially for the purpose by the Chief Inspector.
- (2) But sub-paragraph (1) has effect subject to—
- (a) sub-paragraph (3) below and paragraphs 10(2) and 11(4), and
 - (b) any contrary provision made by any enactment.
- (3) The making of any report of an inspection of a school under section 5 of EA 2005 which states the opinion that special measures are required to be taken in relation to the school must be personally authorised by—
- (a) the Chief Inspector, or
 - (b) an HMI who is authorised by the Chief Inspector for the purposes of this sub-paragraph.

Status: Point in time view as at 27/02/2007.

Changes to legislation: Education and Inspections Act 2006 is up to date with all changes known to be in force on or before 02 September 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) Without prejudice to the generality of sub-paragraph (1) above, references to the Chief Inspector—
- (a) in section 10 of EA 2005 (power of entry for purposes of inspection under s. 5 or 8), or
 - (b) in any other enactment by virtue of which any power of entry is exercisable by the Chief Inspector, or otherwise having effect in connection with any such power of entry,
- include references to any person authorised to act on his behalf under sub-paragraph (1).
- (5) In sub-paragraph (4) the reference to any power of entry includes a reference to a power to inspect documents or a power conferred in connection with the inspection of documents.

Inspectors etc. to have necessary qualifications, experience and skills

- 10 (1) This paragraph applies where—
- (a) an HMI,
 - (b) a member of the staff of the Office, or
 - (c) an additional inspector,
- is authorised to act on behalf of the Chief Inspector in connection with the carrying out of any of the activities within his remit.
- (2) The Chief Inspector must ensure that the person concerned has such qualifications, experience and skills as are necessary to secure that he is able to perform the function, or (as the case may be) assist with its performance, in an effective manner.

Additional inspectors

- 11 (1) The Chief Inspector may enter into arrangements with such persons as he thinks fit for them to assist him in the performance of his functions in a particular case or class of case.
- (2) The Chief Inspector may also enter into arrangements with persons (“inspection service providers”) under which they provide the services of inspectors to carry out inspections on behalf of the Chief Inspector.
- (3) A person assisting the Chief Inspector in pursuance of arrangements under sub-paragraph (1) or (2) is to be known as an additional inspector.
- (4) The Chief Inspector may not authorise an additional inspector to conduct an inspection of a school under section 5 of EA 2005 unless—
- (a) the inspection is to be supervised by an HMI, or
 - (b) the additional inspector has previously conducted an inspection under that section under the supervision of an HMI to the satisfaction of the HMI.
- (5) In sub-paragraph (4)(b) the reference to an HMI is, in relation to an inspection conducted before the commencement of this paragraph, to be read as a reference to one of Her Majesty's Inspectors of Schools in England.

Status: Point in time view as at 27/02/2007.

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Provisions relating to additional inspectors provided by inspection service providers

- 12 (1) This paragraph applies to arrangements made with inspection service providers under paragraph 11(2) (“ISP arrangements”).
- (2) In pursuance of his duty under paragraph 10(2), so far as applying to additional inspectors provided under ISP arrangements, the Chief Inspector—
 - (a) must publish in such manner as he thinks fit, and
 - (b) may from time to time revise,
 a statement of the matters mentioned in sub-paragraph (3).
- (3) The matters are—
 - (a) the qualifications or experience (or both) that are to be required of additional inspectors provided under ISP arrangements, and
 - (b) the standards that such additional inspectors are to be required to meet in the exercise of their functions and the skills that they are to be required to demonstrate in the exercise of those functions.
- (4) ISP arrangements must be made on terms that require the inspection service provider to secure compliance with any requirements that are for the time being published under sub-paragraph (2).
- (5) Where the Chief Inspector has entered into any ISP arrangements, he must publish, at intervals of not more than 12 months, a list of the names of the persons who are, at a specified date, currently notified to him by the inspection service provider as persons with whom the provider proposes to make arrangements for the carrying out of inspections on behalf of the Chief Inspector.

VALID FROM 01/04/2007

SCHEDULE 13

Section 149

INTERACTION WITH OTHER AUTHORITIES

.....

VALID FROM 01/04/2007

SCHEDULE 14

Section 157

MINOR AND CONSEQUENTIAL AMENDMENTS RELATING TO PART 8

.....

Status: Point in time view as at 27/02/2007.

Changes to legislation: Education and Inspections Act 2006 is up to date with all changes known to be in force on or before 02 September 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 15

Section 158

TRANSITIONAL PROVISIONS AND SAVINGS RELATING TO PART 8

VALID FROM 01/04/2007

Staff transfer schemes

- 1
- (1) The Secretary of State may make a scheme (a “staff transfer scheme”) providing—
 - (a) for an employee of the ALI or the CSCI to become a member of the staff of the Office;
 - (b) for his contract of employment to have effect (subject to any necessary modifications) as his conditions of service as a member of the staff of the Office;
 - (c) for the transfer to the Office of the rights, powers, duties and liabilities of the ALI or the CSCI under or in connection with the employee's contract of employment;
 - (d) for anything done (or having effect as if done) before that transfer by or in relation to the ALI or the CSCI in respect of such a contract or the employee to be treated as having been done by or in relation to the Office.
 - (2) A staff transfer scheme may provide for a period before a person became a member of the staff of the Office to count as a period during which he was a member of its staff (and for the operation of the scheme not to be treated as having interrupted the continuity of that period).
 - (3) A staff transfer scheme may provide for an employee of the ALI or the CSCI who would otherwise become a member of the staff of the Office not to become such a member of staff if he gives notice objecting to the operation of the scheme in relation to him.
 - (4) A staff transfer scheme may provide for any person who would be treated (whether by an enactment or otherwise) as being dismissed by the operation of the scheme not to be so treated.
 - (5) A staff transfer scheme may provide for—
 - (a) section 3 of the Act of Settlement (1700 c. 2),
 - (b) section 6 of the Aliens Restriction (Amendment) Act 1919 (c. 92), and
 - (c) any rules prescribing requirements as to nationality which must be satisfied in the case of persons employed in a civil capacity under the Crown,not to apply in relation to service as a member of the staff of the Office by a person who becomes a member of its staff pursuant to the scheme.

VALID FROM 01/04/2007

Property transfer schemes

- 2
- (1) The Secretary of State may make a scheme (a “property transfer scheme”) providing for the transfer to the Office or the new Chief Inspector of any property, rights or liabilities of any of the following—

Status: Point in time view as at 27/02/2007.

Changes to legislation: *Education and Inspections Act 2006 is up to date with all changes known to be in force on or before 02 September 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)*

- (a) the existing Chief Inspector;
 - (b) the Secretary of State;
 - (c) the Lord Chancellor;
 - (d) the ALI;
 - (e) the CSCI.
- (2) A property transfer scheme may provide for the transfer to a person other than the Office or the new Chief Inspector of any property, rights or liabilities of the ALI not transferred pursuant to sub-paragraph (1).
- (3) A property transfer scheme may—
- (a) create rights, or impose liabilities, in relation to property or rights transferred by virtue of the scheme;
 - (b) provide for things done by or in relation to persons mentioned in paragraphs (a) to (e) of sub-paragraph (1) in connection with any property, rights or liabilities transferred by the scheme to be treated as done, or to be continued, by or in relation to the person to whom the property, rights or liabilities in question are transferred;
 - (c) apportion property, rights and liabilities;
 - (d) make provision about the continuation of legal proceedings.
- (4) The things that may be transferred by a property transfer scheme include—
- (a) property, rights and liabilities that could not otherwise be transferred;
 - (b) property acquired, and rights and liabilities arising, after the making of the scheme.

VALID FROM 01/04/2007

Continuity of exercise of functions etc.

- 3 (1) Anything which—
- (a) has been done (or has effect as if done) by or in relation to the existing Chief Inspector, and
 - (b) is in force immediately before the appointed day,
- is to be treated as done by or in relation to the new Chief Inspector.
- (2) Anything (including any legal proceedings) which—
- (a) relates to any function transferred to, or otherwise made exercisable by, the new Chief Inspector under this Part, and
 - (b) is in the process of being done by or in relation to the existing Chief Inspector immediately before the appointed day,
- may be continued by or in relation to the new Chief Inspector.
- (3) Nothing in sub-paragraph (1) or (2)—
- (a) applies to anything in relation to which provision may be made under paragraph 2(3)(b), or
 - (b) affects the validity of anything done by the existing Chief Inspector.
- (4) In this paragraph “the appointed day” means the day appointed under section 188 for the coming into force of section 113.

Status: Point in time view as at 27/02/2007.

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- 4 (1) A scheme made by the Secretary of State may make provision corresponding to the provision made by paragraph 3 in relation to things done, having effect as if done, or in the process of being done by—
- (a) any court administration inspector,
 - (b) the ALI,
 - (c) the Chief Inspector of Adult Learning, or
 - (d) the CSCI.
- (2) Such a scheme may provide for things to be treated as done, or to be continued, by or in relation to the Chief Inspector or the Office.
- (3) This paragraph does not apply to anything in relation to which provision may be made under paragraph 1(1)(d).

VALID FROM 01/04/2007

Schemes: supplementary

- 5 A staff transfer scheme, a property transfer scheme or a scheme made under paragraph 4 may contain supplementary, incidental, transitional and consequential provision.

VALID FROM 01/04/2007

Saving for previous transfer schemes

- 6 Paragraphs 58 and 60 of Schedule 14 to this Act (and the corresponding entries in Part 5 of Schedule 18 to this Act) do not affect—
- (a) any provision of a scheme made under section 90(1) or 92(1) of the Learning and Skills Act 2000 (c. 21) which has effect immediately before the coming into force of those paragraphs;
 - (b) the operation of section 95 of that Act in relation to rights and liabilities under a contract of employment transferred by virtue of such a scheme.

Preparation for performance of functions by the new Chief Inspector

- 7 (1) The Secretary of State may by regulations confer on the Office and the existing Chief Inspector such powers, and impose on them such duties, as the Secretary of State considers necessary or expedient for the purpose of preparing for the performance by the new Chief Inspector of his functions.
- (2) Regulations under sub-paragraph (1) may be made at any time before the day on which the new Chief Inspector acquires his functions.
- (3) The ALI, the Chief Inspector of Adult Learning, the CSCI and the court administration inspectors must give such assistance to the Office and the existing Chief Inspector as is reasonably required for the purpose of preparing for the performance by the new Chief Inspector of his functions.

Status: Point in time view as at 27/02/2007.

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- (4) In this paragraph references to the new Chief Inspector's functions are to the functions conferred on him by virtue of this Part.

Commencement Information

- I26** Sch. 15 para. 7 partly in force; Sch. 15 para. 7 in force at 8.11.2006 in so far as it confers power to make subordinate legislation see s. 188(1)
I27 Sch. 15 para. 7 in force at 12.12.2006 in so far as not already in force by S.I. 2006/2990, art. 2(j)

VALID FROM 01/04/2007

First annual report of the new Chief Inspector

- 8 (1) The first annual report made by the new Chief Inspector under section 121 is to be a report in respect of the year beginning with the day after the end of the last year for which the existing Chief Inspector made a report under section 3 of EA 2005.
- (2) That report is to include a report on the exercise by the existing Chief Inspector of his functions during any period—
- (a) beginning with the day mentioned in sub-paragraph (1), and
 - (b) ending with the day before his office was abolished.

Interpretation

- 9 In this Schedule—
- “the ALI” means the Adult Learning Inspectorate;
 - “the existing Chief Inspector” means Her Majesty's Chief Inspector of Schools in England;
 - “the new Chief Inspector” means the Chief Inspector appointed under Chapter 1 of this Part;
 - “court administration inspector” means an inspector of court administration appointed under section 58 of the Courts Act 2003 (c. 39);
 - “the CSCI” means the Commission for Social Care Inspection.

Commencement Information

- I28** Sch. 15 para. 9 in force at 12.12.2006 for specified purposes by S.I. 2006/2990, art. 2(j)

Status: Point in time view as at 27/02/2007.

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SCHEDULE 16

Section 161

POWERS TO FACILITATE INNOVATION

PART 1

AMENDMENTS OF CHAPTER 1 OF PART 1 OF EA 2002

- 1 (1) Section 1 of EA 2002 (purpose and interpretation of Chapter 1 of Part 1) is amended as follows.
- (2) In subsection (1)(a) and (b), for “the educational standards achieved by children” substitute “ educational standards ”.
- (3) In subsection (2)—
- (a) for “the educational standards achieved by children” substitute “ educational standards ”, and
 - (b) in paragraph (b), for “children” substitute “ pupils or students ”.
- (4) In subsection (3)—
- (a) after the definition of “education legislation” insert—
 - ““maintained school” means—
 - (a) a community, foundation or voluntary school,
 - (b) a community or foundation special school, or
 - (c) a maintained nursery school;”, - (b) for the definition of “qualifying body” substitute—
 - ““qualifying body” means—
 - (a) a local education authority,
 - (b) an Education Action Forum,
 - (c) a qualifying foundation,
 - (d) the governing body of a maintained school,
 - (e) the head teacher of a maintained school,
 - (f) the proprietor of an Academy, a city technology college or a city college for the technology of the arts,
 - (g) the proprietor of any special school that is not maintained by a local education authority but is for the time being approved by the Secretary of State or the National Assembly for Wales under section 342 of the Education Act 1996, or
 - (h) the governing body of an institution within the further education sector;”, and
 - (c) after the definition of “qualifying body” insert—
 - ““qualifying foundation” means the foundation, as defined by subsection (3)(a) of section 21 of the School Standards and Framework Act 1998, of any foundation or foundation special school that for the purposes of that section has a foundation established otherwise than under that Act;”, and
 - (d) omit the definition of “qualifying school”.

Status: Point in time view as at 27/02/2007.

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- 2 (1) Section 2 of EA 2002 (power to suspend statutory requirements etc.) is amended as follows.
- (2) After subsection (1) insert—
- “(1A) Where the applicant is or includes a qualifying foundation, references in paragraphs (a) to (d) of subsection (1) to the applicant (so far as they would otherwise be read as references to the qualifying foundation) are to be read as references to the governing bodies of all or any of the foundation or foundation special schools in respect of which the applicant is the foundation.”
- (3) Omit subsections (7) and (8).
- 3 (1) Section 4 of EA 2002 (applications for orders under section 2) is amended as follows.
- (2) In subsection (1) after “section 2” insert “ (“an application for an order”) ”.
- (3) After subsection (1) insert—
- “(1A) No application for an order may be made by the head teacher of a maintained school without the consent of the governing body of the school.”
- (4) In subsection (2)—
- (a) for “such an application” substitute “ an application for an order ”,
- (b) after paragraph (a) insert—
- “(aa) in the case of a qualifying foundation, consult the governing body of each foundation or foundation special school to which the application relates and the local education authority who maintain the school,” and
- (c) for paragraph (b) substitute—
- “(b) in the case of the governing body of a maintained school, consult—
- (i) the local education authority who maintain the school, and
- (ii) where the school is a foundation school with a qualifying foundation, that foundation, and”.

PART 2

CONSEQUENTIAL AMENDMENT

- 4 In section 24 of the Anti-social Behaviour Act 2003 (c. 38), for the definition of “relevant school” substitute—
- ““relevant school” means—
- (a) a community, foundation or voluntary school,
- (b) a community or foundation special school,
- (c) a maintained nursery school as defined in section 22(9) of the School Standards and Framework Act 1998,
- (d) a pupil referral unit as defined in section 19(2) of the 1996 Act,
- (e) an Academy,
- (f) a city technology college, or

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(g) a city college for the technology of the arts,”.

VALID FROM 30/06/2008

SCHEDULE 17

Section 175

MISCELLANEOUS AMENDMENTS RELATING TO WALES

SCHEDULE 18

Section 184

REPEALS

PART 1

REPEALS COMING INTO FORCE ON ROYAL ASSENT

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Education Act 1996 (c. 56)	In section 444— in subsection (1A), the words “without reasonable justification”, and in subsection (3), paragraph (b) and the word “or” immediately following it.
Education Act 2002 (c. 32)	In section 1(3), the definition of “qualifying school”. Section 2(7) and (8). In Schedule 21, paragraph 54.

PART 2

REPEALS COMING INTO FORCE IN ACCORDANCE WITH SECTION 188(2)

Commencement Information

I29 Sch. 18 Pt. 2 in force at 8.1.2007, see s. 188(2)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Leasehold Reform Act 1967 (c. 88)	In section 29(6), the words from “but a university body” to the end.
Employment Act 1989 (c. 38)	Section 26. Section 28(4)(b).

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Education Act 1996 (c. 56)	In section 569— in subsection (2), the words “other than regulations under section 492”, and subsection (3).
School Standards and Framework Act 1998 (c. 31)	Section 127(5) and (6).
Education Act 2002 (c. 32)	Section 159(3). In Schedule 21, paragraph 110(3).
Education Act 2005 (c. 18)	In Schedule 9, paragraph 21.

VALID FROM 25/05/2007

PART 3

SCHOOL ORGANISATION

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Local Government Act 1972 (c. 70)	Section 177(1A)(b).
Local Government Act 1974 (c. 7)	Section 25(5)(a).
Education Act 1996 (c. 56)	In section 529(2), the words “(other than a nursery school or a special school)”.
School Standards and Framework Act 1998	In section 21(6)(i), the words “school organisation committees and”. Section 24. Section 27. In section 28— in subsection (1)(d), the words from “in the case” to “Wales,”; in subsection (2)(b), the words from “or of” to “in England,”; subsections (2A) and (2B); subsection (6); in subsection (7), the words from the beginning to “in Wales,”; in subsection (8), the words “(for both England and Wales)”; and in subsection (9), the words “subsection (6) and”. Section 28A. In section 29— in subsection (4B), paragraph (c) and in paragraph (d), the words “parish council or”; subsection (5); in subsection (6), the words from the beginning to “in Wales”;

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	<p>in subsection (7), the words “(for both England and Wales)”; and</p> <p>in subsection (8), the words “subsection (5) and”.</p> <p>In section 31—</p> <p>subsection (5);</p> <p>in subsection (6), the words from the beginning to “in Wales”;</p> <p>in subsection (7), the words “(5) or”;</p> <p>and</p> <p>in subsection (8), the words “(for both England and Wales)”.</p> <p>In section 33(4), the words “28A,”.</p> <p>In section 79(1), the word “or” at the end of paragraph (b).</p> <p>In section 138(4), the words “29(9A),”.</p> <p>In section 143—</p> <p>in the entry beginning “promoters”, the words “or 28A(2)”, and</p> <p>the entry beginning “school organisation committee”.</p> <p>Schedule 4.</p> <p>In Schedule 6—</p> <p>paragraphs 1 to 5;</p> <p>in paragraph 6, the words from “which relate” to the end;</p> <p>in paragraph 11, the words “5 or”;</p> <p>in paragraph 12(2), the words “, 28A(1)”;</p> <p>in paragraph 13, in sub-paragraph (2), the words “, 28A(1)”, and in sub-paragraph (3)(a) the words “or 28A(2)”;</p> <p>in paragraph 14(3), the words “or 28A(2)”;</p> <p>and</p> <p>paragraph 21 and the heading immediately preceding it.</p> <p>In Schedule 30, paragraphs 45 and 146(b).</p>
Learning and Skills Act 2000 (c. 21)	<p>In section 113(3)(b), the words “, any school organisation committee”.</p> <p>In Schedule 7—</p> <p>in paragraph 32, in sub-paragraph (2), the definition of “the school organisation committee”, and sub-paragraph (3);</p> <p>paragraph 35(5) and (6).</p> <p>In Schedule 9, paragraph 82.</p>
Race Relations (Amendment) Act 2000 (c. 34)	<p>In Schedule 2, paragraph 30.</p>
Special Educational Needs and Disability Act 2001 (c. 10)	<p>In Schedule 8, paragraph 23(2).</p>

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Education Act 2002 (c. 32)	Section 73. In Schedule 21, paragraph 53.
Education Act 2005 (c. 18)	Sections 64 to 67. In section 68(1), in paragraph (a) the words “, 28A”, and paragraphs (d) and (e). Section 69(a). Section 73. Schedules 10 and 11. In Schedule 12, paragraphs 1(2), 2, 3, 5, 6 and 9 to 12.

VALID FROM 01/04/2007

PART 4

SCHOOLS CAUSING CONCERN

<i>Short title and chapter</i>	<i>Extent of repeal</i>
School Standards and Framework Act 1998 (c. 31)	In section 14, subsections (1A) and (4)(b). Section 15(7). In section 16(3)(a) and (9)(a), the words “13(3)(a) or”. In section 16A(2)(a), the words “13(3)(a) or”. In section 17(3), the words “13(3)(a) or”. Section 19(2)(ca).
Learning and Skills Act 2000 (c. 21)	In Schedule 7, paragraph 13. In Schedule 9, paragraphs 78 and 79.
Education Act 2002 (c. 32)	In section 63(5), the words “of the Secretary of State or, as the case may be,”.
Education Act 2005 (c. 18)	In section 17(1), all the words following paragraph (b). In section 18, in paragraph (a) of the definition of “the appropriate appointing authority”, the words “, a Church in Wales school”. In Schedule 5, paragraph 3(14).

Status: Point in time view as at 27/02/2007.

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VALID FROM 01/04/2007

PART 5

INSPECTIONS

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Public Records Act 1958 (c. 51)	In Schedule 1, in Part 2 of the Table in paragraph 3, the entry relating to the Adult Learning Inspectorate.
Parliamentary Commissioner Act 1967 (c. 13)	In Schedule 2, the entries relating to the Adult Learning Inspectorate and the Office of Her Majesty's Chief Inspector of Schools in England.
Superannuation Act 1972 (c. 11)	In Schedule 1, the entry relating to the Adult Learning Inspectorate.
Employment and Training Act 1973 (c. 50)	Section 10B(1)(a) and (b).
House of Commons Disqualification Act 1975 (c. 24)	In Schedule 1, in Part 3, the entries relating to any member of the Adult Learning Inspectorate and to Her Majesty's Chief Inspector of Schools in England.
Northern Ireland Assembly Disqualification Act 1975 (c. 25)	In Schedule 1, in Part 3, the entry relating to Her Majesty's Chief Inspector of Schools in England.
Race Relations Act 1976 (c. 74)	In Schedule 1A, in Part 2, the entry relating to the Adult Learning Inspectorate.
Children Act 1989 (c. 41)	Section 26ZA. In section 26A(2A), “26ZA or”. In section 79N, subsections (1) to (3) and (6). In section 79R(4). In section 87(10), the definition of “the Commission”.
Further and Higher Education Act 1992 (c. 13)	Section 57(3)(c) and (d).
Education Act 1994 (c. 30)	In section 18B, subsection (3)(a), and in subsection (4) the words from “and subsections (2) to (4)” onwards.
Education Act 1997 (c. 44)	In section 38, subsection (2), in subsection (5)(a) the words “England or (as the case may require)”, in subsection (5)(b) the words “paragraph 2 of Schedule 1 to the Education Act 2005 or (as the case requires)”, and subsection (7)(a).

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	In section 39(4), the words from “section 11(2)” to “Wales,” and “section 11(2) or, as the case may be,”. Section 41.
Audit Commission Act 1998 (c. 18)	In Schedule 1, paragraph 8(2)(e).
Data Protection Act 1998 (c. 29)	In section 31(6), “, 26ZA”.
School Standards and Framework Act 1998 (c. 31)	In section 139(2)(b), the words “Her Majesty's Chief Inspector of Schools in England, or”. In Schedule 26, paragraphs 13A(4) and 14(1).
Care Standards Act 2000 (c. 14)	Section 45(4).
Learning and Skills Act 2000 (c. 21)	Sections 52 to 72. Section 90. Section 92(4)(b) and (c). Section 118(1)(a) and (b). In section 150(4)(a), “90,”. Section 151(2). Schedule 6. In Schedule 10, Part 3.
Freedom of Information Act 2000 (c. 36)	In Schedule 1, in Part 6, the entry relating to the Adult Learning Inspectorate.
Education Act 2002 (c. 32)	Section 162A(4). Section 162B(8). Section 178(3).
Courts Act 2003 (c. 39)	Section 58(6).
Health and Social Care (Community Health and Standards) Act 2003 (c. 43)	Section 76(2)(f) and (g). Section 77(3). Section 79(7). Section 80(5). Section 110. Section 112. Section 116(1). In section 133(1)(a), the words “or the Children Act 1989 (c. 41)”. In Schedule 7, paragraph 5(2). In Schedule 9, paragraphs 10, 18(2), 26 and 32.
Public Audit (Wales) Act 2004 (c. 23)	In Schedule 2, paragraph 18.
Children Act 2004 (c. 31)	Section 20(4)(b) and (c). Section 24. Section 38.
Education Act 2005 (c. 18)	Sections 1 to 4. In section 5(5), the word “and” at the end of paragraph (e). In section 9, “2(2)(b) or”. Section 11(2) to (4).

Status: Point in time view as at 27/02/2007.

Changes to legislation: Education and Inspections Act 2006 is up to date with all changes known to be in force on or before 02 September 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)

Childcare Act 2006 (c. 21)	Schedule 1. In Schedule 7, paragraphs 1 and 4(5). In Schedule 9, paragraph 5. Section 14. Section 31. Section 50(4). Section 61(4). In section 77, in each of subsections (1) and (2) the words “A person authorised for the purposes of this subsection by”, and subsection (7). Sections 80 and 81.
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PART 6

OTHER REPEALS

Commencement Information

- I30** Sch. 18 Pt. 6 in force at 12.12.2006 for specified purposes for E. by S.I. 2006/2990, **art. 2(k)**
- I31** Sch. 18 Pt. 6 in force at 8.1.2007 for specified purposes for E. by S.I. 2006/3400, **art. 2(e)**
- I32** Sch. 18 Pt. 6 in force at 8.1.2007 for specified purposes by S.I. 2006/3400, **art. 3(h)**
- I33** Sch. 18 Pt. 6 in force at 8.2.2007 for specified purposes for E. by S.I. 2006/3400, **art. 4(d)**
- I34** Sch. 18 Pt. 6 in force at 27.2.2007 for specified purposes for E. by S.I. 2006/3400, **art. 6(g)**
- I35** Sch. 18 Pt. 6 in force at 27.2.2007 for specified purposes by S.I. 2006/3400, **art. 7(e)**

Short title and chapter

Education Act 1996 (c. 56)

Education Act 1997 (c. 44)

School Standards and Framework Act 1998 (c. 31)

Extent of repeal

In section 437(8), the definition of “suitable education”.

In section 509(1B)—

the words “the Learning and Skills Council for England or”, and
in paragraph (b), the words “13 or”.

Sections 550A and 550B.

Sections 4 and 5.

Section 5.

In section 17(6), the words from “but” onwards.

Section 47A(6).

In section 48(4), the words from “the approval” to “and for”.

Section 58(4).

Section 61.

In section 77(4), the words “by a local authority”.

In section 84(5), the words “of practice”, in each place where they occur.

Status: Point in time view as at 27/02/2007.

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	In section 85(1), the words “of practice”.
	In section 85A—
	in subsection (1), the word “and” at the end of paragraph (a), and
	in subsection (3), the word “and” at the end of paragraph (b).
	In section 89—
	(a) in subsection (1A) the words “(within the meaning of section 22 of the Children Act 1989)”, and
	(b) in subsection (2) the word “and” at the end of paragraph (c).
	Section 90(6), (7) and (10).
	Section 99(1).
	In Schedule 3, in paragraph 3 as it applies in relation to England, sub-paragraph (3).
	In Schedule 14, paragraph 1(1) to (6).
	In Schedule 15, paragraphs 1(4) and (6), 2(5) and 3.
	In Schedule 22—
	paragraph 1(1)(c);
	in paragraph 2(1)(a), the words from “or acquired” to the end;
	in paragraph 3(1)(a), the words from “or acquired” to the end;
	paragraph 3(1)(d);
	in paragraph 3(1)(f), the words “(d) or”;
	and
	in paragraph 3(8), the words “(d),”.
Education Act 2002 (c. 32)	In section 176(3), the definition of “pupil”.
	In Schedule 21, paragraph 118(3)(b) and (4)(a)(ii).
Anti-social Behaviour Act 2003 (c. 38)	Section 21(4).
Education Act 2005 (c. 18)	In Schedule 12, paragraph 15.
Childcare Act 2006 (c. 21)	In Schedule 2, paragraph 42.

Status:

Point in time view as at 27/02/2007.

Changes to legislation:

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