

*Status: Point in time view as at 01/04/2012.*

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## SCHEDULES

### SCHEDULE 13

#### 16 TO 19 ACADEMIES AND ALTERNATIVE PROVISION ACADEMIES: CONSEQUENTIAL AMENDMENTS

##### *Other Acts*

- 6 (1) The Children Act 1989 is amended as follows.
- (2) In section 62 (voluntary organisations providing accommodation: duties of local authorities), in subsection (10), after “1992,” insert “ a 16 to 19 Academy ”.
- (3) In section 80 (inspection of children's homes etc by persons authorised by Secretary of State)—
- (a) in subsection (5), after paragraph (dc) insert—  
“(dd) proprietor of a 16 to 19 Academy;”;
- (b) in subsection (13), in the definition of “college”, after “1992” insert “ or a 16 to 19 Academy ”;
- (c) in subsection (13), at the end insert—  
““proprietor” has the same meaning as in the Education Act 1996.”
- (4) In section 87 (welfare of children in boarding schools and colleges)—
- (a) in subsection (10), in the definition of “college”, after “1992 Act” insert “ or a 16 to 19 Academy ”;
- (b) in subsection (11), after paragraph (c) insert—  
“(d) in relation to a 16 to 19 Academy, the proprietor of the Academy.”

#### **Commencement Information**

**I1** Sch. 13 para. 6 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 7 In Schedule 4A to the Water Industry Act 1991 (premises that are not to be disconnected for non-payment of charges), after paragraph 10 insert—  
“10A A 16 to 19 Academy.”

#### **Commencement Information**

**I2** Sch. 13 para. 7 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 8 (1) FHEA 1992 is amended as follows.
- (2) In section 85A (nuisance or disturbance on educational premises)—

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- (a) in subsection (2), omit the “and” after paragraph (a) and after paragraph (b) insert “, and
    - (c) any 16 to 19 Academy.”;
  - (b) in subsection (4), omit the “and” after paragraph (a) and after paragraph (b) insert “, and
    - (c) in relation to premises of a 16 to 19 Academy, the proprietor.”;
  - (c) in subsection (6), omit the “and” after paragraph (a) and after paragraph (b) insert “, and
    - (c) in relation to an offence committed on premises of a 16 to 19 Academy, a person whom the proprietor has authorised to bring such proceedings.”
- (3) In section 85AA (power of members of staff to search students for prohibited items: England)—
- (a) in subsection (1), after “England” insert “, or a 16 to 19 Academy, ”;
  - (b) in subsection (6), in the definition of “member of staff”, after “further education sector” insert “ or a 16 to 19 Academy ”.
- (4) In section 85AB (power of search under section 85AA: supplementary), in subsection (3), after “England” insert “, or a principal of a 16 to 19 Academy, ”.
- (5) In section 85C (power of members of staff to use force)—
- (a) in subsection (1), after “further education sector” insert “ or is a 16 to 19 Academy ”;
  - (b) in subsection (5), after “further education sector” insert “ or a 16 to 19 Academy ”.

#### Commencement Information

**I3** Sch. 13 para. 8 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 9 (1) EA 1996 is amended as follows.
- (2) In section 4 (schools: general)—
- (a) in subsection (1), for “subsection (1A)” substitute “ subsections (1A) to (1C) ”;
  - (b) after subsection (1A) insert—
    - “(1B) A 16 to 19 Academy is not a school.
    - (1C) An alternative provision Academy is a school.”
- (3) In section 11 (Secretary of State's duty in the case of primary, secondary and further education)—
- (a) in subsection (1)(a), omit the “or” after sub-paragraph (i) and after sub-paragraph (ii) insert “or
    - (iii) in 16 to 19 Academies.”;
  - (b) in subsection (1)(b), for “or institutions within the further education sector” substitute “, institutions within the further education sector or 16 to 19 Academies ”;

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- (c) in subsection (2), for “and institutions within the further education sector” substitute “, institutions within the further education sector and 16 to 19 Academies”.
- (4) In section 329A (review or assessment of educational needs at request of responsible body), in subsection (12), after paragraph (d) insert—  
“(da) an alternative provision Academy that is not an independent school,”.
- (5) In section 332B (special educational provision: resolution of disputes), in subsection (8)(c), for “or an Academy” substitute “, an Academy school or an alternative provision Academy”.
- (6) In section 337 (special schools), in paragraph (b), for “Academy” substitute “Academy school”.
- (7) In section 444 (offence: failure to secure regular attendance at school of registered pupil), in subsection (7A)(a), for sub-paragraph (iii) substitute—  
“(iii) an Academy school,  
(iiia) an alternative provision Academy,”.
- (8) In section 444ZA (application of section 444 to alternative education provision), in subsection (8)—  
(a) in paragraph (a), for sub-paragraph (iii) substitute—  
“(iii) an Academy school,  
(iiia) an alternative provision Academy,”;  
(b) in paragraph (b), after “(iii),” insert “(iiia),”.
- (9) In section 444B (penalty notices: supplemental), in subsection (4), in the definition of “relevant school”, for paragraph (c) substitute—  
“(c) an Academy school,  
(ca) an alternative provision Academy,”.
- (10) In section 508A (local authorities in England: duty to promote sustainable modes of travel)—  
(a) in subsection (5)(b), after “further education sector” insert “, or 16 to 19 Academies,”;  
(b) in subsection (6)(b), after “further education sector” insert “, or 16 to 19 Academies,”.
- (11) In section 508C (local authorities in England: travel arrangements etc for children other than eligible children), in subsection (6)(b), after “further education sector” insert “, or 16 to 19 Academy,”.
- (12) In section 508G (local authorities in England: transport policy statements for young adults subject to learning difficulty assessment), in subsection (1), after paragraph (b) insert—  
“(ba) proprietors of 16 to 19 Academies in the authority's area,”.
- (13) In section 509AA (local authorities in England: provision of transport etc for persons of sixth form age)—  
(a) in subsection (2), omit the “or” at the end of paragraph (c) and after that paragraph insert—  
“(ca) at any 16 to 19 Academy, or”;

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- (b) in subsection (2)(d), for “or (c)” substitute “, (c) or (ca)”.
- (14) In section 510 (provision of clothing), in subsection (4)(b), after “further education sector” insert “ or a 16 to 19 Academy ”.
- (15) In section 537 (power of Secretary of State to require information from governing bodies etc), in subsection (1)(b), after “every” insert “ (i) ” and at the end insert “or  
“(ii) alternative provision Academy which is not an independent school,”.
- (16) In section 557 (adoption of statutory trusts), in subsection (10), in the definition of “relevant school”, for “Academy,” substitute “ Academy school, alternative provision Academy, ”.
- (17) In section 579(1) (general interpretation)—
- (a) in the definition of “Academy”, for “a school” substitute “ an educational institution ”;
- (b) after the definition of “Academy order” insert—
- ““Academy school”, “16 to 19 Academy” and “alternative provision Academy” have the meanings given by sections 1A, 1B and 1C respectively of that Act;”;
- (c) in the definition of “proprietor”—
- (i) after “a school” insert “ or a 16 to 19 Academy ”;
- (ii) after “the school” insert “ or Academy ”.
- (18) In section 580 (index), at the appropriate places insert the following entries—

“Academy school	Section 579(1)”
“alternative provision Academy	Section 579(1)”
“16 to 19 Academy	Section 579(1)”

- (19) In paragraph 15(2) of Schedule 1 (management committees of pupil referral units), after paragraph (g) insert—
- “(ga) about the effect of closure of a pupil referral unit on members of the management committee for the unit or members of any sub-committee;”.
- (20) In paragraph 15(2) of Schedule 35B (travel arrangements for eligible children: meaning of “qualifying school”), in paragraph (f), for “or an Academy” substitute “, an Academy school or an alternative provision Academy ”.

#### Commencement Information

**I4** Sch. 13 para. 9 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 10 (1) SSFA 1998 is amended as follows.
- (2) In section 77 (control of disposals or changes in use of school playing fields) (as amended by Schedule 14)—

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- (a) in subsection (2B)(c)(ii), for “of Academy” substitute “ of Academy school ”;
  - (b) in subsection (3), for “Academy” (in both places) substitute “ Academy school ”;
  - (c) in subsection (4B), for “Academy” substitute “ Academy school ”.
- (3) In section 88 (admission authorities and admission arrangements), in subsection (1)(c) (inserted by section 64), for “Academy” (in both places) substitute “ Academy school ”.
- (4) In section 88H (reference of objections to adjudicator) (as amended by section 64)—
- (a) in subsection (1A), for “an Academy” (in both places) substitute “ an Academy school ”;
  - (b) in subsection (6)(b), for “Academy” substitute “ Academy school ”.
- (5) In section 88I (other functions of adjudicator relating to admission arrangements), in subsection (1)(b) (inserted by section 64), for “Academy” substitute “ Academy school ”.
- (6) In section 88K (sections 88H and 88I: supplementary) (as amended by section 64)—
- (a) in subsection (4)(a), for “Academy” substitute “ Academy school ”;
  - (b) in subsection (5)(b), for “an Academy” substitute “ an Academy school ”.
- (7) In section 88P (reports by local authorities), in subsection (3)(b), for “Academy” substitute “ Academy school ”.
- (8) In section 88Q (reports under section 88P: provision of information), in subsection (2)(d)(i), for “Academy” substitute “ Academy school ”.
- (9) In section 110 (home-school agreements), in subsection (1)(b), for “Academy” substitute “ Academy school ”.

#### Commencement Information

**I5** Sch. 13 para. 10 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 11 In section 24 of the Anti-social Behaviour Act 2003 (sections 19 to 22A and 24: interpretation)—
- (a) in the definition of “governing body”, for “Academy” substitute “ Academy school, alternative provision Academy ”;
  - (b) in the definition of “relevant school”, for paragraph (e) substitute—
    - “(e) an Academy school,
    - (ea) an alternative provision Academy,”.

#### Commencement Information

**I6** Sch. 13 para. 11 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 12 In section 14 of the International Development Act 2002 (functions of the Commonwealth Scholarship Commission etc), in subsection (1)(b)(i), after “higher education sector” insert “ , at 16 to 19 Academies ”.

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**Commencement Information**

**I7** Sch. 13 para. 12 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 13 (1) EA 2002 is amended as follows.
- (2) In section 135A (requirement to serve induction period: teachers in England) (inserted by section 9)—
- (a) in subsection (1)(d), after “prescribed description” insert “ or a 16 to 19 Academy ”;
  - (b) in subsection (2)(k), for “or to institutions within the further education sector” substitute “ institutions within the further education sector or 16 to 19 Academies ”;
  - (c) in subsection (5), after “further education sector” insert “ or a 16 to 19 Academy ”.
- (3) In section 141A (teacher misconduct: teachers to whom sections 141B to 141E apply) (inserted by section 8), in subsection (1), after paragraph (b) insert—
- “(ba) a 16 to 19 Academy.”.
- (4) In section 141D (supply of information following dismissal, resignation etc) (inserted by section 8), in subsection (4), in paragraph (c) of the definition of “relevant employer”, after “school” insert “ or 16 to 19 Academy ”.
- (5) In section 203 (further education institutions: hazardous material, etc)—
- (a) after subsection (1) insert—
 

“(1A) The Secretary of State may by regulations require the proprietor of a 16 to 19 Academy to prevent the use in the Academy of specified equipment or specified materials without the approval of the Secretary of State.”;
  - (b) in subsection (5), at the end insert “ and “proprietor” has the same meaning as in the Education Act 1996 ”.

**Commencement Information**

**I8** Sch. 13 para. 13 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 14 In section 71 of the Income Tax (Trading and Other Income) Act 2005 (educational establishments for the purposes of section 70), in subsection (1), omit the “or” after paragraph (c) and after paragraph (d) insert “, or
- (e) a 16 to 19 Academy.”

**Commencement Information**

**I9** Sch. 13 para. 14 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 15 (1) EA 2005 is amended as follows.
- (2) In section 5 (duty to inspect certain schools at prescribed intervals), in subsection (2), for paragraph (d) substitute—
- “(d) Academy schools,

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(da) alternative provision Academies.”.

(3) In section 113 (information about the school workforce: introductory), in subsection (2)(c), after “institution” insert “ or a 16 to 19 Academy ”.

#### Commencement Information

**I10** Sch. 13 para. 15 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 16 (1) EIA 2006 is amended as follows.
- (2) In section 7 (invitation for proposals for establishment of new schools), in subsection (2)(b), for “Academy” substitute “ Academy school ”.
- (3) In section 100 (duty of governing body or proprietor where pupil excluded for fixed period), in subsection (5), in the definition of “governing body”, for “Academy,” substitute “ Academy school, an alternative provision Academy, ”.
- (4) In section 104 (notice to parent relating to excluded pupil), in subsection (8), in paragraph (c) of the definition of “the appropriate authority”, for “Academy,” substitute “ Academy school, an alternative provision Academy, ”.
- (5) In section 111 (meaning of “maintained school” and “relevant school” in Chapter 2 of Part 7), in the definition of “relevant school”, for paragraph (b) substitute—
- “(b) an Academy school,  
(ba) an alternative provision Academy.”.
- (6) In section 123 (inspections: education and training to which Chapter applies), in subsection (1) after paragraph (b) insert—
- “(ba) education provided in 16 to 19 Academies;”.
- (7) In section 125 (inspection of further education institutions), in subsection (1) (amended by section 42), after “sector” insert “ , and all 16 to 19 Academies, ”.
- (8) In Schedule 2 (consideration, approval and implementation of proposals for establishment or discontinuance of schools in England), in paragraph 3A(a) (inserted by Schedule 11), for “an Academy” substitute “ an Academy school ”.

#### Commencement Information

**I11** Sch. 13 para. 16 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 17 (1) The Safeguarding Vulnerable Groups Act 2006 is amended as follows.
- (2) In section 21 (controlled activity relating to children), in subsection (4), after “Education Act 2002” insert “ or a 16 to 19 Academy ”.
- (3) In section 59 (meaning of “vulnerable adults”), in subsection (3), after paragraph (d) insert—
- “(e) a 16 to 19 Academy which provides accommodation for children.”

#### Commencement Information

**I12** Sch. 13 para. 17(1)(3) in force at 1.4.2012 by S.I. 2012/924, art. 2

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- 18 In section 71 of the Corporation Tax Act 2009 (educational establishments for the purposes of section 70), in subsection (1), omit the “or” after paragraph (c) and after paragraph (d) insert “, or  
 (e) a 16 to 19 Academy.”

**Commencement Information**

**I13** Sch. 13 para. 18 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 19 In section 23 of ASCLA 2009 (duty to prepare and submit draft specification of apprenticeship standards: England), in subsection (2)(b), omit the “and” after sub-paragraph (ii), and after that sub-paragraph insert—  
 “(ia) 16 to 19 Academies, and”.

**Commencement Information**

**I14** Sch. 13 para. 19 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 20 (1) The Equality Act 2010 is amended as follows.
- (2) In section 91 (students: admission and treatment, etc)—
- (a) in subsection (10), after paragraph (c) insert—  
 “(d) a 16 to 19 Academy.”;
- (b) in subsection (12), after paragraph (a) insert—  
 “(aa) in the case of an institution within subsection (10)(d), the proprietor (within the meaning of the Education Act 1996);”.
- (3) In Schedule 10 (accessibility for disabled pupils), in paragraph 5(3), for paragraph (b) substitute—  
 “(b) Academy schools;  
 (c) alternative provision Academies.”
- (4) In Schedule 17 (disabled pupils: enforcement), in paragraph 13(5)(b), for “Academy” substitute “ Academy school or an alternative provision Academy ”.

**Commencement Information**

**I15** Sch. 13 para. 20 in force at 1.4.2012 by S.I. 2012/924, art. 2



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