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## EXPLANATORY NOTE

*(This note is not part of the Order)*

The Schedule to this Order makes amendments that are consequential on the creation of new types of Academies by the Education Act 2011 (c. 21) (“the 2011 Act”). Section 53 of the 2011 Act inserts new sections 1A to 1D into the Academies Act 2010 which provide for three types of Academies: Academy schools (existing Academies), 16 to 19 Academies and alternative provision Academies.

Section 4(1B) of the Education Act 1996 (c. 56) (inserted by Schedule 13 to the 2011 Act) provides that a 16 to 19 Academy is not a school. Neither is it an institution within the further education sector under the Education Acts. The Schedule makes amendments to existing legislation to ensure that it applies correctly, or does not apply, to 16 to 19 Academies.

Section 4(1C) of the Education Act 1996 (inserted by Schedule 13 to the 2011 Act) provides that an alternative provision Academy is a school. However, an alternative provision Academy may be full-time or part-time and will not always meet the definition of “independent school” in section 463 of the Education Act 1996. The Schedule makes amendments to existing legislation to ensure that it applies correctly, or does not apply, to alternative provision Academies.

An impact assessment has not been produced for this instrument as it has no impact on business, the public sector or civil society organisations. The impact assessment for the 2011 Act is available at [www.education.gov.uk](http://www.education.gov.uk).