

DEREGULATION ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 66: Schools: reduction of burdens

317. *Subsections (1) and (2)* of this section provide for the Secretary of State's powers to require, through regulations, that governing bodies of maintained schools set annual targets in relation to school performance to cease to apply in relation to England.
318. Section 19 of the Education Act 1997 forms part of the law of England and Wales and currently applies to both England and Wales. It enables the Secretary of State (or in relation to Wales, the Welsh Ministers), by regulations, to make such provision as the Secretary of State considers appropriate (or as the Welsh Ministers consider appropriate) requiring the governing bodies of maintained schools to secure that annual targets are set in respect of the performance of pupils: in public examinations or in assessments for the purposes of the National Curriculum. Regulations made under section 19 applying to England were revoked in March 2011. The section now provides for the power to make regulations to cease to apply in relation to England.
319. **Section 19** will continue to apply to Wales (so that the Welsh Ministers will continue to be able to exercise the power conferred under section 19 to set, through regulations, annual school performance targets for maintained schools in Wales).
320. *Subsection (3)* repeals the Secretary of State's power, through regulations, to require local authorities in England to set annual targets in respect of the educational performance of pupils at schools maintained by them.
321. Section 102 of the Education Act 2005 forms part of the law of England and Wales but applies only to England. It enables the Secretary of State, by regulations, to require local authorities in England to set annual targets in respect of the educational performance of: (i) pupils at schools maintained by them; and (ii) any persons of compulsory school age (whether or not pupils at such schools) who are or have been looked after by them. The repeal will affect local authorities in England, since the Secretary of State will no longer have the power to require them to set annual targets. Regulations made under section 102 were revoked in December 2010.
322. The section comes into force on a day to be appointed by the Secretary of State in a commencement order.
323. The section also introduces Schedule 16, which makes further provision for the reduction of burdens relating to schools in England. See commentary on Schedule 16 below.