

*Status: Point in time view as at 01/05/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Education Act 2011, SCHEDULE 7. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 7

Section 21

#### THE CHIEF REGULATOR OF QUALIFICATIONS AND EXAMINATIONS

##### *Amendments to Schedule 9 to ASCLA 2009*

- 1 Schedule 9 to ASCLA 2009 (the Office of Qualifications and Examinations Regulation) is amended as follows.

##### **Commencement Information**

**I1** Sch. 7 para. 1 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 2 (1) Paragraph 2 (membership) is amended as follows.
- (2) In sub-paragraph (1)—
- (a) before paragraph (a), insert—
- “(za) a member appointed by Her Majesty by Order in Council as the chief executive of Ofqual,”;
- (b) in paragraph (a), for “Her Majesty by Order in Council to chair Ofqual,” substitute “the Secretary of State to chair Ofqual (“the chair”), and”;
- (c) omit paragraph (c) and the “and” immediately before it.
- (3) In sub-paragraph (2), for “to chair” substitute “as the chief executive of”;
- (4) In sub-paragraphs (3) to (6), for “Chief Regulator”, wherever occurring, substitute “chair”.

##### **Commencement Information**

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

- 3 (1) Paragraph 3 (the Chief Regulator) is amended as follows.
- (2) In sub-paragraph (6), for “Chief Regulator” substitute “the chief executive of Ofqual (whether before or after the relevant commencement date)”.
- (3) After sub-paragraph (6) insert—
- “(7) The relevant commencement date” means the date on which Schedule 7 to the Education Act 2011 comes fully into force.”

##### **Commencement Information**

**I3** Sch. 7 para. 3 in force at 1.4.2012 by S.I. 2012/924, art. 2

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4 After paragraph 3 insert—

*“The chair*

- 3A (1) The chair holds and vacates office in accordance with the terms of the appointment.
- (2) Those terms are to be determined by the Secretary of State, subject to the following provisions of this Schedule.
- (3) The chair must not be appointed for a term of more than 5 years.
- (4) The chair may resign from office at any time by giving written notice to the Secretary of State.
- (5) The Secretary of State may remove the chair from office on either of the following grounds—
- (a) inability or unfitness to carry out the duties of the office;
  - (b) absence from Ofqual's meetings for a continuous period of more than 6 months without Ofqual's permission.
- (6) The previous appointment of a person to chair Ofqual (whether before or after the relevant commencement date) does not affect the person's eligibility for re-appointment.
- (7) “The relevant commencement date” means the date on which Schedule 7 to the Education Act 2011 comes fully into force.”

**Commencement Information**

**I4** Sch. 7 para. 4 in force at 1.4.2012 by S.I. 2012/924, art. 2

5 In paragraph 4 (the deputy and other ordinary members: tenure), in sub-paragraphs (7) to (11), for “Chief Regulator”, wherever occurring, substitute “ chair ”.

**Commencement Information**

**I5** Sch. 7 para. 5 in force at 1.4.2012 by S.I. 2012/924, art. 2

6 In the heading before paragraph 5, for “*Chief Regulator and ordinary members*” substitute “ *members* ”.

**Commencement Information**

**I6** Sch. 7 para. 6 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 7 (1) Paragraph 5 (remuneration of members of Ofqual) is amended as follows.
- (2) In sub-paragraph (1), for “Chief Regulator and any of the ordinary members” substitute “ members of Ofqual ”.
- (3) In sub-paragraph (2), for “current or former Chief Regulator or” substitute “ person who is or has been the chair or an ”.

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- (4) In sub-paragraph (3), for “Chief Regulator or an ordinary member” substitute “ a member of Ofqual ”.
- (5) In sub-paragraph (4), for “this paragraph” substitute “ sub-paragraph (1), (2) or (3) ”.
- (6) After sub-paragraph (4) insert—
  - “(5) Service as the Chief Regulator is one of the kinds of service to which a scheme under section 1 of the Superannuation Act 1972 (superannuation schemes as respects civil servants etc) can apply.
  - (6) Ofqual must pay to the Minister for the Civil Service, at such times as the Minister may direct, such sums as the Minister may determine in respect of any increase attributable to sub-paragraph (5) in the sums payable out of money provided by Parliament under the Superannuation Act 1972.”

**Commencement Information**

**I7** Sch. 7 para. 7 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 8 For the heading before paragraph 6 substitute “ *Staff* ”.

**Commencement Information**

**I8** Sch. 7 para. 8 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 9 (1) Paragraph 6 (staff of Ofqual) is amended as follows.
  - (2) Omit sub-paragraphs (1) to (3).
  - (3) In sub-paragraphs (4) and (5)(a), omit “other”.

**Commencement Information**

**I9** Sch. 7 para. 9 in force at 1.4.2012 by S.I. 2012/924, art. 2

*Consequential amendments*

- 10 In Schedule 1 to the Superannuation Act 1972 (kinds of employment, etc, referred to in section 1 of that Act), under the heading “Offices” at the appropriate place insert “ The Chief Regulator of Qualifications and Examinations. ”

**Commencement Information**

**I10** Sch. 7 para. 10 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 11 In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices), after “The Chief Regulator of Qualifications and Examinations” insert “ , the chair of the Office of Qualifications and Examinations Regulation ”.

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**Commencement Information**

**I11** [Sch. 7 para. 11](#) in force at 1.4.2012 by [S.I. 2012/924, art. 2](#)

- 12 In Part 3 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (other disqualifying offices), after “The Chief Regulator of Qualifications and Examinations” insert “, the chair of the Office of Qualifications and Examinations Regulation”.

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**Commencement Information**

**I12** [Sch. 7 para. 12](#) in force at 1.4.2012 by [S.I. 2012/924, art. 2](#)

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