Education Act 2011

2011 CHAPTER 21

An Act to make provision about education, childcare, apprenticeships and training; to make provision about schools and the school workforce, institutions within the further education sector and Academies; to abolish the General Teaching Council for England, the Training and Development Agency for Schools, the School Support Staff Negotiating Body, the Qualifications and Curriculum Development Agency and the Young People's Learning Agency for England; to make provision about the Office of Qualifications and Examinations Regulation and the Chief Executive of Skills Funding; to make provision about student loans and fees; and for connected purposes. [15th November 2011]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART 1

EARLY YEARS PROVISION

1 Free of charge early years provision

(1) Part 1 of the Childcare Act 2006 (functions of local authorities in England in relation to childcare) is amended as set out in subsections (2) and (3).

(2) For section 7 (duty to secure prescribed early years provision free of charge) substitute—

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"**7 Duty to secure early years provision free of charge in accordance with regulations**

(1) An English local authority must secure that early years provision of such description as may be prescribed is available free of charge, in accordance with any regulations under this subsection, for each young child in their area who—
   (a) is under compulsory school age, and
   (b) is of such description as may be prescribed.

(2) Regulations under subsection (1) may in particular include provision about—
   (a) how much early years provision is to be made available in pursuance of the duty imposed by subsection (1);
   (b) the times at which, and periods over which, early years provision is to be made available in pursuance of that duty.

(3) In discharging the duty under subsection (1) a local authority must have regard to any guidance given from time to time by the Secretary of State."

(3) After section 13 insert—

"**13A Supply of information: free of charge early years provision**

(1) This subsection applies to information held for the purposes of functions relating to tax credits—
   (a) by the Commissioners for Her Majesty's Revenue and Customs, or
   (b) by a person providing services to them, in connection with the provision of those services.

(2) This subsection applies to information held for the purposes of functions relating to social security—
   (a) by the Secretary of State, or
   (b) by a person providing services to the Secretary of State, in connection with the provision of those services.

(3) Information to which subsection (1) or (2) applies may be supplied to the Secretary of State, or a person providing services to the Secretary of State, for use for the purpose of determining eligibility for free of charge early years provision.

(4) Information to which subsection (2) applies may be supplied to an English local authority for use for that purpose.

(5) Information received by virtue of subsection (3) may be supplied—
   (a) to another person to whom it could have been supplied under that subsection, or
   (b) to an English local authority,

   for use for that purpose.

(6) The references in subsections (4) and (5)(b) to an English local authority include references to a person exercising on behalf of an English local

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authority functions relating to eligibility for free of charge early years provision.

(7) For the purposes of this section and section 13B, free of charge early years provision is early years provision which is required to be made available in pursuance of the duty imposed by section 7.

(8) This section does not limit the circumstances in which information may be supplied apart from this section.

13B Unauthorised disclosure of information received under section 13A

(1) A person commits an offence if the person discloses any information—
  (a) which the person received by virtue of any of subsections (3) to (5) of section 13A, and
  (b) which relates to a particular person,
unless the information is disclosed in accordance with subsection (2).

(2) Information is disclosed in accordance with this subsection if it is disclosed in any of the following ways—
  (a) in the case of information received by virtue of section 13A(3), in accordance with section 13A(5);
  (b) in the course of a duty that the person disclosing it has in connection with the exercise of functions relating to eligibility for free of charge early years provision;
  (c) in accordance with an enactment or an order of a court;
  (d) with consent given by or on behalf of the person to whom the information relates.

(3) It is a defence for a person charged with an offence under subsection (1) to prove that the person reasonably believed that the disclosure was lawful.

(4) A person guilty of an offence under subsection (1) is liable—
  (a) on conviction on indictment, to imprisonment for a term not exceeding two years, or a fine, or both;
  (b) on summary conviction, to imprisonment for a term not exceeding 12 months, or a fine not exceeding the statutory maximum, or both.

(5) In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003, the reference in subsection (4)(b) to 12 months is to be read as a reference to 6 months.”

(4) Section 100 of the Childcare Act 2006 (provision of information about young children: transitory provision) is repealed.

Commencement Information

I1 S. 1(1) in force at 1.9.2012 for specified purposes by S.I. 2012/1087, **art. 3**
I2 S. 1(1)(2) in force at 1.9.2013 in so far as not already in force by S.I. 2012/2213, **art. 5**
I3 S. 1(2) in force at 1.9.2012 for specified purposes by S.I. 2012/1087, **art. 3**
I4 S. 1(3) in force at 1.9.2012 by S.I. 2012/1087, **art. 3**
I5 S. 1(4) in force at 1.9.2012 by S.I. 2012/1087, **art. 3**

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PART 2

DISCIPLINE

2 Power of members of staff at schools to search pupils

(1) Chapter 2 of Part 10 of EA 1996 (punishment and restraint of pupils) is amended as set out in subsections (2) to (5).

(2) In section 550ZA (power of members of staff to search pupils for prohibited items: England)—

(a) in subsection (3) (prohibited items), after paragraph (e) insert—

"(ea) an article that the member of staff reasonably suspects has been, or is likely to be, used—

(i) to commit an offence, or

(ii) to cause personal injury to, or damage to the property of, any person (including P);";

(b) in that subsection, after paragraph (f) insert—

"(g) any other item which the school rules identify as an item for which a search may be made.";

(c) after subsection (4), insert—

"(4A) In subsection (3)(ea)(i), "offence" includes anything that would be an offence but for the operation of any presumption that a person under a particular age is incapable of committing an offence.

(4B) In subsection (3)(g), the "school rules" means—

(a) in the case of a maintained school or a non-maintained special school, rules in force at the school that are made under measures determined and publicised by the head teacher under section 89 of the Education and Inspections Act 2006;

(b) in the case of any other school, measures relating to discipline in the school that are determined and publicised in accordance with regulations.

(4C) In subsection (4B)(a)—

"maintained school" means—

(a) a community, foundation or voluntary school,

(b) a community or foundation special school,

(c) a maintained nursery school, or

(d) a pupil referral unit;

"non-maintained special school" means a school that is approved under section 342."

(3) In section 550ZB (power of search under section 550ZA: supplementary)—

(a) in subsection (5), after "section 550ZA" insert " to search for an item within section 550ZA(3)(a) to (f) ";

(b) in subsection (6)—

(i) in paragraph (b), after "P" insert " , unless the condition in subsection (6A) is satisfied ";

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(ii) in paragraph (c), after "staff" insert " , unless the condition in subsection (6A) is satisfied ";

(c) after subsection (6), insert—

"(6A) The condition is satisfied if—

(a) the person carrying out the search reasonably believes that there is a risk that serious harm will be caused to a person if the search is not carried out as a matter of urgency, and

(b) in the time available it is not reasonably practicable for the search to be carried out by a person of the same sex as P or in the presence of another member of staff (as the case may be).";

(d) in subsection (7), in paragraph (b), after "staff" insert " , unless the condition in subsection (7A) is satisfied ";

(e) after subsection (7), insert—

"(7A) The condition is satisfied if—

(a) the person carrying out the search reasonably believes that there is a risk that serious harm will be caused to a person if the search is not carried out as a matter of urgency, and

(b) in the time available it is not reasonably practicable for the search to be carried out in the presence of another member of staff."

(4) In section 550ZC (power to seize items found during search under section 550ZA)—

(a) in subsection (2) after "subsection (1)" insert " to seize an item within section 550ZA(3)(a) to (f) or anything within subsection (1)(b) ";

(b) after subsection (6) insert—

"(6A) A person who seizes an item that is a prohibited item by virtue of section 550ZA(3)(ea) (article used in commission of offence or to cause personal injury or damage to property) under subsection (1) must—

(a) deliver the item to a police constable as soon as reasonably practicable,

(b) return the item to its owner,

(c) retain the item, or

(d) dispose of the item.

(6B) A person who seizes an item that is a prohibited item by virtue of section 550ZA(3)(g) (item for which search may be made under school rules) under subsection (1) must return it to its owner, retain it or dispose of it.

(6C) In deciding what to do with an item under subsection (6A) or (6B), the person who seized it must have regard to guidance issued for the purpose of this section by the Secretary of State.

(6D) Subsections (6E) and (6F) apply to an item that—

(a) has been seized under subsection (1),

(b) is a prohibited item by virtue of section 550ZA(3)(ea) or (g), and

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(c) is an electronic device.

(6E) The person who seized the item may examine any data or files on the device, if the person thinks there is a good reason to do so.

(6F) Following an examination under subsection (6E), if the person has decided to return the item to its owner, retain it or dispose of it, the person may erase any data or files from the device if the person thinks there is a good reason to do so.

(6G) In determining whether there is a good reason for the purposes of subsection (6E) or (6F), the person must have regard to any guidance issued for the purposes of this section by the Secretary of State.";

(c) in subsection (9), for "and (5)" substitute " , (5) and (6A) ".

(5) In section 550ZD (section 550ZC: supplementary)—

(a) in subsection (1), after "(5)(a)" insert " , (6A)(a) ";

(b) in subsection (2)(a), for the words from "alcohol" to "article" substitute " an item within subsection (2A) ";

(c) after subsection (2), insert—

"(2A) The items referred to in subsection (2)(a) are—

(a) alcohol or its container;

(b) a controlled drug;

(c) a stolen article;

(d) an item that is a prohibited item by virtue of section 550ZA(3)(ea) or (g).

(2B) Subsection (3) also applies where a person—

(a) erases data or a file from an electronic device under section 550ZC(6F); and

(b) proves that the erasure was lawful.";

(d) in subsection (3)(a), for "or disposal" substitute " , disposal or erasure ";

(e) in subsection (4), after "(2)" insert " , (2B) ".

(6) In section 569 of EA 1996, in subsection (2A) (regulations subject to affirmative procedure), for "550ZA or 550ZC" substitute " 550ZA(3)(f) or 550ZC(7) ".

(7) In section 89 of EIA 2006 (determination by head teacher of behaviour policy), after subsection (4) insert—

"(4A) In relation to a school in England, rules made under subsection (4) must identify the items for which a search may be made."

Commencement Information

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

3 Power of members of staff at further education institutions to search students

(1) Part 3 of FHEA 1992 (miscellaneous and general) is amended as follows.

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(2) In section 85AA (power of members of staff to search students for prohibited items: England), in subsection (3) (prohibited items), after paragraph (e) insert—

"(ea) an article that the member of staff reasonably suspects has been, or is likely to be, used—

(i) to commit an offence, or

(ii) to cause personal injury to, or damage to the property of, any person (including S);".

(3) In section 85AB (power of search under section 85AA: supplementary)—

(a) in subsection (6)—

(i) in paragraph (b), after "S" insert " , unless the condition in subsection (6A) is satisfied ";

(ii) in paragraph (c), after "staff" insert " , unless the condition in subsection (6A) is satisfied ";

(b) after subsection (6), insert—

"(6A) The condition is satisfied if—

(a) the person carrying out the search reasonably believes that there is a risk that serious harm will be caused to a person if the search is not carried out as a matter of urgency, and

(b) in the time available it is not reasonably practicable for the search to be carried out by a person of the same sex as S or in the presence of another member of staff (as the case may be).";

(c) in subsection (7), in paragraph (b), after "staff" insert " , unless the condition in subsection (7A) is satisfied ";

(d) after subsection (7), insert—

"(7A) The condition is satisfied if—

(a) the person carrying out the search reasonably believes that there is a risk that serious harm will be caused to a person if the search is not carried out as a matter of urgency, and

(b) in the time available it is not reasonably practicable for the search to be carried out in the presence of another member of staff."

(4) In section 85AC (power to seize items found during search under section 85AA)—

(a) after subsection (6) insert—

"(6A) A person who seizes an item that is a prohibited item by virtue of section 85AA(3)(ea) (article used in commission of offence or to cause personal injury or damage to property) under subsection (1) must—

(a) deliver the item to a police constable as soon as reasonably practicable,

(b) return the item to its owner,

(c) retain the item, or

(d) dispose of the item.

In deciding what to do with an item under this subsection, the person who seized it must have regard to guidance issued for the purpose of this section by the Secretary of State.

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(6B) Subsections (6C) and (6D) apply to an item that—

(a) has been seized under subsection (1),

(b) is a prohibited item by virtue of section 85AA(3)(ea), and

(c) is an electronic device.

(6C) The person who seized the item may examine any data or files on the device, if the person thinks there is a good reason to do so.

(6D) Following an examination under subsection (6C), if the person has decided to return the item to its owner, retain it or dispose of it, the person may erase any data or files from the device if the person thinks there is a good reason to do so.

(6E) In determining whether there is a good reason for the purposes of subsection (6C) or (6D), the person must have regard to any guidance issued for the purposes of this section by the Secretary of State.”;

(b) in subsection (9), for “and (5)” substitute “ , (5) and (6A) ”.

(5) In section 85AD (section 85AC: supplementary)—

(a) in subsection (1), after “(5)(a)” insert “ , (6A)(a) ”;

(b) in subsection (2)(a), for the words from “alcohol” to “article” substitute “ an item within subsection (2A) ”;

(c) after subsection (2), insert—

“(2A) The items referred to in subsection (2)(a) are—

(a) alcohol or its container;

(b) a controlled drug;

(c) a stolen article;

(d) an article that is a prohibited item by virtue of section 85AA(3)(ea).

(2B) Subsection (3) also applies where a person—

(a) erases data or a file from an electronic device under section 85AC(6D); and

(b) proves that the erasure was lawful.”;

(d) in subsection (3)(a), for “or disposal” substitute “ , disposal or erasure ”;

(e) in subsection (4), after “(2)” insert “ , (2B) ”.

Commencement Information

I7 S. 3 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

4 Exclusion of pupils from schools in England: review

(1) Chapter 3 of Part 3 of EA 2002 (maintained schools: admissions, exclusions and attendance) is amended as follows.

(2) Before section 52, insert—

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"51A **Exclusion of pupils: England**

(1) The head teacher of a maintained school in England may exclude a pupil from the school for a fixed period or permanently.

(2) The teacher in charge of a pupil referral unit in England may exclude a pupil from the unit for a fixed period or permanently.

(3) Regulations must make provision—
- (a) requiring prescribed persons to be given prescribed information relating to any exclusion under subsection (1) or (2);
- (b) requiring the responsible body, in prescribed cases, to consider whether the pupil should be reinstated;
- (c) requiring the local authority to make arrangements enabling a prescribed person to apply to a review panel for a review, in any prescribed case, of a decision of the responsible body not to reinstate a pupil;
- (d) about the constitution of a review panel;
- (e) about the procedure to be followed on a review under paragraph (c).

(4) On an application by virtue of subsection (3)(c), the review panel may—
- (a) uphold the decision of the responsible body,
- (b) recommend that the responsible body reconsiders the matter, or
- (c) if it considers that the decision of the responsible body was flawed when considered in the light of the principles applicable on an application for judicial review, quash the decision of the responsible body and direct the responsible body to reconsider the matter.

(5) Regulations may provide for the panel to have supplementary powers, and in particular may provide that the panel has the power to make a direction about the effect on an excluded pupil of a recommendation under subsection (4)(b) or a direction under subsection (4)(c).

(6) In a case where the panel gives a direction under subsection (4)(c) to the governing body of a maintained school, the panel may, in prescribed circumstances, order an adjustment of the school's budget share for a funding period.

(7) Regulations must make provision about—
- (a) how the amount of the adjustment is to be determined;
- (b) the effect of the adjustment on the budget shares of other maintained schools for the funding period.

(8) Regulations under this section may also make provision—
- (a) for the payment by the local authority of allowances to members of the review panel;
- (b) requiring a person or body exercising functions under subsection (1) or (2) or under the regulations to have regard to any guidance given from time to time by the Secretary of State;
- (c) requiring local authorities to give prescribed information to the Secretary of State;

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(d) in relation to any other matter relating to the exercise of the powers conferred by subsections (1) and (2).

(9) Regulations made by virtue of subsection (8)(a) may provide for any of the provisions of sections 173 to 174 of the Local Government Act 1972 (allowances to members of local authorities and other bodies) to apply with prescribed modifications in relation to members of a review panel.

(10) In this section—

"budget share" and "funding period" have the same meaning as in Part 2 of the School Standards and Framework Act 1998;

"exclude", in relation to the exclusion of a pupil from a school or pupil referral unit, means exclude on disciplinary grounds (and "exclusion" is to be construed accordingly);

"maintained school" has the same meaning as in Chapter 1;

"the responsible body" means—

(a) in relation to exclusion from a maintained school, the governing body of the school;

(b) in relation to exclusion from a pupil referral unit, such person as may be prescribed.

(11) In relation to any time when no responsible body is prescribed in relation to permanent exclusion from a pupil referral unit, subsection (3) has effect in relation to such an exclusion as if—

(a) paragraph (b) were omitted, and

(b) the decision referred to in paragraph (c) were the decision of the teacher in charge of the unit permanently to exclude the pupil.

(12) Regulations may make provision for this section and regulations made under it to apply, with prescribed modifications, in relation to Academies or a description of Academy."

(3) In section 52 (exclusion of pupils)—

(a) in subsection (1), after "maintained school" insert " in Wales ";

(b) in subsection (2), after "pupil referral unit" insert " in Wales ";

(c) in subsection (4)—

(i) in paragraph (b), omit from first "(in" to "Wales)";

(ii) in paragraph (c), omit "the Secretary of State or" and "as the case may be,";

(d) in the heading, at the end insert " : Wales ".

(4) Schedule 1 (consequential amendments) has effect.

Commencement Information

I8 S. 4 in force at 1.9.2012 by S.I. 2012/1087, **art. 3** (with art. 4)

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5 Repeal of requirement to give notice of detention to parent: England

In section 92 of EIA 2006 (enforcement of disciplinary penalties: detention outside school sessions), in subsection (3)(d), after "that" insert " , in relation to a pupil at a school in Wales, ".

Commencement Information
I9 S. 5 in force at 15.1.2012 by S.I. 2012/84, **art. 2**

6 Repeal of duty to enter into behaviour and attendance partnership

Section 248 of ASCLA 2009 (co-operation with a view to promoting good behaviour etc: England) is repealed.

PART 3

SCHOOL WORKFORCE

Abolition of the General Teaching Council for England

7 Abolition of the General Teaching Council for England

(1) Section 1 of THEA 1998 (the General Teaching Council for England) is amended as follows.

(2) For subsection (1), substitute—

"(1) In this Act, "the Council" means the General Teaching Council for Wales (see section 8)."

(3) For subsection (3), substitute—

"(3) The functions conferred on the Council by or under this Chapter are exercisable by them only in relation to Wales."

(4) Omit subsection (10).

(5) For the heading, substitute " Aims and constitution of the Council ".

Commencement Information
I10 S. 7 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

8 Functions of Secretary of State in relation to teachers

(1) In Part 8 of EA 2002 (teachers), after section 141 insert—

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"Teacher misconduct etc: England

141A Teachers to whom sections 141B to 141E apply

(1) Sections 141B to 141E apply to a person who is employed or engaged to carry out teaching work at—

(a) a school in England,

(b) a sixth form college in England,

(c) relevant youth accommodation in England, or

(d) a children's home in England.

(2) In subsection (1)—

"children's home" has the same meaning as in the Care Standards Act 2000;

"teaching work" means work of a kind specified in regulations under this section (and such regulations may make provision by reference to specified activities or by reference to the circumstances in which activities are carried out).

141B Investigation of disciplinary cases by Secretary of State

(1) The Secretary of State may investigate a case where an allegation is referred to the Secretary of State that a person to whom this section applies—

(a) may be guilty of unacceptable professional conduct or conduct that may bring the teaching profession into disrepute, or

(b) has been convicted (at any time) of a relevant offence.

(2) Where the Secretary of State finds on an investigation of a case under subsection (1) that there is a case to answer, the Secretary of State must decide whether to make a prohibition order in respect of the person.

(3) Schedule 11A (regulations about decisions under subsection (2)) has effect.

(4) In this section—

a "prohibition order" means an order prohibiting the person to whom it relates from carrying out teaching work;

"teaching work" has the same meaning as in section 141A(1);

"relevant offence", in relation to a person, means—

(a) in the case of a conviction in England and Wales, a criminal offence other than one having no material relevance to the person's fitness to be a teacher, and

(b) in the case of a conviction elsewhere, an offence which, if committed in England and Wales, would be within paragraph (a).

141C List of persons prohibited from teaching etc

(1) The Secretary of State must keep a list containing—

(a) the names of persons in relation to whom a prohibition order has effect, and

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(b) the names of persons who have begun, but have failed satisfactorily to complete, an induction period under section 135A in such circumstances as may be prescribed.

(2) The Secretary of State may include on the list the name of any person who has been prohibited from teaching in Wales, Scotland or Northern Ireland that the Secretary of State thinks appropriate to include on the list.

(3) The Secretary of State must secure that, where the name of a person is included on the list because an interim prohibition order has effect in respect of the person, there is an indication on the list to that effect.

(4) The Secretary of State must secure that, where the name of a person is included on the list because the person has failed satisfactorily to complete an induction period under section 135A, there is an indication on the list to that effect.

(5) The list may contain such other information in relation to the persons whose names are included on it as the Secretary of State considers appropriate.

(6) The list must be available for inspection by members of the public.

(7) In this section—

"prohibition order" has the same meaning as in section 141B;

"interim prohibition order" means an order made by virtue of paragraph 3 of Schedule 11A.

141D Supply of information following dismissal, resignation etc

(1) This section applies where a relevant employer has ceased to use the services of a teacher because the teacher has been guilty of serious misconduct.

(2) This section also applies where a relevant employer might have ceased to use the services of a teacher as mentioned in subsection (1) had the teacher not ceased to provide those services.

(3) The employer must consider whether it would be appropriate to provide prescribed information about the teacher to the Secretary of State.

(4) In this section—

"relevant employer" means—

(a) a local authority;

(b) a person exercising a function relating to the provision of education on behalf of a local authority;

(c) the proprietor of a school;

(d) a sixth form college corporation;

(e) a person who employs a person to teach in a children's home or in relevant youth accommodation;

"education" includes vocational, social, physical and recreational training;

"children's home" has the same meaning as in the Care Standards Act 2000;

"services" includes professional and voluntary services;

"teacher" means a person within section 141A(1).

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

141E Supply of information by contractor, agency etc

(1) This section applies where arrangements have been made by a person (the "agent") for a teacher to carry out work at the request of or with the consent of a relevant employer (whether or not under a contract) and the agent has terminated the arrangements because the teacher has been guilty of serious misconduct.

(2) This section also applies where the agent—

(a) might have terminated the arrangements as mentioned in subsection (1) had the teacher not terminated them, or

(b) might have refrained from making new arrangements because of the teacher's serious misconduct had the teacher not ceased to be available for work.

(3) The agent must consider whether it would be appropriate to provide prescribed information about the teacher to the Secretary of State.

(4) In this section "relevant employer" and "teacher" have the same meanings as in section 141D."

(2) In EA 2002, after Schedule 11, insert—

"SCHEDULE 11A — Section 141B

REGULATIONS ABOUT DECISIONS UNDER SECTION 141B

Regulations: general

1 The Secretary of State must make regulations in accordance with the following provisions of this Schedule.

Procedure for decisions under section 141B(2)

2 (1) Regulations under paragraph 1 must make provision about the procedure to be followed by the Secretary of State in reaching a decision under section 141B(2).

(2) The regulations must not require a person to give evidence or produce any document or other material evidence which the person could not be compelled to give or produce in civil proceedings in any court in England and Wales.

(3) The regulations may make provision for any functions of the Secretary of State under section 141B to be excluded or restricted in such circumstances as may be specified in or determined under the regulations.

(4) The circumstances include, in particular, where the Secretary of State considers this to be appropriate taking into account the powers of the Independent Safeguarding Authority under the Safeguarding Vulnerable Groups Act 2006.

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
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Interim prohibition orders

3 (1) Regulations under paragraph 1 may make provision for the Secretary of State to make an interim prohibition order, pending the Secretary of State's final decision under section 141B (2).

(2) Regulations about interim prohibition orders must provide that an interim prohibition order may be made only if the Secretary of State considers that it is necessary in the public interest to do so.

(3) Regulations about interim prohibition orders must provide that the Secretary of State must review an interim prohibition order—

(a) within six months of the order being made, and

(b) within each subsequent six month period,

if the person to whom the order relates makes an application to the Secretary of State for such a review.

Prohibition orders

4 (1) Regulations under paragraph 1 may make provision—

(a) about the service on a person to whom a prohibition order relates of notice of the order and of the right to appeal against the order under paragraph 5;

(b) about the publication of information relating to the case of a person to whom a prohibition order relates;

(c) prescribing circumstances in which a person to whom a prohibition order relates may nevertheless carry out teaching work (within the meaning of section 141A).

(2) Regulations under paragraph 1 may also make provision—

(a) as to the time when a prohibition order takes effect;

(b) allowing a person to whom a prohibition order relates to apply to the Secretary of State for the order to be set aside;

(c) as to the minimum period for which a prohibition order must be in effect before such an application may be made;

(d) as to the procedure relating to such an application.

Appeals against prohibition orders

5 (1) Regulations under paragraph 1 must make provision conferring on a person to whom a prohibition order relates a right to appeal against the order to the High Court.

(2) The regulations must provide that an appeal must be brought within 28 days of the person being served with notice of the prohibition order.

(3) No appeal is to lie from any decision of the Court on such an appeal.

(4) In this paragraph, “prohibition order” does not include an interim prohibition order made by virtue of paragraph 3.

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

Supplementary provisions

6 (1) Regulations under paragraph 1 may make incidental and supplementary provision, including provision—

(a) where a prohibition order has effect in relation to a person, for the Secretary of State to serve notice of the order on the person's employer;

(b) requiring the employer of such a person to take such steps in consequence of the order (which may include dismissing the person) as may be prescribed;

(c) authorising the delegation of functions conferred by virtue of this Schedule and the determination of matters by any person or persons specified in the regulations.

(2) Regulations under paragraph 1 may also make provision—

(a) for the Secretary of State to make a decision in a particular case about the effect in England of an order prohibiting a person from teaching in schools in Wales, Scotland or Northern Ireland;

(b) about the effect in general in England of orders prohibiting a person from teaching in schools in Wales, Scotland or Northern Ireland.”

Commencement Information

I11 S. 8 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

9 Requirement for teachers in England to serve induction period

In Part 8 of EA 2002 (teachers), after section 135 insert—

“Induction periods: teachers in England

135A Requirement to serve induction period: teachers in England

(1) Regulations may make provision for, and in connection with, requiring persons employed as teachers at relevant schools in England, subject to such exceptions as may be provided by or under the regulations, to have satisfactorily completed an induction period of not less than three school terms in—

(a) a relevant school,

(b) in such circumstances as may be prescribed, a nursery school that—

(i) is not maintained by a local authority, and

(ii) is not a special school,

(c) in such circumstances as may be prescribed, an independent school, or

(d) in such circumstances as may be prescribed, an institution within the further education sector (or an institution within the further education sector of a prescribed description).

(2) Regulations under this section may, in particular, make provision—

(a) as to the length of the induction period in any prescribed circumstances;

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Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

(b) as to periods of employment which are to count towards the induction period;

(c) as to the number of induction periods that a person may serve, and the circumstances in which a person may serve more than one induction period;

(d) precluding a relevant school, in such circumstances as may be prescribed, from being one at which an induction period may be served;

(e) as to supervision and training during a person's induction period;

(f) authorising the Secretary of State to determine the standards against which a person is to be assessed for the purpose of deciding whether the person has satisfactorily completed an induction period;

(g) requiring the appropriate body to decide whether a person—

(i) has achieved those standards and has accordingly satisfactorily completed his or her induction period, or

(ii) should have his or her induction period extended by such period as may be determined by the appropriate body, or

(iii) has failed satisfactorily to complete his or her induction period;

(h) requiring the head teacher of a school to make a recommendation to the appropriate body as to whether a person has achieved the standards mentioned in paragraph (f);

(i) requiring the appropriate body to inform the Secretary of State of any decision under paragraph (g);

(j) requiring the employer of a person employed as a teacher at a relevant school to secure—

(i) the termination of that person's employment as a teacher, or

(ii) that the person only undertakes such teaching duties as may be determined in accordance with the regulations,

in such circumstances following a decision that the person has failed satisfactorily to complete his or her induction period as may be prescribed;

(k) authorising or requiring the appropriate body to exercise such other functions as may be prescribed (which may include functions with respect to the provision of assistance to schools or to institutions within the further education sector or of training for teachers);

(l) authorising the appropriate body in such circumstances as may be prescribed to make such reasonable charges in connection with the exercise of its functions under the regulations as it may determine;

(m) requiring any person or body exercising any prescribed function under the regulations to have regard to any guidance given from time to time by the Secretary of State as to the exercise of that function.

(3) Regulations under subsection (1)(d) may, in particular—

(a) provide that an induction period may not be begun without approval of the appropriate body for the serving of that induction period;

(b) provide for approval to be general or specific;

(c) make provision (including transitional provision) about the withdrawal of approval;

(d) impose conditions or limitations on the appropriate body's power to give or withhold approval.

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(4) In this section—

"the appropriate body" means such person or body (including a local authority) as may be prescribed by, or determined by the Secretary of State in accordance with, regulations under this section (and such regulations may provide for an appropriate body which is not a local authority to include a representative of such an authority);

"relevant school" means a school maintained by a local authority or a special school not so maintained.

(5) In the application of this section to an institution within the further education sector—

(a) a reference to a school term is to be read as a reference to a term of the institution;

(b) a reference to the head teacher of a school is to be read as a reference to the principal of the institution.

135B Induction periods: appeals

(1) Regulations under section 135A must include provision conferring on a person aggrieved by a decision under subsection (2)(g) of that section a right to appeal against the decision to the Secretary of State.

(2) A decision on an appeal made by virtue of subsection (1) is to be final.

(3) Regulations under section 135A made in pursuance of subsection (1) may make provision for, or for the determination in accordance with the regulations of, such matters relating to appeals as the Secretary of State considers necessary or expedient.

135C Induction periods: supplementary

(1) During the induction period which a person is required to serve by virtue of regulations under section 135A, the provisions of section 131 (appraisal of teachers' performance) and regulations under that section do not apply to the person.

(2) Where, in accordance with a requirement imposed by virtue of subsection (2)(j)(ii) of section 135A, a teacher employed at a school maintained by a local authority—

(a) continues to be employed at the school, but

(b) is not undertaking his or her normal teaching duties there,

any costs incurred by the local authority in respect of the teacher's emoluments are not to be met from the school's budget share for any funding period except in so far as the authority have good reason for deducting those costs, or any part of those costs, from that share.

Nothing in this subsection applies to a maintained school at any time when the school does not have a delegated budget.

(3) In subsection (2)—

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(a) the references to a school's budget share and to a school not having a delegated budget have the same meaning as in Part 2 of the School Standards and Framework Act 1998;

(b) "funding period", in relation to a school's budget share, has the same meaning as in that Part.

(4) Sections 496 and 497 of the Education Act 1996 (default powers of Secretary of State) have effect in relation to the duties imposed and powers conferred by virtue of section 135A as if the bodies to which those sections apply included—

(a) the governing body of a special school that is not maintained by a local authority;

(b) the governing body (within the meaning given by section 90(1) of the Further and Higher Education Act 1992) of an institution within the further education sector;

(c) the appropriate body (within the meaning of section 135A)."

Commencement Information

I12 S. 9 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

10 Abolition of the GTCE: transitional provision

(1) Subsections (2) to (9) apply to a disciplinary order made by the General Teaching Council for England ("the Council") by virtue of Schedule 2 to THEA 1998 that is in force immediately before the commencement date.

(2) A prohibition order is to be treated, after the commencement date, as if it were a prohibition order made by the Secretary of State under section 141B of EA 2002.

(3) A conditional registration order is to continue in force for the period during which any condition specified in the order has effect, or, if any condition specified in the order has effect without limit of time, until such time as the order is revoked.

(4) A suspension order is to continue in force until the later of—

(a) the end of the suspension period specified in the order, and

(b) the date on which the person to whom the order relates has complied with any condition specified in the order by virtue of paragraph 4(2) of Schedule 2 to THEA 1998.

(5) Where a conditional registration order remains in force after the commencement date by virtue of subsection (3), sub-paragraphs (1) to (3) of paragraph 3 of Schedule 2 to THEA 1998 continue to apply to the order, but with the modification specified in subsection (6).

(6) Sub-paragraph (1) of paragraph 3 is modified so that for the words "eligible for registration under section 3" there is substituted " allowed to carry out teaching work within the meaning of section 141A of the Education Act 2002 ".

(7) Where a suspension order remains in force after the commencement date by virtue of subsection (4), sub-paragraphs (1) to (3) of paragraph 4 of Schedule 2 to THEA 1998 continue to apply to the order, but with the modifications specified in subsection (8).

(8) Sub-paragraphs (1) and (2) of paragraph 4 are modified as follows—

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(a) in sub-paragraph (1)—

(i) in paragraph (a), for the words "eligible for registration under section 3" there is substituted " allowed to carry out teaching work within the meaning of section 141A of the Education Act 2002 ";

(ii) paragraph (b) (and the "and" preceding it) is omitted;

(iii) in the words following paragraph (b), for "become so eligible" there is substituted " be allowed to carry out such work ";

(b) in sub-paragraph (2)—

(i) in paragraph (a), for "become eligible again for registration under section 3" there is substituted " be allowed to carry out teaching work within the meaning of section 141A of the Education Act 2002 ";

(ii) in paragraph (b), for "become so eligible" there is substituted " be allowed to carry out such work ".

(9) Where a conditional registration order or a suspension order remains in force after the commencement date by virtue of subsection (3) or (4)—

(a) any regulations under Schedule 2 to THEA 1998 that make provision about the variation or revocation of disciplinary orders continue to apply in relation to the order, but those regulations have effect as if functions conferred on the Council (or a committee of the Council) by the regulations had been transferred to the Secretary of State;

(b) regulations under paragraph 6 of Schedule 2 to THEA 1998 (appeals against disciplinary orders to High Court) continue to apply;

(c) the Secretary of State may consider an application to vary or revoke the order.

(10) The Secretary of State may include on the list maintained under section 141C of EA 2002 (list of persons prohibited from teaching etc) any person in relation to whom a conditional registration order or a suspension order is in force.

(11) Where immediately before the commencement date a teacher in England was the subject of an investigation by the Council (or a committee of the Council) by virtue of Schedule 2 to THEA 1998, the Secretary of State may continue the investigation and make a decision under section 141B of EA 2002.

(12) In this section—

"the commencement date" means the date on which section 7 (abolition of the General Teaching Council for England) comes into force;

"disciplinary order", "conditional registration order" and "suspension order" have the same meanings as in Schedule 2 to THEA 1998 (see paragraph 2(3)).

Commencement Information

I13 S. 10 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

11 Abolition of the GTCE: consequential amendments

(1) Schedule 2 (consequential amendments) has effect.

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
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(2) The Secretary of State may by order make changes in consequence of sections 7 to 10 to any provision of subordinate legislation made before the date on which this Act is passed.

(3) "Subordinate legislation" has the meaning given by section 21(1) of the Interpretation Act 1978.

Commencement Information
I14 S. 11 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

12 Abolition of the GTCE: transfer schemes

Schedule 3 (schemes for the transfer of staff, property, rights and liabilities from the General Teaching Council for England to the Secretary of State) has effect.

Commencement Information
I15 S. 12 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Reporting restrictions

13 Restrictions on reporting alleged offences by teachers

(1) In Part 8 of EA 2002 (teachers), after section 141E (inserted by section 8), insert—

"Allegations of offences committed by teachers in England and Wales: reporting restrictions

141F Restrictions on reporting alleged offences by teachers

(1) This section applies where a person who is employed or engaged as a teacher at a school is the subject of an allegation falling within subsection (2).

(2) An allegation falls within this subsection if—
  (a) it is an allegation that the person is or may be guilty of a relevant criminal offence, and
  (b) it is made by or on behalf of a registered pupil at the school.

(3) No matter relating to the person is to be included in any publication if it is likely to lead members of the public to identify the person as the teacher who is the subject of the allegation.

(4) Any person may make an application to a magistrates' court for an order dispensing with the restrictions imposed by subsection (3).

(5) The court may make an order dispensing with the restrictions, to the extent specified in the order, if it is satisfied that it is in the interests of justice to do so, having regard to the welfare of—
  (a) the person who is the subject of the allegation, and

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(b) the victim of the offence to which the allegation relates.

(6) The power under subsection (5) may be exercised by a single justice.

(7) In the case of a decision to make or refuse to make an order under subsection (5), a person mentioned in subsection (8) may, in accordance with Criminal Procedure Rules—

(a) appeal to the Crown Court against the decision, or

(b) appear or be represented at the hearing of such an appeal.

(8) The persons referred to in subsection (7) are—

(a) a person who was a party to the proceedings on the application for the order;

(b) any other person with the leave of the Crown Court.

(9) On an appeal under subsection (7), the Crown Court may—

(a) make such order as is necessary to give effect to its determination of the appeal, and

(b) make such incidental or consequential orders as appear to it to be just.

(10) The restrictions in subsection (3) cease to apply once proceedings for the offence have been instituted.

(11) The restrictions in subsection (3) also cease to apply if—

(a) the Secretary of State publishes information about the person who is the subject of the allegation in connection with an investigation or decision under section 141B (investigation of disciplinary cases by Secretary of State) relating to the same allegation, or

(b) the General Teaching Council for Wales publishes information about the person who is the subject of the allegation in connection with an investigation, hearing or determination under Schedule 2 to the Teaching and Higher Education Act 1998 (investigation of disciplinary cases by the General Teaching Council for Wales) relating to the same allegation.

(12) The restrictions in subsection (3) also cease to apply if—

(a) the person who is the subject of the allegation includes a matter in a publication, or

(b) another person includes a matter in a publication with the written consent of the person who is the subject of the allegation;

and, in either case, the inclusion of the matter in the publication would otherwise be in breach of subsection (3).

(13) Written consent is to be ignored for the purposes of subsection (12)(b) if it is proved that any person interfered unreasonably with the peace or comfort of the person giving the consent, with intent to obtain it.

(14) In this section—

"publication" includes any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public (and for this purpose, every relevant programme shall be taken to be so addressed), but does not include—

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(a) an indictment or other document prepared for use in particular legal proceedings, or

(b) a document published by the regulator of a profession of which the person who is the subject of the allegation is a member in connection with disciplinary proceedings in relation to the person;

"relevant criminal offence", in relation to a person employed or engaged as a teacher at a school, means an offence against the law of England and Wales where the victim of the offence is a registered pupil at the school;

"relevant programme" means a programme included in a programme service, within the meaning of the Broadcasting Act 1990.

(15) For the purposes of this section, proceedings for an offence are instituted at the earliest of the following times—

(a) when a justice of the peace issues a summons or warrant under section 1 of the Magistrates' Courts Act 1980 in respect of the offence;

(b) when a public prosecutor issues a written charge and requisition in respect of the offence;

(c) when a person is charged with the offence after being taken into custody without a warrant;

(d) when a bill of indictment is preferred by virtue of section 2(2)(b) of the Administration of Justice (Miscellaneous Provisions) Act 1933.

141G Offence of breach of reporting restrictions

(1) This section applies if a publication includes any matter in breach of section 141F (3).

(2) Where the publication is a newspaper or periodical, any proprietor, any editor and any publisher of the newspaper or periodical is guilty of an offence.

(3) Where the publication is a programme included in a programme service (within the meaning of the Broadcasting Act 1990), the following are guilty of an offence—

(a) any body corporate engaged in providing the programme service in which the programme is included, and

(b) any person having functions in relation to the programme corresponding to those of an editor of a newspaper.

(4) In the case of any other publication, any person publishing it is guilty of an offence.

(5) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(6) If an offence committed by a body corporate is proved—

(a) to have been committed with the consent or connivance of, or

(b) to be attributable to any neglect on the part of,

an officer, the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

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(7) In subsection (6), "officer" means a director, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity.

(8) If the affairs of a body corporate are managed by its members, "director" in subsection (7) means a member of that body.

(9) Schedule 11B contains supplementary provision relating to an offence under this section.

141H Defences

(1) Where a person is charged with an offence under section 141G, it is a defence for the person to prove either of the matters mentioned in subsection (2).

(2) The matters are—

(a) that, at the time of the alleged offence, the person was not aware, and neither suspected nor had reason to suspect, that the publication included the matter in question;

(b) that, at the time of the alleged offence, the person was not aware, and neither suspected nor had reason to suspect, that the allegation in question had been made."

(2) Schedule 4 (offence of breaching reporting restrictions: application to providers of information society services) has effect.

Commencement Information

I16 S. 13 in force at 1.10.2012 by S.I. 2012/2213, **art. 3**

Abolition of the Training and Development Agency for Schools

14 Abolition of the Training and Development Agency for Schools

Sections 74 to 84 of, and Schedule 13 to, EA 2005 (the Training and Development Agency for Schools) are repealed.

Commencement Information

I17 S. 14 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

15 Training the school workforce: powers of Secretary of State and Welsh Ministers

(1) Part 2 of EA 2002 (financial assistance for education and children etc) is amended as set out in subsections (2) and (3).

(2) In section 14 (power of Secretary of State and Welsh Ministers to give financial assistance for purposes related to education or children etc)—

(a) in subsection (2), after paragraph (c) insert—

"(ca) enabling any person to receive any training for teachers or for non-teaching staff;";

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(b) in subsection (2ZA), for "(2)(g)" substitute " (2) ".

(3) In section 16 (terms on which assistance under section 14 is given)—

(a) in subsection (1), after "appropriate" insert " , subject to subsection (2B) ";

(b) in subsection (2)(b), after "appropriate" insert " , subject to subsection (2B) ";

(c) after subsection (2) insert—

"(2A) Subsection (2B) applies to—

(a) financial assistance given under section 14 to an institution within the higher education sector, and

(b) financial assistance required by virtue of subsection (2)(b) to be given to such an institution.

(2B) The terms on which the assistance is given may not be framed by reference to criteria for the selection and appointment of staff or the admission of students."

(4) Part 3 of EA 2005 (training the school workforce) is amended as set out in subsections (5) to (9).

(5) Before section 85 (and the italic heading preceding it), insert—

"Functions of Welsh Ministers with respect to the school workforce

84A **General duty of Welsh Ministers with respect to teacher training**

In carrying out their duties under sections 10 and 11 of the Education Act 1996, the Welsh Ministers must in particular make such arrangements as they consider expedient for securing that sufficient facilities are available for the training of teachers to serve in—

(a) schools maintained by local authorities in Wales,

(b) institutions in Wales within the further education sector, and

(c) institutions in Wales which are maintained by local authorities in Wales and provide higher education or further education (or both).

84B **Power to promote careers in school workforce in Wales**

(1) The Welsh Ministers may promote careers in the school workforce in Wales.

(2) The Welsh Ministers may exercise the power conferred by subsection (1) jointly with the Secretary of State or any other person with functions relating to careers in the school workforce.

(3) The Welsh Ministers may make arrangements for the power conferred by subsection (1) to be exercised on their behalf by any other person.

(4) Arrangements under subsection (3) may (in particular) make provision for that power to be exercised—

(a) to the extent, and on the terms, specified in the arrangements;

(b) generally or in such circumstances as are specified in the arrangements;

(c) jointly with any person with whom it can be exercised jointly by the Welsh Ministers by virtue of subsection (2).

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
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(5) Arrangements under subsection (3) do not prevent the power conferred by subsection (1) from being exercised by the Welsh Ministers."

(6) In section 92 (joint exercise of functions)—

(a) in subsection (1), for "A funding agency" substitute " The Secretary of State, HEFCW ";

(b) in subsection (2), omit "the other funding agency,";

(c) after subsection (2) insert—

"(2A) The reference in subsection (1) to the functions of the Secretary of State is to the functions of the Secretary of State relating to training for members of the school workforce.";

(d) omit subsection (3).

(7) In section 93 (efficiency studies)—

(a) in subsection (1), for "A funding agency" substitute " The Secretary of State and HEFCW ";

(b) in subsection (2), for "a funding agency" substitute " the Secretary of State or HEFCW ";

(c) in subsection (3)(a), for "support under this Part from the Agency" substitute " assistance under section 14 of the Education Act 2002 from the Secretary of State ".

(8) For section 94 (duty to provide information) substitute—

"**94 Provision of information**

(1) HEFCW may give the Secretary of State information for the purposes of the exercise of the Secretary of State's functions relating to training for members of the school workforce.

(2) The Secretary of State may give HEFCW information for the purposes of the exercise of their functions under any enactment.

(3) The persons and bodies mentioned in subsection (4) must—

(a) give the Secretary of State such information as the Secretary of State may require for the purpose of the exercise of the Secretary of State's functions relating to training for members of the school workforce;

(b) give HEFCW such information as they may require for the purpose of the exercise of their functions under any enactment.

(4) The persons and bodies referred to in subsection (3) are—

(a) a person receiving, or who has received or applied for, a grant, loan or other payment under section 86, or financial assistance from the Secretary of State under section 14 of the Education Act 2002;

(b) a local authority."

(9) In section 100 (interpretation of Part 3)—

(a) omit the definitions of "the Agency" and "a funding agency";

(b) in the definition of "the school workforce", for "section 75(5)" substitute " subsection (1A) ";

(c) in the definition of "training provider", for "has the meaning given by section 78(3)" substitute " means a person who provides training for members of the school workforce ";

(d) after subsection (1) insert—

"(1A) For the purposes of this Part, the school workforce consists of the following members—

(a) persons who work in schools, and

(b) other persons who are teachers or who carry out work that consists of or includes teaching."

Commencement Information

I18 S. 15 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

16 Abolition of the TDA: consequential amendments

(1) Schedule 5 (abolition of the TDA: consequential amendments) has effect.

(2) The Secretary of State may by order make changes in consequence of sections 14 and 15 to any provision of subordinate legislation made before the date on which this Act is passed.

(3) The Welsh Ministers may by order make changes in consequence of sections 14 and 15, so far as applicable to Wales, to any provision of—

(a) an instrument made under a Measure of the National Assembly for Wales before the date on which this Act is passed;

(b) any other subordinate legislation made before the date on which this Act is passed, so far as applicable to Wales.

(4) "Subordinate legislation" has the meaning given by section 21(1) of the Interpretation Act 1978.

Commencement Information

I19 S. 16 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

17 Abolition of the TDA: transfer schemes

Schedule 6 (schemes for the transfer of staff, property, rights and liabilities from the Training and Development Agency for Schools to the Secretary of State) has effect.

Commencement Information

I20 S. 17 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

Abolition of the School Support Staff Negotiating Body

18 Abolition of the School Support Staff Negotiating Body

(1) Sections 227 to 241 of, and Schedule 15 to, ASCLA 2009 (the School Support Staff Negotiating Body) are repealed.

(2) In consequence of subsection (1), in the House of Commons Disqualification Act 1975, in Part 3 of Schedule 1 (other disqualifying offices), omit "Person appointed to chair the School Support Staff Negotiating Body."

Commencement Information
I21 S. 18 in force at 1.2.2012 by S.I. 2012/84, **art. 3**

Staff: minor amendments

19 Staffing of maintained schools: suspension of delegated budget

(1) In section 35 of EA 2002 (staffing of community, voluntary controlled, community special and maintained nursery schools), in subsection (7) (effect of suspension of school's delegated budget), after "the School Standards and Framework Act 1998" insert " , or section 66 of the Education and Inspections Act 2006, ".

(2) In section 36 of EA 2002 (staffing of foundation, voluntary aided and foundation special schools), in subsection (7) (effect of suspension of school's delegated budget), after "the School Standards and Framework Act 1998" insert " , or section 66 of the Education and Inspections Act 2006, ".

Commencement Information
I22 S. 19 in force at 1.2.2012 by S.I. 2012/84, **art. 3**

PART 4

QUALIFICATIONS AND THE CURRICULUM

International comparison surveys

20 Requirement for schools to participate in international surveys

In Chapter 4 of Part 9 of EA 1996 (provision of information by governing bodies etc), after section 538, insert—

"**538A Power to direct participation in international surveys**

The Secretary of State may direct the governing body of a community, foundation or voluntary school in England to secure that the school participates in such international education surveys as may be specified in the direction."

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

Commencement Information
I23 S. 20 in force at 1.2.2012 by S.I. 2012/84, **art. 3**

Ofqual

21 The Chief Regulator of Qualifications and Examinations

Schedule 7 (the Chief Regulator of Qualifications and Examinations) has effect.

Commencement Information
I24 S. 21 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

22 The qualifications standards objective

In section 128 of ASCLA 2009 (Ofqual's objectives) for subsection (2) (the qualifications standards objective) substitute—

"(2) The qualifications standards objective is to secure that—

(a) regulated qualifications give a reliable indication of knowledge, skills and understanding, and

(b) regulated qualifications indicate —

(i) a consistent level of attainment (including over time) between comparable regulated qualifications, and

(ii) a consistent level of attainment (but not over time) between regulated qualifications and comparable qualifications (including those awarded outside the United Kingdom) which are not qualifications to which this Part applies."

Commencement Information
I25 S. 22 in force at 1.2.2012 by S.I. 2012/84, **art. 3**

23 Enforcement powers

(1) Part 7 of ASCLA 2009 (the Office of Qualifications and Examinations Regulation) is amended as set out in subsections (2) to (6).

(2) In section 151 (power to give directions), for subsection (1) substitute—

"(1) Subsection (2) applies if it appears to Ofqual that a recognised body has failed or is likely to fail to comply with a condition to which the recognition is subject."

(3) After section 151 insert—

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

"**151A Power to impose monetary penalties**

(1) Subsection (2) applies if it appears to Ofqual that a recognised body has failed to comply with a condition to which the recognition is subject.

(2) Ofqual may impose a monetary penalty on the recognised body.

(3) A "monetary penalty" is a requirement to pay to Ofqual a penalty of an amount determined by Ofqual in accordance with section 151B.

(4) Before imposing a monetary penalty on a recognised body, Ofqual must give notice to the body of its intention to do so.

(5) The notice must—
- (a) set out Ofqual's reasons for proposing to impose the penalty, and
- (b) specify the period during which, and the way in which, the recognised body may make representations about the proposal.

(6) The period specified under subsection (5)(b) must not be less than 28 days beginning with the date on which the notice is received.

(7) Ofqual must have regard to any representations made by the recognised body during the period specified in the notice in deciding whether to impose a monetary penalty on the body.

(8) If Ofqual decides to impose a monetary penalty on the body, it must give the body a notice containing information as to—
- (a) the grounds for imposing the penalty,
- (b) how payment may be made,
- (c) the period within which payment is required to be made (which must not be less than 28 days),
- (d) rights of appeal,
- (e) the period within which an appeal may be made, and
- (f) the consequences of non-payment.

151B Monetary penalties: amount

(1) The amount of a monetary penalty imposed on a recognised body under section 151A must not exceed 10% of the body's turnover.

(2) The turnover of a body for the purposes of subsection (1) is to be determined in accordance with an order made by the Secretary of State.

(3) Subject to subsection (1), the amount may be whatever Ofqual decides is appropriate in all the circumstances of the case.

151C Monetary penalties: appeals

(1) A recognised body may appeal to the First-tier Tribunal against—
- (a) a decision to impose a monetary penalty on the body under section 151A;
- (b) a decision as to the amount of the penalty.

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

(2) An appeal under this section may be made on the grounds—
  (a) that the decision was based on an error of fact;
  (b) that the decision was wrong in law;
  (c) that the decision was unreasonable.

(3) The requirement to pay the penalty is suspended pending the determination of an appeal under this section.

(4) On an appeal under this section the Tribunal may—
  (a) withdraw the requirement to pay the penalty;
  (b) confirm that requirement;
  (c) vary that requirement;
  (d) take such steps as Ofqual could take in relation to the failure to comply giving rise to the decision to impose the requirement;
  (e) remit the decision whether to confirm the requirement to pay the penalty, or any matter relating to that decision, to Ofqual.

151D Monetary penalties: interest and recovery

(1) This section applies if all or part of a monetary penalty imposed on a recognised body is unpaid at the end of the period ending on the applicable date.

(2) The applicable date is—
  (a) the last date on which the recognised body may make an appeal under section 151C in respect of the penalty, if no such appeal is made;
  (b) if an appeal under section 151C in respect of the penalty is made—
    (i) the date on which the appeal is determined, or
    (ii) if the appeal is withdrawn before being determined, the date on which the appeal is withdrawn.

(3) The unpaid amount of the penalty for the time being carries interest at the rate for the time being specified in section 17 of the Judgments Act 1838 (and does not also carry interest as a judgment debt under that section).

(4) The total amount of interest imposed under subsection (3) must not exceed the amount of the penalty.

(5) Ofqual may recover from the body, as a civil debt due to it, the unpaid amount of the penalty and any unpaid interest."

(4) In section 152 (power to withdraw recognition), for subsection (2) substitute—

"(2) Ofqual may withdraw recognition from the recognised body in respect of the award or authentication of—
  (a) a specified qualification or description of qualification in respect of which the body is recognised, or
  (b) every qualification or description of qualification in respect of which the body is recognised."

(5) After section 152 insert—

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

"**152A Costs recovery**

(1) Ofqual may, by notice, require a recognised body on which a sanction has been imposed to pay the costs incurred by Ofqual in relation to imposing the sanction, up to the time it is imposed.

(2) The references in subsection (1) to imposing a sanction are to—
- (a) giving a direction under section 151;
- (b) imposing a monetary penalty under section 151A;
- (c) withdrawing recognition under section 152.

(3) "Costs" includes in particular—
- (a) investigation costs;
- (b) administration costs;
- (c) costs of obtaining expert advice (including legal advice).

(4) A notice given to a recognised body under subsection (1) must contain information as to—
- (a) the amount required to be paid,
- (b) how payment may be made,
- (c) the period within which payment is required to be made (which must not be less than 28 days),
- (d) rights of appeal,
- (e) the period within which an appeal may be made, and
- (f) the consequences of non-payment.

(5) The body may require Ofqual to provide a detailed breakdown of the amount specified in the notice.

152B Costs recovery: appeals

(1) A recognised body may appeal to the First-tier Tribunal against—
- (a) a decision under section 152A(1) to require the body to pay costs;
- (b) a decision as to the amount of those costs.

(2) An appeal under this section may be made on the grounds—
- (a) that the decision was based on an error of fact;
- (b) that the decision was wrong in law;
- (c) that the decision was unreasonable.

(3) The requirement to pay the costs is suspended pending the determination of an appeal under this section.

(4) On an appeal under this section the Tribunal may—
- (a) withdraw the requirement to pay the costs;
- (b) confirm that requirement;
- (c) vary that requirement;
- (d) take such steps as Ofqual could take in relation to the failure to comply giving rise to the decision to impose the requirement;

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

(e) remit the decision whether to confirm the requirement to pay the costs, or any matter relating to that decision, to Ofqual.

152C Costs: interest and recovery

(1) This section applies if all or part of an amount of costs that a recognised body is required to pay under section 152A(1) is unpaid at the end of the period ending on the applicable date.

(2) The applicable date is—

(a) the last date on which the recognised body may make an appeal under section 152B in respect of the costs, if no such appeal is made;

(b) if an appeal under section 152B in respect of the costs is made—

(i) the date on which the appeal is determined, or

(ii) if the appeal is withdrawn before being determined, the date on which the appeal is withdrawn.

(3) The unpaid amount of the costs for the time being carries interest at the rate for the time being specified in section 17 of the Judgments Act 1838 (and does not also carry interest as a judgment debt under that section).

(4) The total amount of interest imposed under subsection (3) must not exceed the amount of the costs.

(5) Ofqual may recover from the body, as a civil debt due to it, the unpaid amount of the costs and any unpaid interest."

(6) In section 153 (qualifications regulatory framework), in subsection (8)(e), for "152" substitute " 152C ".

(7) In section 262(6) of ASCLA 2009 (orders and regulations subject to affirmative resolution procedure), after paragraph (e) insert—

"(ea) an order under section 151B(2);".

Commencement Information

I26 S. 23 in force at 1.5.2012 by S.I. 2012/924, **art. 3**

Qualifications: Wales

[F1]24 Enforcement powers of Welsh Ministers

. . . . . .

Textual Amendments

F1 S. 24 omitted (21.9.2015) by virtue of Qualifications Wales Act 2015 (anaw 5), s. 60(2), **Sch. 4 para. 10**; S.I. 2015/1687, art. 2 (with arts. 3-12)

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

Abolition of the Qualifications and Curriculum Development Agency

25 Abolition of the Qualifications and Curriculum Development Agency

Sections 175 to 191 of, and Schedule 11 to, ASCLA 2009 (the Qualifications and Curriculum Development Agency) are repealed.

Commencement Information

I27 S. 25 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

26 Abolition of the QCDA: consequential amendments

(1) Schedule 8 (abolition of the QCDA: consequential amendments) has effect.

(2) The Secretary of State may by order make changes in consequence of section 25 to any provision of subordinate legislation made before the date on which this Act is passed.

(3) "Subordinate legislation" has the meaning given by section 21(1) of the Interpretation Act 1978.

Commencement Information

I28 S. 26(1) in force at 15.1.2012 for specified purposes by S.I. 2012/84, **art. 2**

I29 S. 26(1) in force at 1.4.2012 in so far as not already in force by S.I. 2012/924, **art. 2**

I30 S. 26(2)(3) in force at 1.4.2012 by S.I. 2012/924, **art. 2**

27 Abolition of the QCDA: transfer schemes

Schedule 9 (schemes for the transfer of staff, property, rights and liabilities from the QCDA to other persons) has effect.

Commencement Information

I31 S. 27 in force at 1.4.2012 by S.I. 2012/924, **art. 2** (with arts. 4, 5)

Careers education and guidance

28 Education and training support services in England

(1) Part 2 of ESA 2008 (education and training support services in England) is amended as set out in subsections (2) to (5).

(2) Section 69 (Secretary of State directions in relation to education and training support services) is repealed.

(3) In consequence of subsection (2)—

(a) in section 68 (provision of support services by local authorities)—

(i) omit subsection (2);

(ii) in subsection (3), omit "and section 69";

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

(iii) in subsection (4), omit paragraph (a) (and the "and" after it);

(b) in section 70(2) (local authorities: supplementary powers), omit "or 69";

(c) in section 71(8) (provision of support on conditional basis), for "68(2) and (4)" substitute " 68(4) ".

(4) Section 73 (duty on schools and FE institutions to permit access by persons involved in providing education and training support services) is repealed.

(5) In section 76A (supply of information obtained in connection with education and training support services), omit subsection (5) (information not to be disclosed in a way that reveals identity of individual to whom it relates).

(6) In consequence of the amendment made by subsection (2), omit section 255(2) of ASCLA 2009.

Commencement Information

I32 S. 28(1)-(4)(6) in force at 1.9.2012 by S.I. 2012/1087, **art. 3**

I33 S. 28(5) in force at 1.2.2012 by S.I. 2012/84, **art. 3**

29 Careers guidance in schools in England

(1) Part 7 of EA 1997 (careers education and guidance) is amended as set out in subsections (2) to (8).

(2) Before section 43 insert—

"42A **Provision of careers guidance in schools in England**

(1) The responsible authorities for a school in England within subsection (2) must secure that all registered pupils at the school are provided with independent careers guidance during the relevant phase of their education.

(2) A school is within this subsection if it provides secondary education and is one of the following—

(a) a community, foundation or voluntary school;

(b) a community or foundation special school (other than one established in a hospital);

(c) a pupil referral unit.

(3) The responsible authorities for a school within subsection (2) are—

(a) in the case of a school within subsection (2)(a) or (b), its governing body;

(b) in the case of a pupil referral unit, the local authority that maintain it.

(4) The responsible authorities must secure that careers guidance provided under subsection (1)—

(a) is presented in an impartial manner,

(b) includes information on options available in respect of 16 to 18 education or training, including apprenticeships, and

(c) is guidance that the person giving it considers will promote the best interests of the pupils to whom it is given.

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

(5) Careers guidance provided to pupils at a school is independent for the purposes of this section if it is provided other than by—
  (a) a teacher employed or engaged at the school, or
  (b) any other person employed at the school.

(6) For the purposes of this section the relevant phase of a pupil's education is the period—
  (a) beginning at the same time as the school year in which the majority of pupils in the pupil's class attain the age of 14, and
  (b) ending with the expiry of the school year in which the majority of pupils in the pupil's class attain the age of 16.

(7) In this section—

"apprenticeship" includes employment and training leading to the issue of an apprenticeship certificate under section 3 or 4 of the Apprenticeships, Skills, Children and Learning Act 2009;

"career" includes undertaking any training, education, employment or occupation;

"careers guidance" means guidance about careers;

"class", in relation to a pupil, means—
  (a) the teaching group in which the pupil is regularly taught, or
  (b) if the pupil is taught in different groups for different subjects, such one of those groups as is designated by the head teacher of the school or, in the case of a pupil at a pupil referral unit, by the teacher in charge of the unit;

"16 to 18 education or training" means education or training suitable to the requirements of persons who have ceased to be of compulsory school age but have not attained the age of 18;

"training" includes a voluntary or other placement apt to enable the development of any skill or competency (whether or not taking place at a time when the person concerned is still a registered pupil at a school in England)."

(3) In section 43 (careers education in schools)—
  (a) in subsection (1), after "school" insert " in Wales ";
  (b) in subsection (2), omit paragraph (d) (but not the "and" after it);
  (c) omit subsections (2A) and (2B);
  (d) in subsection (3)—
    (i) omit "(and, where applicable, subsection (2B))";
    (ii) omit paragraph (b) (but not the "and" after it);
  (e) omit subsection (4);
  (f) in subsection (6)—
    (i) in the definition of "class", for the words from ", in relation" to the end substitute " has the same meaning as in section 42A; ";
    (ii) omit the definitions of "16-18 education or training" and "training";
  (g) in the heading, at the end insert " in Wales ".

(4) In section 44—

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
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(a) in subsection (8)(a), for "listed in section 43(2)(a) to (d)" substitute " in Wales listed in section 43(2)(a) and (c) ";
(b) in subsection (8)(b), after "institutions" insert " in Wales ";
(c) for subsection (9) substitute—

"(9) It is the duty of the each of the following to secure that subsections (1), (4) and (6) are complied with—
(a) the governing body of the school or institution;
(b) its head teacher, principal or other head.";

(d) in subsection (10)(a), after "a school" insert " in Wales ";
(e) in subsection (10)(b), after "an institution" insert " in Wales ";
(f) in the heading, after "institutions" insert " in Wales ".

(5) In section 45 (provision of careers information at schools and other institutions)—
(a) in subsection (2)(a), for "listed in section 43(2)(a) to (d)" substitute " in Wales listed in section 43(2)(a) and (c) ";
(b) in subsection (2), omit the words from "and, in the case" to the end;
(c) omit subsections (2A) and (2B);
(d) for subsection (3) substitute—

"(3) It is the duty of each of the following to secure that subsection (1) is complied with—
(a) the governing body of the school or institution;
(b) its head teacher, principal or other head.";

(e) in subsection (5), for " "careers education" and "16-18 education or training"" substitute "and "careers education"".

(6) In section 45A (guidance as to discharge of duties)—
(a) in subsection (1), for "43(2)(a), (c) or (e)" substitute " 42A(2) ";
(b) in subsection (2), for "any of sections 43(3), 44(9) and 45(3)" substitute " 42A(1) or (4) ";
(c) in the heading, at the end insert " : schools in England ".

(7) In section 45B (provision of curriculum information), in the heading, at the end insert " : Wales ".

(8) In section 46 (extension or modification of provisions of sections 43 to 45)—
(a) in subsection (1), for the words from "43" to "44(10)(a)(i)" substitute " 42A, 43 or 44 by substituting for the period specified in section 42A(6), 43(5) or 44(10)(a)(i) ";
(b) after subsection (2) insert—

"(2A) The Secretary of State may by regulations make provision for requiring—
(a) the governing bodies of institutions in England within the further education sector, and
(b) the principals or other heads of such institutions,

to secure that careers guidance is provided for any specified description of persons attending such institutions.";

(c) in subsection (3)(a), after "institutions" insert " in Wales ";
(d) in subsection (5), after the definition of "careers education" insert—

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""careers guidance" has the same meaning as in section 42A;".

(9) In consequence of the amendments made by subsections (1) to (8), omit—
- (a) paragraph 71 of Schedule 9 to LSA 2000;
- (b) paragraph 8 of Schedule 7 to EA 2002;
- (c) section 81(2) and (3) of ESA 2008;
- (d) section 250 of ASCLA 2009.

Commencement Information

I34 S. 29(1)(2)(8) in force at 1.2.2012 for specified purposes by S.I. 2012/84, **art. 3**
I35 S. 29(1)(2)(8) in force at 1.9.2012 in so far as not already in force by S.I. 2012/1087, **art. 3**
I36 S. 29(3)-(7)(9) in force at 1.9.2012 by S.I. 2012/1087, **art. 3**

Repeal of the diploma entitlement

30 Repeal of diploma entitlement for 16 to 18 year olds

(1) In section 45 of ASCLA 2009 (local authority duties in relation to the core and additional entitlements), the provisions to be inserted into EA 1996 are amended as set out in subsections (2) to (6).

(2) In the italic cross-heading above section 17A, for "*core and additional entitlements*" substitute " *core entitlement* ".

(3) In section 17A (duties in relation to the core and additional entitlements)—
- (a) in subsection (1), for "core entitlement and the additional entitlement are" substitute " core entitlement is ";
- (b) omit subsections (2) to (5);
- (c) in subsection (7), omit the definitions of "additional entitlement area" and "the additional entitlement";
- (d) omit subsection (8);
- (e) in subsection (9)—
  - (i) for "references in subsections (1) and (2)" substitute " reference in subsection (1) ";
  - (ii) for "do" substitute " does ";
- (f) in the heading, for "core and additional entitlements" substitute " core entitlement ".

(4) Omit section 17B (election for either core entitlement or additional entitlement).

(5) In section 17C (the core entitlement)—
- (a) before subsection (1) insert—

  "(A1) A person over compulsory school age but under 19 has the core entitlement.";
- (b) in subsection (1), for "electing for" substitute " who has ";
- (c) after subsection (4) insert—

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"(5) In this section "course of study" means a course of education or training leading to a qualification specified, or a qualification of a description specified, by the Secretary of State by order for the purposes of this subsection."

(6) Omit section 17D (the additional entitlement).

(7) In section 48 of ASCLA 2009 (provision of education for persons subject to youth detention), in the section 18A to be inserted into EA 1996—

(a) in subsection (2)(e), omit "and the additional entitlement" and "who have elected for them";

(b) for subsection (4) substitute—

"(4) Section 17C (the core entitlement) applies for the purposes of subsection (2)(e)."

[F2](8) . . . . . .

Textual Amendments

F2 S. 30(8) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(3)(g), **Sch. 14 para. 65(a)**

31 Repeal of diploma entitlement for fourth key stage

(1) Section 74 of EIA 2006 (curriculum requirements for the fourth key stage) is amended as follows.

(2) In subsection (1), in the new section 85A to be inserted into EA 2002—

(a) in subsection (1), for the words from "do either of the following" to the end substitute " follow a course of study in a subject within each of such one or more of the four entitlement areas specified in subsection (2) as the pupil may choose. ";

(b) in subsection (2), for "(1)(a)" substitute " (1) ";

(c) in subsection (4), for the words after "satisfied" substitute " if a course of study in a subject within each of the entitlement areas specified in subsection (2) is made available to the pupil by or on behalf of the school at which the pupil is a registered pupil. ";

(d) in subsection (5), for "(1)(a) or (b)" substitute " (1) ";

(e) in subsection (6), for the words after "means" substitute " a course of education or training which leads to such qualification as the governing body may choose from among those approved under section 98 of the Learning and Skills Act 2000 for the purposes of section 96 of that Act. "

(3) Omit subsection (3).

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

PART 5

EDUCATIONAL INSTITUTIONS: OTHER PROVISIONS

Repeal of duties of governing bodies, local authorities and others

32 Duty to prepare and publish school profile

(1) Section 30A of EA 2002 (duty of governing body of maintained school in England to prepare and publish school profile) is repealed.

(2) In consequence of subsection (1), section 104 of EA 2005 (insertion of section 30A of EA 2002) is repealed.

Commencement Information
I37 S. 32 in force at 1.2.2012 by S.I. 2012/84, **art. 3**

33 Duty to appoint school improvement partners

(1) Section 5 of EIA 2006 (requirement for local authority to appoint school improvement partner for each school they maintain) is repealed.

(2) In consequence of subsection (1), in section 187(3) of EIA 2006 (provisions to be read as if they were contained in EA 1996), omit paragraph (a).

34 Duties in relation to school admissions

(1) Part 3 of SSFA 1998 (school admissions) is amended as follows.

(2) In section 85A (admission forums)—
- (a) in subsection (1)—
  - (i) in the opening words, after "authority" insert " in Wales ";
  - (ii) at the end of paragraph (a), insert " and ";
  - (iii) omit paragraph (c) (and the "and" preceding it);
- (b) omit subsections (1A) to (1C);
- (c) in subsection (3), omit paragraph (ba) (but not the "and" following it);
- (d) omit subsection (3A);
- (e) omit subsections (5A) and (5B).

(3) In section 88I (other functions of adjudicator relating to admission arrangements), in subsection (3), omit paragraph (b) (and the "or" preceding it).

(4) Section 88J (changes to admission arrangements by schools adjudicator) is repealed.

(5) In section 88P (reports by local authorities)—
- (a) in subsection (1) for "prescribed" substitute " required by the code for school admissions ";
- (b) omit subsections (4) and (5).

(6) Schedule 10 (consequential amendments) has effect.

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

Commencement Information

I38 S. 34 in force at 1.2.2012 by S.I. 2012/84, **art. 3**

35 Duties in relation to school meals etc

(1) Part 9 of EA 1996 (ancillary functions) is amended as follows.

(2) In section 512ZA (power to charge for meals etc)—

(a) after subsection (1) insert—

"(1A) Where a local authority in England exercise the power to charge under subsection (1), the price they charge for an item must not exceed the cost of providing that item.";

[F3](b) . . . . . .

(3) In section 533 (functions of governing bodies of maintained schools with respect to provision of school meals etc)—

(a) after subsection (3) insert—

"(3A) Where the governing body of a school in England exercise the power to charge under subsection (3), the price they charge for an item must not exceed the cost of providing that item.";

[F4](b) . . . . . .

Textual Amendments

F3 S. 35(2)(b) omitted (4.5.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(3), **Sch. 5 para. 36(a)**

F4 S. 35(3)(b) omitted (4.5.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(3), **Sch. 5 para. 36(b)**

Commencement Information

I39 S. 35 in force at 1.2.2012 by S.I. 2012/84, **art. 3**

Admissions

36 Objections to admission arrangements

(1) Section 88H of SSFA 1998 (reference of objections to adjudicator) is amended as set out in subsections (2) to (6).

(2) In subsection (2)—

(a) in paragraph (a), for "an appropriate person" substitute " a body or person ";

(b) after "that" insert " body or ".

(3) Omit subsection (3).

(4) In subsection (4) omit "or (3)".

(5) In subsection (5)—

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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) in paragraph (a)(i) omit "or (3)";
(b) in paragraph (a)(ii) for "(3)" substitute " (2) ";
(c) in paragraph (c) omit "or (3)";
(d) in paragraph (d) omit "or (3)".

(6) Omit subsection (6).

(7) In section 88K of SSFA 1998 (sections 88H to 88J: supplementary), for subsection (2)(b) substitute—

"(b) any other person or body."

Commencement Information

I40 S. 36 in force at 1.2.2012 by S.I. 2012/84, **art. 3**

New schools

37 Establishment of new schools

Schedule 11 (establishment of new schools) has effect.

Commencement Information

I41 S. 37 in force at 1.2.2012 for specified purposes by S.I. 2012/84, **art. 3** (with art. 4)

I42 S. 37 in force at 1.9.2012 for specified purposes by S.I. 2012/2213, **art. 2**

Governing bodies: constitution and dissolution

38 Constitution of governing bodies: maintained schools in England

(1) Section 19 of EA 2002 (governing bodies) is amended as follows.

(2) After subsection (1) insert—

"(1A) Regulations must provide for a governing body of a maintained school in England to consist of—

(a) persons elected or appointed as parent governors,
(b) the head teacher of the school,
(c) a person elected as a staff governor,
(d) a person appointed as a local authority governor,
(e) in the case of a foundation school, a foundation special school or a voluntary school, persons appointed as foundation governors or partnership governors, and
(f) such other persons as may be prescribed."

(3) In subsection (2), after "governing body" insert " of a maintained school in Wales ".

(4) After subsection (4) insert—

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

"(4A) Regulations made by virtue of subsection (3)(c) in relation to a maintained school in England may include provision for eligibility criteria for the school's local authority governor to be such as may be specified by the school's governing body.

(4B) Regulations made by virtue of subsection (3)(e) in relation to a maintained school in England may include provision allowing the head teacher of the school to resign from office as a governor (and to withdraw any such resignation)."

Commencement Information

I43 S. 38 in force at 1.9.2012 by S.I. 2012/1087, **art. 3** (with art. 5) (as amended (9.7.2018) by The Education Act 2011 (Commencement No. 4 and Transitional and Savings Provisions) (Amendment) Order 2018 (S.I. 2018/809), arts. 1(2), **2**)

39 Discontinuance of federated school: governing body not to be dissolved

In paragraph 5 of Schedule 1 to EA 2002 (dissolution of school governing body on discontinuance of school), after sub-paragraph (1) insert—

"(1A) Sub-paragraph (1) does not apply if—

(a) the school is a federated school in England, and

(b) immediately after the discontinuance date, there will be more than one other school remaining in the federation.

(1B) "Federation" and "federated school" have the meanings given by section 24(2)."

Commencement Information

I44 S. 39 in force at 1.9.2012 by S.I. 2012/1087, **art. 3**

Standards

40 School inspections: exempt schools

(1) Part 1 of EA 2005 (school inspections and other inspections by school inspectors) is amended as set out in subsections (2) to (8).

(2) In section 5 (duty to inspect certain schools at prescribed intervals)—

(a) in subsection (2), for "subsection (3)" substitute " subsections (3) and (4A) ";

(b) after subsection (4), insert—

"(4A) Regulations may provide that this section does not apply to prescribed categories of school in prescribed circumstances.

(4B) A school to which this section does not apply by virtue of regulations under subsection (4A) is an "exempt school"."

(3) In section 6 (duty to notify parents of section 5 inspection), in subsection (1)—

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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) omit "to which section 5 applies";
(b) for "that section" substitute " section 5 ".

(4) In section 8 (other inspections), at the end insert—

"(3) If the Chief Inspector carries out an inspection of a school under subsection (2) in response to a request from the appropriate authority for the school, the Chief Inspector may charge the appropriate authority for the cost of the inspection.

(4) In subsection (3), "appropriate authority" has the meaning given by section 6(3)."

(5) In section 9 (power of Chief Inspector to treat other inspection as section 5 inspection)—

(a) the existing provision is renumbered subsection (1);
(b) at the end insert—

"(2) In the case of an inspection of an exempt school under section 8, the Chief Inspector may elect to treat the inspection for the purposes of subsections (5) to (5B) and (7) of section 5, sections 6 and 7 and Chapter 2 as if it were an inspection under section 5.

(3) In the case of an inspection of an exempt school under section 8(1), the Secretary of State may require the Chief Inspector to treat the inspection for the purposes of subsections (5) to (5B) and (7) of section 5, sections 6 and 7 and Chapter 2 as if it were an inspection under section 5.

(4) In the case of an inspection of a school under section 8(2) which is carried out in response to a request from the appropriate authority for the school, the Chief Inspector must treat the inspection for the purposes of subsections (5) to (5B) and (7) of section 5, sections 6 and 7 and Chapter 2 as if it were an inspection under section 5.

(5) In subsection (4), "appropriate authority" has the meaning given by section 6(3).";

(c) in the heading, for "of Chief Inspector" substitute " or duty ".

(6) In section 12 (interpretation of Chapter 1), after the definition of "the Chief Inspector" insert—

""exempt school" has the meaning given in section 5(4B);".

(7) In section 15 (measures to be taken by local authority), in subsection (2C) for the words from "in respect of" to the end substitute " which is not treated as a section 5 inspection by virtue of section 9 ".

(8) In section 17 (statement to be prepared by proprietor of school), in subsection (1D) for the words from "in respect of" to the end substitute " which is not treated as a section 5 inspection by virtue of section 9 ".

(9) In section 121 of EA 2005 (parliamentary control of subordinate legislation)—

(a) in subsection (2)(a), after "subsection" insert " (2A) or ";
(b) after subsection (2) insert—

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Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

"(2A) This subsection applies to regulations under section 5(4A) (power to prescribe schools exempt from inspection), apart from the first regulations to be made under that subsection.

(2B) A statutory instrument which contains (whether alone or with other provisions) regulations to which subsection (2A) applies may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament."

Commencement Information

I45 S. 40 partly in force: s. 40(1)-(3)(5)-(9) in force at Royal Assent

I46 S. 40(4) in force at 1.2.2012 by S.I. 2012/84, **art. 3**

41 School inspections: matters to be covered in Chief Inspector's report

(1) In section 5 of EA 2005 (duty to inspect certain schools at prescribed intervals), for subsections (5) and (5A) (matters for report), substitute—

"(5) It is the general duty of the Chief Inspector, when conducting an inspection under this section, to report on the quality of education provided in the school.

(5A) The Chief Inspector's report under subsection (5) must in particular cover—

(a) the achievement of pupils at the school;

(b) the quality of teaching in the school;

(c) the quality of the leadership in and management of the school;

(d) the behaviour and safety of pupils at the school.

(5B) In reporting under subsection (5), the Chief Inspector must consider—

(a) the spiritual, moral, social and cultural development of pupils at the school;

(b) the extent to which the education provided at the school meets the needs of the range of pupils at the school, and in particular the needs of—

(i) pupils who have a disability for the purposes of the Equality Act 2010, and

(ii) pupils who have special educational needs."

(2) In consequence of subsection (1), section 154 of EIA 2006 (amendments of section 5(5) of EA 2005) is repealed.

42 Inspection of further education institutions: exempt institutions

(1) Chapter 3 of Part 8 of EIA 2006 (inspection of further education and training etc) is amended as set out in subsections (2) to (10).

(2) In section 125 (inspection of further education institutions)—

(a) in subsection (1), at the end insert " subject to subsection (1A) ";

(b) after that subsection insert—

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

"(1A) The Secretary of State may by regulations provide that the duty of the Chief Inspector in subsection (1) does not apply to prescribed categories of institution in prescribed circumstances.

(1B) An institution to which the duty in subsection (1) does not apply by virtue of regulations under subsection (1A) is an "exempt institution"."";

(c) in subsection (2), for "The inspections" substitute " Inspections under subsection (1) ".

(3) Section 126 (other inspections) is amended as set out in subsections (4) to (9).

(4) After subsection (1), insert—

"(1A) The Chief Inspector must inspect an exempt institution if requested to do so by the Secretary of State."

(5) After subsection (2) insert—

"(2A) On completing an inspection under subsection (1) or (1A) conducted in response to a request from the Secretary of State or any other person or body, the Chief Inspector must—

(a) make a written report on the inspection;

(b) arrange for the report to be published in such manner as the Chief Inspector considers appropriate."

(6) In subsection (3), after "this section" insert " conducted in any other case ".

(7) In subsection (4), after "subsection (1)" insert " or (1A) ".

(8) After subsection (5) insert—

"(5A) In the case of an inspection conducted under subsection (1) in response to a request from the provider of the education or training concerned, the Chief Inspector may charge the provider for the cost of the inspection."

(9) At the end, insert—

"(8) In this section "exempt institution" has the meaning given by section 125(1B)."

(10) In section 127 (action plans), in subsection (1) at the end insert " or (1A) ".

(11) In section 182 of EIA 2006 (parliamentary control of orders and regulations)—

(a) in subsection (2), after paragraph (a) insert—

"(aa) regulations to which subsection (2A) applies,";

(b) after subsection (2) insert—

"(2A) This subsection applies to regulations made under section 125(1A) (power to prescribe institutions exempt from inspection), apart from the first regulations to be made under that subsection.";

(c) in subsection (3), after paragraph (a) insert—

"(aa) regulations to which subsection (2A) applies,".

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

Commencement Information

I47 S. 42 partly in force: s. 42(1)-(7)(9)-(11) in force at Royal Assent

I48 S. 42(8) in force at 1.2.2012 by S.I. 2012/84, **art. 3**

43 Inspection of boarding accommodation

(1) Part 12 of the Children Act 1989 (miscellaneous and general) is amended as follows.

(2) In section 87 (welfare of children in boarding schools and colleges)—

(a) after subsection (1), insert—

"(1A) For the purposes of this section and sections 87A to 87D, a school or college provides accommodation for a child if—

(a) it provides accommodation for the child on its own premises, or

(b) it arranges for accommodation for the child to be provided elsewhere (other than in connection with a residential trip away from the school).";

(b) in subsection (3), for "he is accommodated" substitute " accommodation for the child is provided ";

(c) after subsection (3), insert—

"(3A) Where accommodation is provided for a child by a school or college in England, the Secretary of State may at any time (including a time when the duty under subsection (3) is suspended by virtue of section 87A) direct the Chief Inspector for England to take the steps referred to in subsection (3).

(3B) Where accommodation is provided for a child by a school or college in Wales, the Welsh Ministers may, at any time when the duty under subsection (3) is suspended by virtue of section 87A, take the steps referred to in subsection (3).";

(d) in subsection (5), for "its duty" substitute " any of its functions ";

(e) in subsection (9A), for "he is accommodated" substitute " accommodation for the child is provided ".

(3) In section 87A (suspension of duty under section 87(3))—

(a) in subsection (1)(b), for "they are accommodated" substitute " accommodation for the children is provided ";

(b) after subsection (4) insert—

"(4A) The Secretary of State may by regulations specify matters that must be taken into account in deciding whether to appoint a person to be an inspector for the purposes of this section in relation to schools or colleges in England, or to terminate the appointment of such a person under subsection (4)(b)."

(4) After section 87B insert—

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

"87BA Quality assurance of inspectors under section 87A

(1) The Chief Inspector for England must, at intervals of no more than a year, prepare and send to the Secretary of State a report about inspectors who are appointed under section 87A in relation to schools or colleges in England.

(2) In preparing a report under this section the Chief Inspector for England must have regard to such matters as the Secretary of State may direct.

(3) The Secretary of State may in particular give directions about—

(a) matters to be taken into account in preparing a report, and

(b) the form and contents of a report."

(5) In section 87C (boarding schools: national minimum standards), in subsection (1), for "in" substitute " by ".

Commencement Information

I49 S. 43 in force at 1.2.2012 by S.I. 2012/84, **art. 3**

44 Schools causing concern: powers of Secretary of State

(1) Part 4 of EIA 2006 (schools causing concern: England) is amended as follows.

(2) In section 68 (power of Secretary of State to direct closure of school), in subsection (1), for "by virtue of section 62 (school requiring special measures)" substitute " other than by virtue of section 60A ".

(3) In section 69A (power of Secretary of State to direct local authority to consider giving performance standards and safety warning notice)—

(a) omit subsection (5);

(b) for subsection (9) substitute—

"(9) If the response states that the authority have decided not to give a warning notice to the governing body in the specified terms—

(a) the response must set out the authority's reasons for the decision, and

(b) the Secretary of State may direct the authority to give the warning notice to the governing body in those terms (and to withdraw any previous warning notice given to the governing body under section 60).

(9A) If the Secretary of State directs the authority under subsection (9)(b) to give a warning notice to the governing body in the specified terms, the authority must—

(a) comply with the direction under subsection (9)(b) before the end of the period of 5 working days beginning with the day on which that direction is given, and

(b) on the same day as they do so, give the Secretary of State a copy of the notice.";

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

(c) in subsection (10), for "Subsection (8)(b) applies" substitute " Subsections (8)(b) and (9A)(b) apply ";

(d) after subsection (10) insert—

"(11) A direction under this section must be in writing.";

(e) for the heading, substitute " Power of Secretary of State to direct local authority to give performance standards and safety warning notice ".

Commencement Information

I50 S. 44 in force at 17.11.2011 by S.I. 2011/2750, **art. 2**

45 Complaints: repeal of power to complain to Local Commissioner

(1) Sections 206 to 224 of ASCLA 2009 (complaints against schools in England) are repealed.

(2) In consequence of subsection (1)—

(a) in section 409 of EA 1996 (complaints and enforcement: maintained schools)—

(i) in subsection (1), after "authority" insert " in Wales " and after "schools" insert " in Wales ";

(ii) in subsection (4), for "Secretary of State" substitute " Welsh Ministers ";

(iii) in the heading, after "schools" insert " in Wales ";

(b) in section 496 of EA 1996 (power of Secretary of State to prevent unreasonable exercise of functions), omit subsections (3) and (4);

(c) in section 497 of EA 1996 (Secretary of State's general default powers), omit subsections (4) and (5);

(d) in paragraph 6 of Schedule 1 (pupil referral units: complaints)—

(i) in sub-paragraph (3), after "local authority" insert " in Wales " and after "unit" insert " in Wales ";

(ii) in sub-paragraph (4), for "Secretary of State" substitute " Welsh Ministers ", after "any local authority" and "a local authority" insert insert " in Wales ", and after "pupil referral unit" insert " in Wales ";

(e) in paragraph 1 of Schedule 4 to the Local Government Act 1974 (disqualifications from acting as Local Commissioner or investigating complaint), omit sub-paragraphs (2C) and (2D);

(f) in section 262(6) of ASCLA 2009 (statutory instruments subject to affirmative procedure), omit paragraph (f);

(g) in Schedule 16 to ASCLA 2009 (repeals and revocations), omit Part 7 (complaints);

(h) section 22 of CSFA 2010 (amendments of sections 207 and 216 of ASCLA 2009) is repealed.

Commencement Information

I51 S. 45 in force at 1.8.2012 by S.I. 2012/1087, **art. 2** (with art. 6)

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

Finance

46 Local authorities' financial schemes

In Schedule 14 to SSFA 1998 (revision of local authority schemes), in paragraph 2A, at the end insert—

"(4) The Secretary of State may by a direction revise the whole or any part of a scheme maintained by a local authority in England as from such date as may be specified in the direction.

(5) Before giving such a direction the Secretary of State must consult the local authority and such other persons as the Secretary of State thinks fit."

Commencement Information
I52 S. 46 in force at 1.2.2012 by S.I. 2012/84, **art. 3**

47 Payments in respect of dismissal, etc

(1) Section 37 of EA 2002 (payments in respect of dismissal, etc) is amended as follows.

(2) After subsection (7), insert—

"(7A) Any amount payable by virtue of subsection (7) by the governing body of a maintained school in England to the local authority may be met by the governing body out of the school's budget share for any funding period if and to the extent that the condition in subsection (7B) is met.

(7B) The condition is that the governing body are satisfied that meeting the amount out of the school's budget share will not to a significant extent interfere with the performance of any duty imposed on them by section 21(2) or by any other provision of the Education Acts."

(3) In subsection (8), after "maintained school" insert " in Wales ".

48 Determination of permitted charges

(1) Section 456 of EA 1996 (regulation of permitted charges) is amended as follows.

(2) In subsection (4), after paragraph (a) insert—

"(aa) attributable to the provision of the buildings and accommodation used in connection with the provision of the optional extra, or".

(3) In subsection (5), for "subsection (6)" substitute " subsections (6) and (6A) ".

(4) After subsection (6), insert—

"(6A) Where the optional extra in question consists of education which is early years provision (as defined by section 20 of the Childcare Act 2006), the cost of its provision includes the costs, or an appropriate proportion of the costs, attributable to the provision of teaching staff employed for the purpose of providing the education."

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
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Further education institutions

49 Further education institutions: amendments

Schedule 12 (further education institutions: amendments) has effect.

Commencement Information
I53 S. 49 in force at 1.4.2012 by S.I. 2012/924, **art. 2** (with arts. 6, 7)

Pupil referral units

50 Financing of pupil referral units

(1) Section 45 of SSFA 1998 (financing of maintained schools: maintained schools to have budget shares) is amended as follows.

(2) In subsection (1A), omit "or" at the end of paragraph (b), and after paragraph (c) insert ", or

(d) a pupil referral unit in England."

(3) In subsection (3)—

(a) in paragraph (a), after "pupil referral units" insert " in Wales ";

(b) after paragraph (a) insert—

"(aa) references to the governing body of a maintained school or of a school maintained by a local authority shall be read, in relation to a pupil referral unit in England, as references to the management committee for the unit (in spite of paragraph 1 of Schedule 1 to the Education Act 1996);

(ab) references to governors shall be read, in relation to a pupil referral unit in England, as references to the members of the management committee for the unit;".

Commencement Information
I54 S. 50 in force at 1.9.2012 for specified purposes by S.I. 2012/1087, **art. 3**

51 Repeal of provision changing name of pupil referral units

(1) ASCLA 2009 is amended as set out in subsections (2) and (3).

(2) In section 249 (short stay schools: miscellaneous)—

(a) omit subsections (1) and (2) (change of name from pupil referral unit to short stay school);

(b) for the heading, substitute " Regulations about pupil referral units ".

(3) For the italic cross-heading above section 249, substitute " Pupil referral units ".

(4) In Schedule 1 to EA 1996 (pupil referral units), in paragraph 3A—

(a) in sub-paragraph (a), for "short stay school" substitute " pupil referral unit ";

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

(b) in sub-paragraph (b), for "short stay schools", in both places where it occurs, substitute " pupil referral units ".

Commencement Information
I55 S. 51 in force at 15.1.2012 by S.I. 2012/84, **art. 2**

PART 6

ACADEMIES

Academy arrangements

52 Academies: removal of requirement to have specialism

In section 1(6) of AA 2010 (Academy arrangements: characteristics of Academy) omit paragraph (b) (curriculum to have emphasis on particular subject area).

Commencement Information
I56 S. 52 in force at 1.2.2012 by S.I. 2012/84, **art. 3**

53 Academy arrangements: post-16 education and alternative provision

(1) Section 1 of AA 2010 (Academy arrangements) is amended as set out in subsections (2) to (6).

(2) For subsection (5) substitute—

"(5) The undertakings are—

(a) to establish and maintain an educational institution in England which meets the requirements of any of the following—

(i) section 1A (Academy schools);

(ii) section 1B (16 to 19 Academies);

(iii) section 1C (alternative provision Academies);

(b) to carry on, or provide for the carrying on, of the institution."

(3) Omit subsection (6).

(4) In subsection (7), for "a school within subsection (5)(a)(i)" substitute " an educational institution within section 1A(1) ".

(5) In subsection (9), for "school" (in both places) substitute " institution ".

(6) In subsection (10), for "A school" substitute " An educational institution ".

(7) After section 1 of AA 2010 insert—

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

"**1A Academy schools**

(1) An educational institution meets the requirements of this section if—
- (a) it is an independent school,
- (b) it has a curriculum satisfying the requirements of section 78 of EA 2002 (balanced and broadly based curriculum),
- (c) it provides education for pupils of different abilities,
- (d) it provides education for pupils who are wholly or mainly drawn from the area in which it is situated, and
- (e) it is not an alternative provision Academy (see section 1C).

(2) An educational institution also meets the requirements of this section if—
- (a) it is an independent school, and
- (b) it is specially organised to make special educational provision for pupils with special educational needs.

(3) An Academy which meets the requirements of this section is to be known as an Academy school.

1B 16 to 19 Academies

(1) An educational institution meets the requirements of this section if it is principally concerned with providing full-time or part-time education suitable to the requirements of persons over compulsory school age but under 19.

(2) "Education" includes vocational, social, physical and recreational training.

(3) An Academy which meets the requirements of this section is to be known as a 16 to 19 Academy.

1C Alternative provision Academies

(1) An educational institution meets the requirements of this section if—
- (a) it is principally concerned with providing full-time or part-time education for children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not otherwise receive suitable education for any period,
- (b) it provides education for children of different abilities, and
- (c) it provides education for children who are wholly or mainly drawn from the area in which it is situated.

(2) "Suitable education", in relation to a child, means efficient education suitable to the child's age, ability and aptitude and to any special educational needs the child may have.

(3) An Academy which meets the requirements of this section is to be known as an alternative provision Academy.

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

1D Alternative provision Academies: powers to apply provisions with modifications

(1) Regulations may provide for a statutory provision relating to maintained schools or a description of maintained school, or to pupil referral units, to apply in relation to alternative provision Academies, or a description of alternative provision Academy, with or without modifications.

(2) Regulations may provide for a statutory provision relating to Academies, Academy schools or 16 to 19 Academies—

(a) to apply in relation to alternative provision Academies, or a description of alternative provision Academy, with or without modifications;

(b) not to apply in relation to alternative provision Academies or a description of alternative provision Academy.

(3) Regulations may provide for a statutory provision relating to alternative provision Academies or a description of alternative provision Academy—

(a) to apply in relation to a description of alternative provision Academy, with modifications;

(b) not to apply in relation to a description of alternative provision Academy.

(4) "Statutory provision" means a provision made by or under this or any other Act, whenever passed or made."

Commencement Information

I57 S. 53 in force at 1.2.2012 for specified purposes by S.I. 2012/84, **art. 3**

I58 S. 53 in force at 1.4.2012 in so far as not already in force by S.I. 2012/924, **art. 2**

54 Consequential amendments: 16 to 19 Academies and alternative provision Academies

(1) Schedule 13 (16 to 19 Academies and alternative provision Academies: consequential amendments) has effect.

(2) The Secretary of State may by order make further changes in consequence of section 53 to any provision of—

(a) an Act passed before, or in the same Session as, this Act;

(b) subordinate legislation made before the date on which this Act is passed.

(3) "Subordinate legislation" has the meaning given by section 21(1) of the Interpretation Act 1978.

Commencement Information

I59 S. 54 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

Academy orders

55 Academy orders: involvement of religious bodies etc

(1) Section 4 of AA 2010 (Academy orders) is amended as follows.

(2) After subsection (1), insert—

"(1A) Before making an Academy order under subsection (1)(b) in respect of a foundation or voluntary school that has a foundation, the Secretary of State must consult—

(a) the trustees of the school,

(b) the person or persons by whom the foundation governors are appointed, and

(c) in the case of a school which has a religious character, the appropriate religious body."

(3) In subsection (4)—

(a) at the end of paragraph (a), omit "and";

(b) at the end insert ", and

(c) in the case of a foundation or voluntary school that has a foundation—

(i) the trustees of the school,

(ii) the person or persons by whom the foundation governors are appointed, and

(iii) in the case of a school which has a religious character, the appropriate religious body."

(4) In subsection (5)—

(a) at the end of paragraph (a), omit "and";

(b) at the end insert ", and

(c) in the case of a foundation or voluntary school that has a foundation—

(i) the trustees of the school,

(ii) the person or persons by whom the foundation governors are appointed, and

(iii) in the case of a school which has a religious character, the appropriate religious body."

(5) At the end, insert—

"(8) In this section, "the appropriate religious body", in relation to a school, means—

(a) in the case of a Church of England school or a Roman Catholic school, the appropriate diocesan authority;

(b) in any other case, such body or person representing the specified religion or religious denomination as is prescribed under section 88F(3)(e) of SSFA 1998.

(9) In the case of a school in relation to which there is more than one religion or religious denomination specified, references to "the appropriate religious body" are to be read as references to both or all of the bodies concerned.

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

(10) In subsections (8) and (9), "specified" means specified in the order under section 69(3) of SSFA 1998 relating to the school.

(11) Expressions used in this section and SSFA 1998 have the same meaning as in that Act."

Commencement Information

I60 S. 55 in force at 1.2.2012 by S.I. 2012/84, **art. 3**

56 Academies: consultation on conversion

For section 5 of AA 2010 (consultation on conversion), substitute—

"**5 Consultation on conversion**

(1) Before a maintained school in England is converted into an Academy, there must be a consultation on the question of whether the conversion should take place.

(2) The consultation may take place before or after an Academy order, or an application for an Academy order, has been made in respect of the school.

(3) In the case of a school that is eligible for intervention (within the meaning of Part 4 of EIA 2006), the consultation may be carried out by—

(a) the school's governing body, or

(b) a person with whom the Secretary of State proposes to enter into Academy arrangements in respect of the school or an educational institution that replaces it.

(4) In any other case, the consultation must be carried out by the school's governing body.

(5) The consultation must seek the views of such persons as the person carrying it out thinks appropriate.

(6) In the case of a federated school, references in this section to the governing body include references to any of the members of the governing body."

Commencement Information

I61 S. 56 in force at 1.2.2012 by S.I. 2012/84, **art. 3**

57 Academy conversions: federated schools

(1) AA 2010 is amended as follows.

(2) In section 3 (application for Academy order) after subsection (5) insert—

"(6) In the case of a federated school, references in this section to the governing body include references to members of the governing body who—

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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) together make up a proportion of the total number of members that is specified in, or determined in accordance with, regulations, and
(b) consist of or include members of any prescribed description."

(3) In section 4 (Academy orders), in subsection (1)(a), for "the governing body of the school make an application" substitute " an application in respect of the school is made ".

(4) In section 7 (transfer of school surpluses)—
(a) in subsection (6)(a), after "made available" insert " in respect of the school ";
(b) in subsection (6), at the end, insert " This subsection is subject to subsection (9). ";
(c) in subsection (7), for "to a school's" substitute "in respect of a school to the school's";
(d) after subsection (8) insert—

"(9) If the school is a federated school, the questions of —
(a) whether the school has a surplus, and
(b) if so, the amount of the surplus,
are to be determined in accordance with regulations."

(5) In section 17 (interpretation of Act), in subsection (2), after the definition of "the conversion date" insert—

""federated school" has the meaning given by section 24(2) of EA 2002;".

Commencement Information
I62 S. 57 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

58 Academy orders: local authority powers

In section 6 of AA 2010 (effect of Academy order), after subsection (2) insert—

"(2A) Subsection (2) does not prohibit the local authority from providing financial or other assistance in respect of the Academy, including by—
(a) making payments in respect of some (but not all) of the expenses of maintaining the Academy,
(b) providing premises, goods or services for the Academy, or
(c) making premises, goods or services available to be used for the purposes of the Academy."

59 Transfer of property, rights and liabilities to Academies

(1) Section 8 of AA 2010 (transfer of other property) is amended as follows.

(2) For subsection (2) substitute—

"(2) The Secretary of State may make a scheme (a "transfer scheme") in relation to—
(a) property used or held for the purposes of the school by a local authority or the school's governing body, and

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(b) rights and liabilities (including rights and liabilities in relation to staff) of the local authority or the governing body which were acquired or incurred for the purposes of the school."

(3) In subsections (3) to (10), for "property transfer scheme" (in each place) substitute " transfer scheme ".

(4) In subsection (4), for "the proprietor of the Academy" substitute " a person concerned with the running of the Academy ".

(5) For the heading substitute " Transfer schemes: other property, rights and liabilities ".

Commencement Information

I63 S. 59 in force at 1.2.2012 by S.I. 2012/84, **art. 3**

Academies: other provisions

60 Academies: new and expanded educational institutions

(1) For section 9 of AA 2010 (impact: additional schools) substitute—

"**9 Impact: new and expanded educational institutions**

(1) This section applies if the Secretary of State is deciding whether to enter into Academy arrangements in relation to—

(a) a new educational institution, or

(b) an existing educational institution that, if the arrangements are entered into, will provide education for pupils of a wider range of ages.

(2) The Secretary of State must take into account what the impact of entering into the arrangements would be likely to be on maintained schools, Academies, institutions within the further education sector and alternative provision in the area in which the institution is proposed to be, or is, situated.

(3) An educational institution is not new for the purposes of this section if—

(a) it replaces one or more maintained schools, Academies or sixth form colleges that have been or are to be discontinued, and

(b) it provides education for persons of the same range of ages as the institution it replaces (or, as the case may be, the institutions it replaces, taken together).

(4) "Alternative provision" means educational provision for which a local authority has made arrangements under section 19 of EA 1996 (exceptional provision of education in pupil referral units or elsewhere)."

(2) For section 10 of AA 2010 (consultation: additional schools) substitute—

"**10 Consultation: new and expanded educational institutions**

(1) This section applies before a person enters into Academy arrangements with the Secretary of State in relation to—

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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) a new educational institution, other than a new educational institution that is the subject of proposals under section 7 of EIA 2006 (proposals to establish new school following invitation from local authority), or

(b) an existing educational institution that, if the arrangements are entered into, will provide education for pupils of a wider range of ages.

(2) The person must carry out a consultation on the question of whether the arrangements should be entered into.

(3) The consultation must seek the views of such persons as the person carrying it out thinks appropriate.

(4) Section 9(3) (when educational institution not new) applies for the purposes of this section."

Commencement Information

I64 S. 60 in force at 1.2.2012 by S.I. 2012/84, **art. 3**

61 Charges at boarding Academies

After section 10 of AA 2010 insert—

"**10A Charges at boarding Academies**

(1) This section applies where—

(a) a registered pupil at an Academy is provided with board and lodging at the Academy, and

(b) the local authority for the pupil's area is satisfied that either condition A or condition B is met.

(2) Condition A is that education suitable to the pupil's age, ability and aptitude, and to any special educational needs the pupil may have, cannot otherwise be provided for the pupil.

(3) Condition B is that payment of the full amount of the charges in respect of the board and lodging would involve financial hardship to the pupil's parent.

(4) If the authority is satisfied that condition A is met, the authority must pay the full amount of the charges in respect of the board and lodging to the proprietor of the Academy.

(5) If the authority is satisfied that condition B is met, the authority must pay to the proprietor of the Academy so much of the charges in respect of the board and lodging as, in the opinion of the authority, is needed to avoid financial hardship to the pupil's parent.

(6) The proprietor of the Academy must remit the charges that would otherwise be payable by the pupil's parent, to the extent that it receives a payment from the local authority in respect of those charges under subsection (4) or (5)."

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62 Staff at Academies with religious character

(1) Part 5A of SSFA 1998 (employment of teachers at independent schools having a religious character) is amended as set out in subsections (2) and (3).

(2) In section 124A (employment of teachers at independent schools having a religious character), in subsection (1), at the end insert " , other than an Academy to which section 124AA applies ".

(3) After section 124A, insert—

"**124AA Staff at certain Academies with religious character**

(1) This section applies if—
  (a) an Academy order has been made in respect of a foundation or voluntary controlled school which is designated by order under section 69(3) as a school having a religious character,
  (b) the school has been converted into an Academy (see section 4(3) of the Academies Act 2010), and
  (c) the Secretary of State has not made an order in respect of the school under subsection (2).

(2) The Secretary of State may by order provide that this section does not apply to a school specified in the order.

(3) Where there are more than two teachers at the Academy, the teachers must include persons who—
  (a) are selected for their fitness and competence to give religious education in accordance with the tenets of the religion or the religious denomination specified in relation to the Academy in the order under section 69(3) (as applied by section 6(8) of the Academies Act 2010), and
  (b) are specifically appointed to do so.

A teacher employed or engaged at the Academy in pursuance of this subsection is a "reserved teacher", and any other teacher at the Academy is a "non-reserved teacher".

(4) The number of reserved teachers in the Academy must not exceed one-fifth of the total number of teachers, including the principal (and for this purpose, where the total number of teachers is not a multiple of five, it is to be treated as if it were the next higher multiple of five).

(5) In connection with the appointment of a person to be the principal of the Academy, in a case where the principal is not to be a reserved teacher, regard may be had to that person's ability and fitness to preserve and develop the religious character of the Academy.

(6) Preference may be given, in connection with the appointment, promotion or remuneration of reserved teachers at the Academy, to persons—
  (a) whose religious opinions are in accordance with the tenets of the religion or the religious denomination specified in relation to the Academy in the order under section 69(3) (as applied by section 6(8) of the Academies Act 2010), or
  (b) who attend religious worship in accordance with those tenets, or

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Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

(c) who give, or are willing to give, religious education at the Academy in accordance with those tenets.

(7) Regard may be had, in connection with the termination of employment or engagement of any reserved teacher at the Academy, to any conduct on the part of the teacher which is incompatible with the precepts, or with the upholding of the tenets, of the religion or religious denomination specified in the order under section 69(3) (as applied by section 6(8) of the Academies Act 2010).

(8) No person, other than a reserved teacher, is to be disqualified by reason of their religious opinions, or of their attending or omitting to attend religious worship—

(a) from being a teacher at the Academy, or

(b) from being employed or engaged for the purposes of the Academy otherwise than as a teacher.

(9) A non-reserved teacher must not be required to give religious education.

(10) A non-reserved teacher must not receive any less remuneration than any other non-reserved teacher, or be deprived of, or disqualified for, any promotion or other advantage available to other non-reserved teachers—

(a) for the reason that the teacher gives, or does not give, religious education, or

(b) for reasons related to the teacher's religious opinions or to the teacher's attending or omitting to attend religious worship."

(4) In consequence of the amendments made by subsections (2) and (3)—

(a) in the title to Part 5A of SSFA 1998, for "Employment of Teachers" substitute " Teachers and Staff ";

(b) in section 138 of SSFA 1998 (orders and regulations), in subsection (2)(a), after "111(3)(a)" insert " , 124AA(2) ";

(c) in paragraph 4 of Schedule 22 to the Equality Act 2010 (educational appointments etc based on religious belief), at the end insert—

"(d) section 124AA(5) to (7) of that Act (religious considerations relating to certain teachers at Academies with religious character)."

Commencement Information

I65 S. 62 in force at 1.2.2012 by S.I. 2012/84, **art. 3**

63 Academies: land

Schedule 14 (Academies: land) has effect.

Commencement Information

I66 S. 63 in force at 1.2.2012 by S.I. 2012/84, **art. 3**

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

64 Academy admissions arrangements: references to adjudicator

(1) Chapter 1 of Part 3 of SSFA 1998 (school admissions: admission arrangements) is amended as follows.

(2) In section 88 (admission authorities and admission arrangements)—

(a) in subsection (1), omit the "and" at the end of paragraph (a);

(b) in that subsection, at the end, insert "; and

(c) in relation to an Academy, means the proprietor of the Academy.";

(c) in subsection (2), omit "maintained".

(3) In section 88H (reference of objections to adjudicator), after subsection (1) insert—

"(1A) This section also applies where admission arrangements for an Academy have been determined by the proprietor of an Academy under Academy arrangements."

(4) In section 88I (other functions of adjudicator relating to admission arrangements), in subsection (1)—

(a) after "determined" insert "—

(a)";

(b) at the end insert ", or

(b) by an admission authority for an Academy."

(5) In section 88K (sections 88H and 88I: supplementary)—

(a) in subsection (4)(a), after "England" insert " or an Academy ";

(b) in subsection (5), for the words from "means" to the end substitute "means—

(a) in relation to a maintained school, the requirements imposed by or under this Part as to the content of admission arrangements for maintained schools in England, and

(b) in relation to an Academy, the requirements imposed by or under Academy arrangements as to the content of its admission arrangements."

Commencement Information

I67 S. 64 in force at 1.2.2012 by S.I. 2012/84, **art. 3**

65 Academies: minor amendments

Schedule 15 (Academies: minor amendments) has effect.

Commencement Information

I68 S. 65 in force at 1.2.2012 by S.I. 2012/84, **art. 3**

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

PART 7

POST-16 EDUCATION AND TRAINING

Abolition of the Young People's Learning Agency for England

66 Abolition of the Young People's Learning Agency for England

Sections 60 to 80 of, and Schedule 3 to, ASCLA 2009 (the Young People's Learning Agency for England) are repealed.

Commencement Information
I69 S. 66 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

67 Abolition of the YPLA: consequential amendments

(1) Schedule 16 (abolition of the YPLA: consequential amendments) has effect.

(2) The Secretary of State may by order make further changes in consequence of section 66 to any provision of subordinate legislation made before the date on which this Act is passed.

(3) "Subordinate legislation" has the meaning given by section 21(1) of the Interpretation Act 1978.

Commencement Information
I70 S. 67 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

68 Abolition of the YPLA: transfer schemes

Schedule 17 (schemes for the transfer of staff, property, rights and liabilities from the Young People's Learning Agency for England to other persons) has effect.

Commencement Information
I71 S. 68 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Apprenticeships

69 The apprenticeship offer

(1) ASCLA 2009 is amended as follows.

(2) After section 83 insert—

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

"83A The apprenticeship offer

(1) The Chief Executive must secure the provision of proper facilities for apprenticeship training that is suitable to the requirements of persons who—
  (a) are within subsection (4), (5) or (6), and
  (b) have an apprenticeship opportunity.

This is subject to section 83B (limit on scope of apprenticeship offer).

(2) The duty imposed by subsection (1) is referred to in this section and section 83B as "the apprenticeship offer".

(3) An apprenticeship opportunity is an opportunity to—
  (a) enter into an apprenticeship agreement,
  (b) enter into any other contract of employment in connection with which training will be provided in accordance with an apprenticeship framework, or
  (c) undertake any other kind of working—
    (i) in relation to which alternative English completion conditions apply under section 1(5), and
    (ii) in connection with which training will be provided in accordance with an apprenticeship framework.

(4) A person within this subsection is one who is over compulsory school age but under 19.

(5) A person within this subsection is one who is not within subsection (4) and—
  (a) is a person aged under 21 towards whom a local authority in England has the duties provided for in section 23C of the Children Act 1989 (continuing functions in relation to certain formerly looked after children), or
  (b) is a person to whom section 23CA of that Act applies (further assistance for certain formerly looked after children aged under 25), in relation to whom a local authority in England is the responsible local authority (within the meaning of that section).

(6) A person within this subsection is one who—
  (a) is not within subsection (4), and
  (b) is of a prescribed description.

(7) If regulations under subsection (6)(b) describe a person by reference to an age or an age range, the age, or the upper age of the age range, must be less than 25.

(8) Facilities are proper if they are—
  (a) of a quantity sufficient to meet the reasonable needs of individuals, and
  (b) of a quality adequate to meet those needs.

(9) Section 83(2) and (3) (when apprenticeship training is suitable, and matters to which Chief Executive must have regard) apply for the purposes of the apprenticeship offer.

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

(10) In complying with the apprenticeship offer the Chief Executive must make the best use of the Chief Executive's resources.

(11) In this section "apprenticeship framework" has the meaning given by section 12.

(12) The Secretary of State may by order amend this section for the purpose of changing the descriptions of persons to whom the apprenticeship offer applies.

83B Limit on scope of the apprenticeship offer

(1) The Chief Executive is not required by the apprenticeship offer to secure the provision of facilities for apprenticeship training at a particular level for a person who—

(a) has already completed an English apprenticeship in relation to an apprenticeship framework at that level, or

(b) holds an apprenticeship certificate at that level.

(2) For the purposes of this section apprenticeship training is at a particular level if it might reasonably be expected to lead to the issue of an apprenticeship certificate at that level.

(3) The following provisions of Chapter 1 of Part 1 apply for the purposes of this section—

section 1 (meaning of "completing an English apprenticeship");

section 12 (meaning of apprenticeship framework and level of an apprenticeship framework).

(4) In this section "apprenticeship certificate" means an apprenticeship certificate issued under section 3 or 4.

(5) A reference in this section to an apprenticeship certificate at any level includes a reference to a certificate or other evidence (including a certificate awarded or evidence provided by a person outside England) which appears to the Chief Executive to be evidence of experience and attainment at a comparable or higher level."

(3) Schedule 18 (consequential amendments) has effect.

Commencement Information

I72 S. 69 in force at 1.9.2012 by S.I. 2012/1087, **art. 3**

[F5]70 Securing the provision of apprenticeship training

. . . . . .

Textual Amendments

F5 S. 70 omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(3)(g), **Sch. 14 para. 65(b)**

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

71 Apprenticeship certificates

(1) ASCLA 2009 is amended as follows.

(2) In section 5 (issue of certificates by the English certifying authority: supplementary), in subsection (3), for the words from "the English certifying authority" to the end substitute " a person supplying a copy of an apprenticeship certificate to charge a fee for doing so. "

(3) For section 6 (apprenticeship certificates: the English certifying authority) substitute—

"**6 The English certifying authority**

(1) In this Chapter, the "English certifying authority", in relation to an apprenticeship certificate of any description, means—
   (a) the person (if any) designated by the Secretary of State under this section to issue apprenticeship certificates of that description;
   (b) if there is no-one within paragraph (a), the person (if any) designated by the Secretary of State under this section to issue apprenticeship certificates generally;
   (c) if there is no-one within paragraph (a) or (b), the Secretary of State.

(2) The power conferred by subsection (1)(a) must be exercised so as to secure that, at any time, only one person is designated to issue apprenticeship certificates relating to a particular apprenticeship sector.

(3) A person designated under this section to issue apprenticeship certificates must, in exercising functions under this Chapter—
   (a) comply with directions given by the Secretary of State, and
   (b) have regard to guidance given by the Secretary of State.

(4) A designation under this section may be amended or revoked by the Secretary of State."

(4) In section 39(1) (interpretation of Chapter 1 of Part 1) for the definition of "English certifying authority" substitute—

""English certifying authority", in relation to an apprenticeship certificate of any description, has the meaning given by section 6(1);".

Commencement Information

I73 S. 71 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

The Chief Executive of Skills Funding

[F6]72 Consultation by Chief Executive of Skills Funding

. . . . . .

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
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Textual Amendments

F6 S. 72 omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(3)(g), **Sch. 14 para. 65(c)**

73 Functions of the Chief Executive of Skills Funding

(1) Part 4 of ASCLA 2009 (the Chief Executive of Skills Funding) is amended as follows.

(2) In section 88 (learning aims for persons aged 19 or over: payment of tuition fees)—

(a) in subsection (1), for "paragraph 1" substitute " paragraph 1(a) or (b) ";

(b) after subsection (2), insert—

"(2A) Functions under this Part must be exercised by the Chief Executive so as to secure that a course of study for a qualification to which paragraph 1(c) of Schedule 5 applies is free to a person falling within subsection (4) if it is provided for the person by virtue of facilities whose provision is secured under section 87.";

(c) in subsection (4)(a), for "25" substitute " 24 ".

(3) Sections 112 to 114 (Secretary of State's power to specify bodies to formulate strategy for the Chief Executive) are repealed.

Commencement Information

I74 S. 73(1) in force at 1.4.2012 for specified purposes by S.I. 2012/924, **art. 2**
I75 S. 73(1) in force at 1.8.2012 for specified purposes by S.I. 2012/1087, **art. 2**
I76 S. 73(1)(2)(c) in force at 1.8.2013 in so far as not already in force by S.I. 2012/2213, **art. 4**
I77 S. 73(2)(a)(b) in force at 1.8.2012 by S.I. 2012/1087, **art. 2**
I78 S. 73(2)(c) in force at 1.8.2012 for specified purposes by S.I. 2012/1087, **art. 2**
I79 S. 73(3) in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Raising the participation age: commencement

74 Duty to participate in education or training: commencement

In section 173 of ESA 2008 (commencement), for subsections (9) and (10) substitute—

"(9) An order under subsection (4) may provide for the following provisions to come into force with the substitution of " the first anniversary of the date on which the person ceased to be of compulsory school age " for "the age of 18"

(a) section 1(b) (persons to whom Part 1 applies);

(b) section 29(1)(b) (employer to enable participation in education or training: extension for persons reaching 18).

(10) The Secretary of State must—

(a) exercise the powers conferred by subsections (4) and (9) so as to secure that sections 1 to 10 are in force with the substitution in section 1(b) mentioned in subsection (9) no later than the day after the day which is the school leaving date for 2013, and

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(b) exercise the power conferred by subsection (4) so as to secure that sections 1 to 10 are in force without that substitution no later than the day after the day which is the school leaving date for 2015,

subject, in each case, to any provision made by virtue of subsection (8).”

Commencement Information

I80 S. 74 in force at 1.2.2012 by S.I. 2012/84, **art. 3**

PART 8

DIRECT PAYMENTS

75 Direct payments: persons with special educational needs or subject to learning difficulty assessment

(1) In Chapter 2 of Part 9 of EA 1996 (ancillary functions of local authorities) after section 532 insert—

“Direct payments

532A Persons with special educational needs or subject to learning difficulty assessment

(1) A local authority in England may make a payment (a “direct payment”) for the purpose of securing the provision of any goods and services mentioned in subsection (2) to a person (“the beneficiary”)—

(a) for whom the authority maintain a statement of special educational needs under section 324, or

(b) who is subject to learning difficulty assessment by the authority.

This power is subject to subsection (3).

(2) The goods and services referred to in subsection (1) are—

(a) where the beneficiary is within subsection (1)(a), special educational provision specified in the statement of special educational needs;

(b) where the beneficiary is within subsection (1)(b) and the authority have arranged for an assessment to be conducted under section 139A of the Learning and Skills Act 2000, provision identified in the assessment as required to meet the beneficiary's educational and training needs;

(c) transport or anything else that may be the subject of arrangements under section 508B(1), 508F(1) or 509AA(7)(b) that apply in relation to the beneficiary.

(3) A direct payment may be made only in accordance with a pilot scheme made under section 532B.

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532B Pilot schemes

(1) The Secretary of State may by order make pilot schemes in accordance with which direct payments may be made under section 532A.

(2) Subject to the following provisions of this section, a pilot scheme may include such provision as the Secretary of State thinks appropriate.

(3) A pilot scheme must include provision about—

(a) circumstances in which, and the descriptions of goods and services in respect of which, direct payments may (or may not) be made;

(b) descriptions of persons to or in respect of whom direct payments may (or may not) be made;

(c) conditions with which a local authority must comply before, after or at the time of making a direct payment;

(d) conditions with which a person to or in respect of whom a direct payment is or may be made may be required by a local authority to comply before, after or at the time the payment is made;

(e) the principles by reference to which the amount of a direct payment is to be calculated;

(f) circumstances in which a local authority may or must stop making direct payments;

(g) circumstances in which a local authority may or must require all or part of a direct payment to be repaid, by the person to whom the payment is made or otherwise;

(h) the monitoring of the making of direct payments, of their use by the persons to whom they are made or of the goods and services they are used to secure;

(i) the arrangements to be made by a local authority for providing persons to or in respect of whom direct payments are made with information, advice or support in connection with direct payments;

(j) treating such support to any extent as goods or services in respect of which direct payments may be made.

(4) The conditions referred to in subsection (3)(c)—

(a) must include a requirement to obtain the written consent of the person to whom a direct payment is to be made before making the payment;

(b) may include a requirement to obtain the written consent of one or more other persons before making a direct payment.

(5) The circumstances referred to in subsection (3)(f) in which a local authority must stop making direct payments must include where the consent required by virtue of subsection (4)(a), or any consent required by virtue of subsection (4)(b), is withdrawn.

(6) A pilot scheme must include provision for a sum required to be repaid to a local authority by virtue of the scheme to be recoverable as a debt due to the authority.

(7) A pilot scheme may provide for paid-for goods and services to be treated as goods and services provided or arranged by a local authority in pursuance of a statutory duty specified in the scheme.

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(8) A pilot scheme may provide for paid-for goods and services to be treated in that way—
  (a) to the extent set out in the scheme, and
  (b) subject to any conditions set out in the scheme.

(9) The only statutory duties that may be specified are—
  (a) section 324(5)(a)(i) (duty to arrange special educational provision specified in statement of special educational needs);
  (b) section 508B(1) (duty to make travel arrangements for eligible children);
  (c) section 508F(1) (duty to make arrangements for provision of transport etc for adult learners);
  (d) section 509AA(7)(b) (duty to make, and secure that effect is given to, arrangements for provision of transport etc for persons of sixth form age).

(10) "Paid-for goods and services" are goods and services acquired by means of a direct payment.

532C Pilot schemes: local authorities and duration

(1) An order under section 532B(1) making a pilot scheme must specify—
  (a) the local authorities in respect of which the scheme operates, and
  (b) the period for which the scheme has effect.

(2) The period specified under subsection (1)(b) must not exceed two years, subject to subsection (3).

(3) An order under section 532B(1) may extend the period for which a pilot scheme has effect, subject to subsection (4).

(4) The period for which a pilot scheme has effect may not be extended so as to end after the end of the relevant four year period.

(5) "The relevant four year period" is the period of four years beginning with the day on which the Education Act 2011 is passed."

(2) In section 568 of EA 1996 (orders)—
  (a) in subsection (3), after "other than" insert " an order to which subsection (3A) applies or ";
  (b) after subsection (3) insert—

    "(3A) A statutory instrument which contains (alone or with other provision) an order under section 532B(1) (direct payments: pilot schemes) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament."

(3) The provisions inserted into EA 1996 by subsections (1) and (2) are repealed at the end of four years beginning with the day on which this Act is passed.

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Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

PART 9

STUDENT FINANCE

76 Student loans: interest rates

(1) In section 22 of THEA 1998 (financial support for students), in subsection (4) (interest rates on loans), for paragraph (a) (but not the "and" after it) substitute—

"(a) the rates prescribed by regulations made in pursuance of subsection (3)(a) must be—

(i) lower than those prevailing on the market, or

(ii) no higher than those prevailing on the market, where the other terms on which such loans are provided are more favourable to borrowers than those prevailing on the market;".

(2) In consequence of subsection (1)—

(a) in section 22 of THEA 1998, omit subsections (8) and (9);

(b) in section 2 of the Sale of Student Loans Act 2008 (sale of student loans: supplemental), in subsection (5), omit paragraph (d) (but not the "and" after it).

(3) This section applies in relation to a student who begins a course on or after 1 September 2012, except in such circumstances as may be prescribed.

(4) In subsection (3) "prescribed"—

(a) in relation to England, means prescribed by regulations made by the Secretary of State;

(b) in relation to Wales, means prescribed by regulations made by the Welsh Ministers.

Modifications etc. (not altering text)

C1 S. 76 restricted (18.6.2012) by The Education (Student Loans) (Repayment) (Amendment) (No. 2) Regulations 2012 (S.I. 2012/1309), regs. 1(1), **15**.

77 Limit on student fees: part-time courses

(1) In section 41(1) of HEA 2004 (interpretation of Part 3: student fees and fair access), in the definition of "course", omit "part-time or".

(2) This section applies in relation to a part-time course that a student begins on or after 1 September 2012, except in such circumstances as may be prescribed **[**[F7]by regulations made by the Secretary of State**]**.

[F8](3) . . . . . .

Textual Amendments

F7 Words in s. 77(2) inserted (1.9.2015) by Higher Education (Wales) Act 2015 (anaw 1), s. 59(2), **Sch. para. 25(2)**; S.I. 2015/1327, art. 5(s)(vi)

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
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F8 S. 77(3) omitted (1.9.2015) by virtue of Higher Education (Wales) Act 2015 (anaw 1), s. 59(2), **Sch. para. 25(3)**; S.I. 2015/1327, art. 5(s)(vi)

PART 10

GENERAL

78 Orders and regulations

(1) A power to make an order or regulations under this Act is exercisable by statutory instrument.

(2) A power to make an order or regulations under this Act (except a power conferred by section 82) includes power—

(a) to make different provision for different purposes (including different areas);

(b) to make provision generally or in relation to specific cases;

(c) to make incidental, consequential, supplementary, transitional, transitory or saving provision.

(3) Subject to subsection (4), a statutory instrument containing an order or regulations made by the Secretary of State under this Act (other than an order under section 82) is subject to annulment in pursuance of a resolution of either House of Parliament.

(4) A statutory instrument which contains (alone or with other provision) an order under section 54(2) which amends or repeals any provision of an Act may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

(5) A statutory instrument containing an order or regulations made by the Welsh Ministers under this Act is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

79 Interpretation of Act

In this Act—

"FHEA 1992" means the Further and Higher Education Act 1992;

"EA 1994" means the Education Act 1994;

"EA 1996" means the Education Act 1996;

"EA 1997" means the Education Act 1997;

"THEA 1998" means the Teaching and Higher Education Act 1998;

"SSFA 1998" means the School Standards and Framework Act 1998;

"LSA 2000" means the Learning and Skills Act 2000;

"EA 2002" means the Education Act 2002;

"HEA 2004" means the Higher Education Act 2004;

"EA 2005" means the Education Act 2005;

"EIA 2006" means the Education and Inspections Act 2006;

"ESA 2008" means the Education and Skills Act 2008;

"ASCLA 2009" means the Apprenticeships, Skills, Children and Learning Act 2009;

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"CSFA 2010" means the Children, Schools and Families Act 2010;
"AA 2010" means the Academies Act 2010.

80 Financial provision

There is to be paid out of money provided by Parliament any increase attributable to this Act in the sums payable under any other Act out of money so provided.

81 Extent

(1) This Act extends to England and Wales only, subject to subsections (2) and (3).

(2) This Part extends to the whole of the United Kingdom.

(3) An amendment or repeal made by this Act has the same extent as the provision to which it relates.

82 Commencement

(1) The following provisions come into force on the day on which this Act is passed—
- (a) section 33;
- (b) section 40(1) to (3) and (5) to (9);
- (c) section 41;
- (d) section 42(1) to (7) and (9) to (11);
- (e) section 58;
- (f) section 75;
- (g) sections 76 and 77;
- (h) this Part.

(2) The following provisions come into force at the end of two months beginning with the day on which this Act is passed—
- (a) section 6;
- (b) sections 30 and 31;
- (c) section 47;
- (d) section 48;
- (e) section 61.

(3) The other provisions of this Act come into force on such day as the Secretary of State may by order appoint.

(4) The Secretary of State must exercise the power conferred by subsection (3) so as to secure that, subject to any provision made by virtue of subsection (7), sections 69 and 70 and Schedule 18 are in force no later than the day after the day which is the school leaving date for 2013.

(5) Before making an order bringing section 13 into force, the Secretary of State must consult the Welsh Ministers.

(6) Before making an order bringing sections 14 to 17 into force, the Secretary of State must obtain the consent of the Welsh Ministers.

(7) An order under this section may—

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(a) appoint different days for different purposes (including different areas);

(b) contain transitional, transitory or saving provision in connection with the coming into force of this Act.

83 Short title

(1) This Act may be cited as the Education Act 2011.

(2) This Act is to be included in the list of Education Acts set out in section 578 of EA 1996.

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

SCHEDULES

SCHEDULE 1

Section 4

REVIEW OF EXCLUSIONS FROM SCHOOLS IN ENGLAND: CONSEQUENTIAL AMENDMENTS

Local Government Act 1972 (c. 70)

1 In section 177 of the Local Government Act 1972 (provisions supplementary to provisions on allowances), in subsection (1A)—

(a) before paragraph (c) insert—

"(ba) regulations made by virtue of section 51A(8) of the Education Act 2002 (allowances for exclusion review panels: England);";

(b) in paragraph (c), for the words from "the Education Act" to the end substitute " that Act (allowances for exclusion appeal panels: Wales); and ".

Commencement Information

I81 Sch. 1 para. 1 in force at 1.9.2012 by S.I. 2012/1087, **art. 3** (with art. 4)

Local Government Act 1974 (c. 7)

2 In section 25 of the Local Government Act 1974 (authorities subject to investigation), in subsection (5)(e)—

(a) for "appeal" substitute " review ";

(b) for "section 52" substitute " section 51A ".

Commencement Information

I82 Sch. 1 para. 2 in force at 1.9.2012 by S.I. 2012/1087, **art. 3** (with art. 4)

3 In section 31A of that Act (consideration of adverse reports), in subsection (3)(c), for "exclusion appeal panel" substitute " exclusion review panel ".

Commencement Information

I83 Sch. 1 para. 3 in force at 1.9.2012 by S.I. 2012/1087, **art. 3** (with art. 4)

Tribunals and Inquiries Act 1992 (c. 53)

4 In Part 1 of Schedule 1 to the Tribunals and Inquiries Act 1992 (tribunals under direct supervision of the Council), in paragraph 15 (education), after sub-paragraph (a), insert—

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"(aa) exclusion review panels constituted in accordance with regulations under section 51A of the Education Act 2002;".

Commencement Information
I84 Sch. 1 para. 4 in force at 1.9.2012 by S.I. 2012/1087, **art. 3** (with art. 4)

EA 1996

5 EA 1996 is amended as follows.

Commencement Information
I85 Sch. 1 para. 5 in force at 1.9.2012 by S.I. 2012/1087, **art. 3** (with art. 4)

6 In section 444ZA (application of section 444 to alternative educational provision), in subsection (1D), in paragraph (a), for "section 52" substitute " section 51A ".

Commencement Information
I86 Sch. 1 para. 6 in force at 1.9.2012 by S.I. 2012/1087, **art. 3** (with art. 4)

7 In Schedule 35B (meaning of "eligible child" for purposes of school travel arrangements), in paragraph 8(2)(b), for "section 52" substitute " section 51A ".

Commencement Information
I87 Sch. 1 para. 7 in force at 1.9.2012 by S.I. 2012/1087, **art. 3** (with art. 4)

SSFA 1998

8 Section 87 of SSFA 1998 (no requirement to admit children permanently excluded from two or more schools) is amended as follows.

Commencement Information
I88 Sch. 1 para. 8 in force at 1.9.2012 by S.I. 2012/1087, **art. 3** (with art. 4)

9 After subsection (3) insert—

"(3A) A child who has been permanently excluded from a school in England shall not be treated for the purposes of this section as having been so excluded if any of the following applies—

(a) the child was reinstated as a pupil at the school following a direction from the responsible body—

(i) in accordance with regulations under subsection (3)(b) of section 51A of the Education Act 2002;

(ii) following a recommendation from the review panel that the responsible body reconsiders the matter under subsection (4)(b) of that section;

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Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

(b) the child would have been reinstated as a pupil at the school following a direction from the responsible body as described in paragraph (a)(i) or (ii), if it had been practical for the responsible body to give such a direction;

(c) the review panel has quashed a decision of the responsible body not to reinstate the child as a pupil at the school under subsection (4)(c) of section 51A of the Education Act 2002;

(d) the child was so excluded at a time when the child had not attained compulsory school age.

(3B) In subsection (3A) "the responsible body" has the same meaning as in section 51A of the Education Act 2002."

Commencement Information
I89 Sch. 1 para. 9 in force at 1.9.2012 by S.I. 2012/1087, **art. 3** (with art. 4)

10 In subsection (4), in the opening words—

(a) omit "However,";

(b) after "a school" insert " in Wales ".

Commencement Information
I90 Sch. 1 para. 10 in force at 1.9.2012 by S.I. 2012/1087, **art. 3** (with art. 4)

Equality Act 2010 (c. 15)

11 Schedule 17 to the Equality Act 2010 (disabled pupils: enforcement) is amended as follows.

Commencement Information
I91 Sch. 1 para. 11 in force at 1.9.2012 by S.I. 2012/1087, **art. 3** (with art. 4)

12 In the heading above paragraph 14, at the end insert " : Wales ".

Commencement Information
I92 Sch. 1 para. 12 in force at 1.9.2012 by S.I. 2012/1087, **art. 3** (with art. 4)

13 In paragraph 14 (exclusions)—

(a) in sub-paragraph (1), at the end insert " that are made in relation to schools in Wales ";

(b) for sub-paragraph (4), substitute—

"(4) Appeal arrangements are arrangements under section 52(3) of the Education Act 2002 enabling an appeal to be made against an exclusion decision.";

(c) in sub-paragraph (5), omit paragraph (b).

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

Commencement Information
I93 Sch. 1 para. 13 in force at 1.9.2012 by S.I. 2012/1087, **art. 3** (with art. 4)

SCHEDULE 2

Section 11

ABOLITION OF THE GTCE: CONSEQUENTIAL AMENDMENTS

Amendments to THEA 1998

1 THEA 1998 is amended as follows.

Commencement Information
I94 Sch. 2 para. 1 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

2 In the heading to Chapter 1, for "Councils" substitute " Council for Wales ".

Commencement Information
I95 Sch. 2 para. 2 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

3 In the italic cross-heading above section 1, for "England" substitute " Wales: aims and constitution ".

Commencement Information
I96 Sch. 2 para. 3 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

4 In the italic cross-heading above section 2, for "England" substitute " Wales ".

Commencement Information
I97 Sch. 2 para. 4 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

5 In section 2, in the heading, for "General Teaching Council for England" substitute " the Council ".

Commencement Information
I98 Sch. 2 para. 5 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

6 In the italic cross-heading above section 8, at the beginning insert " Establishment of ".

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Commencement Information
I99 Sch. 2 para. 6 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

7 In section 8 (the General Teaching Council for Wales)—
(a) in subsection (2), omit "as it has effect in relation to the Council,";
(b) omit subsections (3) to (6);
(c) in the heading, at the beginning insert " Establishment of ".

Commencement Information
I100 Sch. 2 para. 7 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

8 In section 9 (functions of the General Teaching Council for Wales: general)—
(a) omit subsection (1);
(b) in subsection (2), for "the General Teaching Council for Wales" substitute " the Council ".

Commencement Information
I101 Sch. 2 para. 8 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

9 In section 12 (deduction of fees from salaries, etc)—
(a) in subsection (1)(b), omit "relevant";
(b) in subsection (3), in paragraphs (b) and (c), omit "relevant";
(c) in subsection (4), omit the definition of "relevant Council".

Commencement Information
I102 Sch. 2 para. 9 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

10 In section 14 (supply of information relating to teachers: general)—
(a) for subsection (1) substitute—

"(1) The Secretary of State may supply the Council with such information relating to individual teachers as the Council may request for the purpose of carrying out any of the functions conferred on them by or under this Chapter or as the Secretary of State considers it to be necessary or desirable for them to have for the purposes of those functions.

(1A) The Welsh Ministers may supply the Council with such information relating to individual teachers as the Council may request for the purpose of carrying out any of the functions conferred on them by or under this Chapter or as the Welsh Ministers consider it to be necessary or desirable for them to have for the purposes of those functions."

(b) in subsection (2), for "Each of those Councils" substitute " The Council ";
(c) in subsection (3), for "either" substitute " the ";
(d) omit subsection (4).

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

Commencement Information
I103 Sch. 2 para. 10 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

11 In section 15 (supply of information following dismissal, resignation, etc)—
(a) omit subsection (2);
(b) in subsection (3)—
(i) omit the words from the beginning to "in Wales,";
(ii) for "the General Teaching Council for Wales" substitute " the Council ".
(c) in subsection (5), in the definition of "relevant employer", at the end of each of paragraphs (a), (b), (c) and (d) insert " in Wales ".

Commencement Information
I104 Sch. 2 para. 11 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

12 In section 15A (supply of information by contractor, agency, etc)—
(a) in subsection (2), for "Subsections (3) and (4) apply" substitute " Subsection (4) applies ";
(b) omit subsections (3), (5) and (7);
(c) in subsection (4)—
(i) omit the words from the beginning to "in Wales,";
(ii) for "the General Teaching Council for Wales" substitute " the Council ".

Commencement Information
I105 Sch. 2 para. 12 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

13 In the italic cross-heading above section 19, at the end insert " : teachers in Wales ".

Commencement Information
I106 Sch. 2 para. 13 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

14 In section 19 (requirement to serve induction period)—
(a) in subsection (1), after "schools" insert " in Wales ";
(b) in subsection (2)(i), for "either the Council or the General Teaching Council for Wales" substitute " the Council ";
(c) in subsection (3)—
(i) omit the words from the beginning to "established,";
(ii) for "one or both of those Councils (as appropriate)" substitute " the Council ";
(d) in subsection (4)(b), omit "or the General Teaching Council for Wales".

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Commencement Information
I107 Sch. 2 para. 14 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

15 In section 42 (orders and regulations)—
(a) omit subsection (3);
(b) in subsection (9)—
(i) omit the words from the beginning to "established,";
(ii) omit "to which the regulations will relate".

Commencement Information
I108 Sch. 2 para. 15 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

16 (1) Schedule 1 is amended as follows.

(2) In the title, for "England" substitute " Wales ".

(3) In paragraph 2, omit sub-paragraph (3).

(4) In paragraph 4(1)—
(a) in paragraph (a), for "the Secretary of State" substitute " they ";
(b) for paragraph (b) substitute—
"(b) shall, as regards any member in whose case they may so determine, pay or make provision for the payment of such sums by way of pension, allowances and gratuities to or in respect of that member as they may determine."

(5) For paragraph 4(2) substitute—

"(2) If a person ceases to be a member of the Council and it appears to the Council that there are special circumstances which make it right that the person should receive compensation, the Council may make to that person a payment of such amount as they may determine."

(6) In paragraph 4(3), for "the Secretary of State" substitute " they ".

(7) In paragraph 4(4), for "the Secretary of State" substitute " they ".

(8) In paragraph 5, omit sub-paragraph (4).

(9) In paragraph 6—
(a) in sub-paragraph (1), omit ", with the consent of the Secretary of State,";
(b) in sub-paragraph (3), for the words following paragraph (b) substitute " the Council may make provision for that person to continue to participate in that scheme, on such terms and conditions as they may determine, as if the person's service as a member were service as an employee; and any such provision shall be without prejudice to paragraph 4. "

(10) In paragraph 11, omit sub-paragraph (1).

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Commencement Information
I109 Sch. 2 para. 16 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

17 In Schedule 2 (disciplinary powers of Council), in paragraph 7 (supplementary provisions) for sub-paragraph (2) substitute—

"(2) Regulations may also make provision for securing that any prohibition order made by virtue of Schedule 11A to the Education Act 2002 in relation to a teacher in England has a corresponding effect in relation to Wales."

Commencement Information
I110 Sch. 2 para. 17 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Amendments to other Education Acts

18 In EA 1994, in section 18B (inspection of teacher training), in subsection (3) (advice from Chief Inspector), omit paragraph (c) (and the "or" preceding it).

Commencement Information
I111 Sch. 2 para. 18 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

19 (1) EA 2002 is amended as follows.

(2) In section 132 (qualified teacher status), omit subsection (3) (consultation of GTCE).

(3) In section 134 (requirement to be registered)—
- (a) in subsection (1)—
  - (i) after "school" insert " in Wales ";
  - (ii) after "General Teaching Council" insert " for Wales ";
- (b) in subsection (2), after "person" insert " in Wales ";
- (c) in subsection (3), after "qualified teacher" insert " in Wales ";
- (d) in the heading, at the end insert " : teachers in Wales ".

(4) In section 145 (specification of qualification or course), in subsection (1)(c), omit "the General Teaching Council for England,".

(5) In Schedule 12 (the General Teaching Councils for England and Wales), in Part 1 (amendments to the Teaching and Higher Education Act 1998), omit paragraph 7 (amendment to section 9(1)).

Commencement Information
I112 Sch. 2 para. 19 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

20 In ESA 2008—

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(a) in section 130 (directions prohibiting participation in management: information), in subsection (5), omit "the General Teaching Council for England,";

(b) in Schedule 1 (minor and consequential amendments), in paragraph 23 (substitution of sections 167C and 167D of EA 2002), in the substituted section 167C, in subsection (5), omit " the General Teaching Council for England, ".

Commencement Information
I113 Sch. 2 para. 20 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Other amendments

21 In Schedule 1 to the Public Records Act 1958 (definition of public records), in Part 2, omit "General Teaching Council for England."

Commencement Information
I114 Sch. 2 para. 21 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

22 In Schedule 1 to the Superannuation Act 1972 (kinds of employment in relation to which superannuation schemes may be made), omit "General Teaching Council for England."

Commencement Information
I115 Sch. 2 para. 22 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

23 In Schedule 1 to the House of Commons Disqualification Act 1975 (offices disqualifying for membership) in Part 3, omit "Any member of the General Teaching Council for England in receipt of remuneration."

Commencement Information
I116 Sch. 2 para. 23 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

24 In section 50 of the Employment Rights Act 1996 (right to time off for public duties), in subsection (9) (definition of "relevant education body") omit paragraph (i) (but not the "or" following it).

Commencement Information
I117 Sch. 2 para. 24 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

25 In Schedule 1 to the Freedom of Information Act 2000 (public authorities), in Part 6 omit "The General Teaching Council for England."

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Commencement Information
I118 Sch. 2 para. 25 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

26 In section 343 of the Income Tax (Earnings and Pensions) Act 2003 (deductions allowed from earnings: professional membership fees), in the Table in subsection (2), in part 7 omit paragraph (a) (fee for registration by the GTCE).

Commencement Information
I119 Sch. 2 para. 26 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

27 (1) The Safeguarding Vulnerable Groups Act 2006 is amended as follows.

(2) In section 41 (registers: duty to refer), in the table in subsection (7), in entry 1, for the entry in column 2 substitute " The General Teaching Council for Wales ".

(3) In section 45 (supervisory authorities: duty to refer), in subsection (7), after paragraph (a) insert—

"(aza) the Secretary of State in respect of the Secretary of State's functions under sections 141B to 141E of the Education Act 2002;

(azb) the Secretary of State in respect of the Secretary of State's functions under Chapter 1 of Part 4 of the Education and Skills Act 2008;".

(4) In Schedule 3 (barred lists), in paragraph 16 (representations), in sub-paragraph (4)—

(a) after "before" insert " the Secretary of State in the exercise of the Secretary of State's functions under section 141B of the Education Act 2002, or in proceedings before ";

(b) omit paragraph (a).

(5) In Schedule 8 (transitional provision), in paragraph 2 (existing restrictions relating to children)—

(a) in sub-paragraph (3), omit paragraphs (a) and (c);

(b) in sub-paragraph (4), for "(3)(c) and (d)" substitute " (3)(d) ";

(c) in sub-paragraph (7), for "(3)(c) and (d)" substitute " (3)(d) ".

Commencement Information
I120 Sch. 2 para. 27 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

SCHEDULE 3

Section 12

ABOLITION OF THE GTCE: TRANSFER SCHEMES

Staff transfer schemes

1 (1) The Secretary of State may make a scheme (a "staff transfer scheme") providing—

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
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(a) for a designated employee of the GTCE to become a member of staff of the Secretary of State (and accordingly to become employed in the civil service of the state);

(b) so far as may be consistent with employment in the civil service of the state, for the terms and conditions of the employee's employment with the GTCE to have effect as if they were the conditions of service as a member of the Secretary of State's staff;

(c) for the transfer to the Secretary of State of the rights, powers, duties and liabilities of the GTCE 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 GTCE in respect of such a contract or the employee to be treated as having been done by or in relation to the Secretary of State.

(2) A staff transfer scheme may provide for a period before the employee became a member of the Secretary of State's staff to count as a period during which the employee was a member of the Secretary of State's 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 the employee not to become a member of the Secretary of State's staff if the employee gives notice objecting to the operation of the scheme in relation to the employee.

(4) A staff transfer scheme may provide for a person who would be treated (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 an employee of the GTCE to become a member of the Secretary of State's staff despite any provision, of whatever nature, which would otherwise prevent the person from being employed in the civil service of the state.

Commencement Information

I121 Sch. 3 para. 1 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Property transfer schemes

2 (1) The Secretary of State may make a scheme (a "property transfer scheme") providing for the transfer from the GTCE to the Secretary of State of designated property, rights or liabilities.

(2) 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 anything done by or in relation to the GTCE 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 Secretary of State;

(c) apportion property, rights and liabilities;

(d) make provision about the continuation of legal proceedings.

(3) The things that may be transferred by a property transfer scheme include—

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(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.

Commencement Information
I122 Sch. 3 para. 2 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Continuity

3 A transfer by virtue of a staff transfer scheme or a property transfer scheme does not affect the validity of anything done by or in relation to the GTCE before the transfer takes effect.

Commencement Information
I123 Sch. 3 para. 3 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Supplementary provision etc.

4 A staff transfer scheme or a property transfer scheme may include supplementary, incidental, transitional and consequential provision.

Commencement Information
I124 Sch. 3 para. 4 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Interpretation

5 In this Schedule—

"designated", in relation to a staff transfer scheme or a property transfer scheme, means specified in, or determined in accordance with, the scheme;

"the GTCE" means the General Teaching Council for England.

Commencement Information
I125 Sch. 3 para. 5 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

SCHEDULE 4

Section 13

OFFENCE OF BREACH OF REPORTING RESTRICTIONS: APPLICATION TO PROVIDERS OF INFORMATION SOCIETY SERVICES

Commencement Information
I126 Sch. 4 in force at 1.10.2012 by S.I. 2012/2213, **art. 3**

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
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PROSPECTIVE

After Schedule 11A to EA 2002 (inserted by section 8), insert—

"SCHEDULE 11B Section 141G

OFFENCE UNDER SECTION 141G: SUPPLEMENTARY PROVISIONS

Introduction

1 (1) This Schedule makes supplementary provision relating to an offence under section 141G (breach of reporting restrictions relating to alleged offences committed by teachers).

(2) The purpose of this Schedule is to comply with Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ("the E-Commerce Directive").

Domestic service providers: extension of liability

2 (1) This paragraph applies where a service provider is established in England and Wales (a "domestic service provider").

(2) Section 141G applies to a domestic service provider who—

(a) publishes information in breach of section 141F(3) in an EEA state other than the United Kingdom, and

(b) does so in the course of providing information society services,

as it applies to a person who publishes such information in England and Wales.

(3) In such a case—

(a) proceedings for the offence may be taken at any place in England and Wales, and

(b) the offence may for all incidental purposes be treated as having been committed at any such place.

Non-UK service providers: restriction on proceedings

3 (1) This paragraph applies where a service provider is established in an EEA state other than the United Kingdom (a "non-UK service provider").

(2) Proceedings for an offence under section 141G must not be brought against a non-UK service provider in respect of anything done in the course of the provision of information society services.

Exceptions for mere conduits

4 (1) A service provider is not guilty of an offence under section 141G in respect of anything done in the course of providing so much of an information society service as consists in—

(a) the provision of access to a communication network, or

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(b) the transmission in a communication network of information provided by a recipient of the service,

if the following condition is satisfied.

(2) The condition is that the service provider does not—

(a) initiate the transmission,

(b) select the recipient of the transmission, or

(c) select or modify the information contained in the transmission.

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

(a) the provision of access to a communication network, and

(b) the transmission of information in a communication network,

includes the automatic, intermediate and transient storage of the information transmitted so far as the storage is solely for the purpose of carrying out the transmission in the network.

(4) Sub-paragraph (3) does not apply if the information is stored for longer than is reasonably necessary for the transmission.

Exception for caching

5 (1) This paragraph applies where an information society service consists in the transmission in a communication network of information provided by a recipient of the service.

(2) The service provider is not guilty of an offence under section 141G in respect of the automatic, intermediate and temporary storage of information so provided, if—

(a) the storage of the information is solely for the purpose of making more efficient the onward transmission of the information to other recipients of the service at their request, and

(b) the following conditions are satisfied.

(3) The first condition is that the service provider does not modify the information.

(4) The second condition is that the service provider complies with any conditions attached to having access to the information.

(5) The third condition is that if the service provider obtains actual knowledge that—

(a) the information at the initial source of the transmission has been removed from the network,

(b) access to it has been disabled, or

(c) a court or administrative authority has ordered the removal from the network of, or the disablement of access to, the information,

the service provider expeditiously removes the information or disables access to it.

Exception for hosting

6 (1) A service provider is not guilty of an offence under section 141G in respect of anything done in the course of providing so much of an information society service as consists in the storage of information provided by a recipient of the service, if the condition is met.

(2) The condition is that—

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(a) the service provider had no actual knowledge when the information was provided that it contained offending material, or

(b) on obtaining actual knowledge that the information contained offending material, the service provider expeditiously removed the information or disabled access to it.

(3) "Offending material" means material the publication of which constitutes an offence under section 141G.

(4) This paragraph does not apply if the recipient of the service is acting under the authority or control of the service provider.

Interpretation

7 (1) In this Schedule—

"information society services"—

(a) has the meaning given in Article 2(a) of the E-Commerce Directive (which refers to Article 1(2) of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations), and

(b) is summarised in recital 17 of the E-Commerce Directive as covering "any service normally provided for remuneration, at a distance, by means of electronic equipment for the processing (including digital compression) and storage of data, and at the individual request of a recipient of a service";

"recipient", in relation to a service, means any person who, for professional ends or otherwise, uses an information society service, in particular for the purposes of seeking information or making it accessible;

"service provider" means a person providing an information society service.

(2) For the purpose of construing references in this Schedule to a service provider who is established in England and Wales or in an EEA state other than the United Kingdom—

(a) a service provider is established in England and Wales, or in an EEA state other than the United Kingdom, if the service provider—

(i) effectively pursues an economic activity using a fixed establishment in England and Wales, or in that EEA state, for an indefinite period, and

(ii) is a national of an EEA state or a company or firm mentioned in Article 48 of the EEC Treaty;

(b) the presence or use in a particular place of equipment or other technical means of providing an information society service does not, of itself, constitute the establishment of a service provider;

(c) where it cannot be determined from which of a number of establishments a given information society service is provided, that service is to be regarded as provided from the establishment at the centre of the service provider's activities relating to that service."

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SCHEDULE 5

Section 16

ABOLITION OF THE TDA: CONSEQUENTIAL AMENDMENTS

Public Records Act 1958 (c. 51)

1 In paragraph 3 of Schedule 1 to the Public Records Act 1958, in Part 2 of the Table (definition of public records: other establishments and organisations) omit "Training and Development Agency for Schools." and "Teacher Training Agency."

Commencement Information
I127 Sch. 5 para. 1 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Parliamentary Commissioner Act 1967 (c. 13)

2 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc subject to investigation) omit "Training and Development Agency for Schools."

Commencement Information
I128 Sch. 5 para. 2 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Superannuation Act 1972 (c. 11)

3 In Schedule 1 to the Superannuation Act 1972 (kinds of employment, etc, referred to in section 1 of that Act) omit "Training and Development Agency for Schools."

Commencement Information
I129 Sch. 5 para. 3 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

House of Commons Disqualification Act 1975 (c. 24)

4 In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices) omit the entry relating to members of the Training and Development Agency for Schools in receipt of remuneration.

Commencement Information
I130 Sch. 5 para. 4 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Education (Fees and Awards) Act 1983 (c. 40)

5 In section 1(3) of the Education (Fees and Awards) Act 1983 (institutions in respect of which regulations may provide for differential fees), in paragraph (e), for "support under section 78 of that Act from the Training and Development Agency for Schools" substitute "assistance—

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(i) from the Secretary of State or the Welsh Ministers under section 14 of the Education Act 2002, or

(ii) from a person who is receiving financial assistance under that section;".

Commencement Information
I131 Sch. 5 para. 5 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

EA 1994

6 Part 1 of EA 1994 (teacher training) is amended as follows.

Commencement Information
I132 Sch. 5 para. 6 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

7 Section 11A (general duty of Secretary of State and Welsh Ministers with respect to teacher training) is repealed.

Commencement Information
I133 Sch. 5 para. 7 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

8 In section 18B (inspection of teacher training), in subsections (3) and (8), for "Training and Development Agency for Schools" substitute " Secretary of State ".

Commencement Information
I134 Sch. 5 para. 8 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

9 In section 18C (inspection of teacher training in Wales), in subsection (12)(b), omit "or the Training and Development Agency for Schools".

Commencement Information
I135 Sch. 5 para. 9 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

EA 1996

10 EA 1996 is amended as follows.

Commencement Information
I136 Sch. 5 para. 10 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

11 In section 398 (no requirement of attendance at Sunday school etc), in subsection (2), for "75(5) and 96(1)" substitute " 96(1) and 100 ".

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Commencement Information
I137 Sch. 5 para. 11 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

12 In section 450 (prohibition of charges for admission), in subsection (3), for "75(5) and 96(1)" substitute " 96(1) and 100 ".

Commencement Information
I138 Sch. 5 para. 12 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Audit Commission Act 1998 (c. 18)

[F9]13 . . . . . .

Textual Amendments
F9 Sch. 5 para. 13 repealed (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 1 Pt. 2**; S.I. 2015/841, **art. 3(a)** (with arts. 5-8, Sch.) (as amended (27.6.2016) by S.I. 2016/675, **art. 2**)

THEA 1998

14 (1) Section 26 of THEA 1998 (imposition of conditions as to fees at further or higher education institutions) is amended as follows.

(2) In subsection (3)—
(a) omit "81(1), 82(1) or";
(b) omit paragraph (c) and the "or" preceding it;
(c) omit "78 or".

(3) In subsection (11)—
(a) omit "or the Training and Development Agency for Schools";
(b) in paragraph (b), omit "or that Agency".

Commencement Information
I139 Sch. 5 para. 14 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Government of Wales Act 1998 (c. 38)

15 (1) Section 145B of the Government of Wales Act 1998 (studies at request of educational bodies) is amended as follows.

(2) In the Table in subsection (1), omit the entry for a training provider receiving financial support under section 78 of the Education Act 2005.

(3) Omit subsection (1A).

(4) In subsection (2), for "Subsections (1) and (1A) do" substitute " Subsection (1) does ".

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

(5) In subsection (3), omit "or (1A)".

Commencement Information
I140 Sch. 5 para. 15 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Freedom of Information Act 2000 (c. 36)

16 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies and offices: general) omit "The Teacher Training Agency." and "The Training and Development Agency for Schools."

Commencement Information
I141 Sch. 5 para. 16 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

EA 2002

17 In section 145 of EA 2002 (specification of qualification or course)—

(a) in subsection (1)(c), omit "the Training and Development Agency for Schools,";

(b) in subsection (3), omit "the Training and Development Agency for Schools or".

Commencement Information
I142 Sch. 5 para. 17 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

HEA 2004

18 Part 3 of HEA 2004 (student fees and fair access) is amended as follows.

Commencement Information
I143 Sch. 5 para. 18 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

19 For section 23, substitute—

"**23 Duty of Secretary of State to impose condition as to student fees, etc**

(1) Subsection (2) applies to a grant made by the Secretary of State to the Higher Education Funding Council for England under section 68 of the 1992 Act.

(2) The grant must be made subject to a condition requiring the Council to impose a condition under section 24 in relation to any grants, loans or other payments made by the Council under section 65 of the 1992 Act to the governing body of a relevant institution.

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
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(3) Subsection (4) applies to financial assistance given by the Secretary of State under section 14 of the Education Act 2002 to the governing body of a relevant institution.

(4) The terms on which the financial assistance is given must include a condition under section 24.

(5) "Relevant institution" means—

(a) in the case of a grant to which subsection (2) applies, an institution specified, or of a class specified, by the Secretary of State in a condition under subsection (2);

(b) in the case of financial assistance to which subsection (4) applies, an institution specified, or of a class specified, by order made by the Secretary of State for the purposes of that subsection."

Commencement Information

I144 Sch. 5 para. 19 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

20 (1) Section 24 (condition to be imposed by English funding bodies) is amended as follows.

(2) In subsection (3)—

(a) in paragraph (a)(ii), for the words from "of other" to "section 23" substitute " (where the funding body is the Higher Education Funding Council for England) of other financial requirements determined by the Council in accordance with principles specified by the Secretary of State in the condition under section 23(2) ";

(b) in paragraph (b), for the words from "financial requirements" to "section 23" substitute "—

(i) where the funding body is the Higher Education Funding Council for England, financial requirements determined by the Council in accordance with principles specified by the Secretary of State in the condition under section 23(2);

(ii) where the funding body is the Secretary of State, such financial requirements as the Secretary of State thinks appropriate";

(3) In subsection (4)(c), for "78 of the 2005 Act" substitute " 14 of the Education Act 2002 ".

(4) In subsection (6)—

(a) for the definition of "funding body" substitute—

""funding body" means—

(a) in the case of a grant, loan or other payment made under section 65 of the 1992 Act, the Higher Education Funding Council for England;

(b) in the case of financial assistance given by the Secretary of State under section 14 of the Education Act 2002 to the

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governing body of a relevant institution, the Secretary of State;";

(b) in the definition of "the grant period", for "to which the relevant condition under section 23 relates" substitute " in question ".

Commencement Information

I145 Sch. 5 para. 20 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

[F10]21 . . . . . .

Textual Amendments

F10 Sch. 5 para. 22 omitted (1.9.2015) by virtue of Higher Education (Wales) Act 2015 (anaw 1), s. 59(2), **Sch. para. 26(2)**; S.I. 2015/1327, art. 5(s)(vi)

[F10]22 . . . . . .

Textual Amendments

F10 Sch. 5 para. 22 omitted (1.9.2015) by virtue of Higher Education (Wales) Act 2015 (anaw 1), s. 59(2), **Sch. para. 26(2)**; S.I. 2015/1327, art. 5(s)(vi)

23 In section 29 (sections 23 to 28: supplementary provisions), in subsection (3)—

(a) **[**[F11]after "1992 Act" insert " , the Education Act 2002 ";**]**

(b) **[**[F11]for ", the Higher Education Funding Council for Wales or the Training and Development Agency for Schools" substitute " or the Higher Education Funding Council for Wales ";**]**

(c) in paragraph (a), for "under section 23 imposed" substitute " or terms imposed by virtue of section 23 ";

(d) in paragraph (c), for "that Agency" substitute " the Secretary of State ".

Textual Amendments

F11 Sch. 5 para. 23(a)(b) omitted (1.9.2015) by virtue of Higher Education (Wales) Act 2015 (anaw 1), s. 59(2), **Sch. para. 26(3)**; S.I. 2015/1327, art. 5(s)(vi)

Commencement Information

I146 Sch. 5 para. 23 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

24 In section 31 (Director of Fair Access to Higher Education), in subsection (5), for "from the Training and Development Agency for Schools under section 78 of the 2005 Act" substitute " financial assistance from the Secretary of State under section 14 of the Education Act 2002 ".

Commencement Information

I147 Sch. 5 para. 24 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

25 In section 34 (approval of plans), for subsection (1) substitute—

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
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"(1) The governing body of any institution which—

(a) is or may become eligible to receive grants under section 65 of the 1992 Act or section 86 of the 2005 Act, or

(b) provides higher education and is or may become eligible to receive financial assistance from the Secretary of State under section 14 of the Education Act 2002,

may apply to the relevant authority for approval of a proposed plan relating to the institution."

Commencement Information

I148 Sch. 5 para. 25 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

26 In section 37 (enforcement of plans: England), in subsection (1)(a), for "Training and Development Agency for Schools" substitute " Secretary of State ".

Commencement Information

I149 Sch. 5 para. 26 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

F12 27 . . . . . .

Textual Amendments

F12 Sch. 5 para. 27 omitted (1.9.2015) by virtue of Higher Education (Wales) Act 2015 (anaw 1), s. 59(2), **Sch. para. 26(4)**; S.I. 2015/1327, art. 5(s)(vi)

28 (1) Section 40 (provision of information) is amended as follows.

(2) In subsection (1), omit "and the Training and Development Agency for Schools".

(3) After subsection (1B) insert—

"(1C) The Secretary of State may provide the Director with information for the purposes of the exercise by the Director of the Director's functions."

(4) In subsection (2)—

(a) for "Training and Development Agency for Schools" substitute " Secretary of State ";

(b) for "the Agency" substitute " the Secretary of State ";

(c) for "either of those bodies for the purposes of its functions" substitute "—

(a) the Council for the purposes of its functions, or

(b) the Secretary of State for the purposes of the Secretary of State's functions relating to training for members of the school workforce (within the meaning of Part 3 of the 2005 Act)."

Commencement Information

I150 Sch. 5 para. 28 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

29 In section 41 (interpretation of Part 3), in subsection (2)(a)—

(a) omit "78 or";

(b) after "2005 Act," insert " or financial assistance under section 14 of the Education Act 2002, ".

Commencement Information

I151 Sch. 5 para. 29 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

EA 2005

30 EA 2005 is amended as follows.

Commencement Information

I152 Sch. 5 para. 30 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

31 Section 99 (introduction of Schedule 15) is repealed.

Commencement Information

I153 Sch. 5 para. 31 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

32 In Schedule 14 (amendments relating to training of school workforce), omit paragraphs 1 to 4, 8, 19(4)(b), 21(3) to (5), 22, 24, 25, 28(5), 29(b) and 32 to 34.

Commencement Information

I154 Sch. 5 para. 32 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

33 Schedule 15 (transitional and transitory provisions relating to Part 3) is repealed.

Commencement Information

I155 Sch. 5 para. 33 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

SCHEDULE 6

Section 17

ABOLITION OF THE TDA: TRANSFER SCHEMES

Staff transfer schemes

1 (1) The Secretary of State may make a scheme (a "staff transfer scheme") providing—

(a) for a designated employee of the TDA to become a member of staff of the Secretary of State (and accordingly to become employed in the civil service of the state);

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(b) so far as may be consistent with employment in the civil service of the state, for the terms and conditions of the employee's employment with the TDA to have effect as if they were the conditions of service as a member of the Secretary of State's staff;

(c) for the transfer to the Secretary of State of the rights, powers, duties and liabilities of the TDA 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 TDA in respect of such a contract or the employee to be treated as having been done by or in relation to the Secretary of State.

(2) A staff transfer scheme may provide for a period before the employee became a member of the Secretary of State's staff to count as a period during which the employee was a member of the Secretary of State's 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 the employee not to become a member of the Secretary of State's staff if the employee gives notice objecting to the operation of the scheme in relation to the employee.

(4) A staff transfer scheme may provide for a person who would be treated (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 an employee of the TDA to become a member of the Secretary of State's staff despite any provision, of whatever nature, which would otherwise prevent the person from being employed in the civil service of the state.

Commencement Information
I156 Sch. 6 para. 1 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Property transfer schemes

2 (1) The Secretary of State may make a scheme (a "property transfer scheme") providing for the transfer from the TDA to the Secretary of State of designated property, rights or liabilities.

(2) 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 anything done by or in relation to the TDA 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 Secretary of State;

(c) apportion property, rights and liabilities;

(d) make provision about the continuation of legal proceedings.

(3) 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.

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Commencement Information
I157 Sch. 6 para. 2 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Continuity

3 A transfer by virtue of a staff transfer scheme or a property transfer scheme does not affect the validity of anything done by or in relation to the TDA before the transfer takes effect.

Commencement Information
I158 Sch. 6 para. 3 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Supplementary provision etc.

4 A staff transfer scheme or a property transfer scheme may include supplementary, incidental, transitional and consequential provision.

Commencement Information
I159 Sch. 6 para. 4 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Interpretation

5 In this Schedule—

"designated", in relation to a staff transfer scheme or a property transfer scheme, means specified in, or determined in accordance with, the scheme;

"the TDA" means the Training and Development Agency for Schools.

Commencement Information
I160 Sch. 6 para. 5 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

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
I161 Sch. 7 para. 1 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
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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

I162 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

I163 Sch. 7 para. 3 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

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.

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
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(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
I164 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
I165 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
I166 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 ".

(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
I167 Sch. 7 para. 7 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
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8 For the heading before paragraph 6 substitute " *Staff* ".

Commencement Information
I168 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
I169 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
I170 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 ".

Commencement Information
I171 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 ".

Commencement Information
I172 Sch. 7 para. 12 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

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SCHEDULE 8

Section 26

ABOLITION OF THE QCDA: CONSEQUENTIAL AMENDMENTS

Public Records Act 1958 (c. 51)

1 In paragraph 3 of Schedule 1 to the Public Records Act 1958, in Part 2 of the Table (definition of public records: other establishments and organisations) omit "Qualifications and Curriculum Development Agency."

Commencement Information
I173 Sch. 8 para. 1 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Parliamentary Commissioner Act 1967 (c. 13)

2 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc subject to investigation) omit "Qualifications and Curriculum Development Agency."

Commencement Information
I174 Sch. 8 para. 2 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Superannuation Act 1972 (c. 11)

3 In Schedule 1 to the Superannuation Act 1972 (kinds of employment, etc, referred to in section 1 of that Act) omit "The Qualifications and Curriculum Development Agency."

Commencement Information
I175 Sch. 8 para. 3 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

House of Commons Disqualification Act 1975 (c. 24)

4 In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices) omit the entry relating to members of the Qualifications and Curriculum Development Agency in receipt of remuneration.

Commencement Information
I176 Sch. 8 para. 4 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

EA 1996

5 EA 1996 is amended as follows.

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

Commencement Information
I177 Sch. 8 para. 5 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

6 In section 391 (functions of religious education advisory councils) for subsection (10) substitute—

"(10) A council for an area in Wales must send a copy of each report published by them under subsection (6) to the Welsh Ministers."

Commencement Information
I178 Sch. 8 para. 6 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

7 In section 408(1)(a) (provision of information relevant for particular purposes) for "Parts 7 and 8" substitute " Part 7 ".

Commencement Information
I179 Sch. 8 para. 7 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

EA 1997

8 Section 35 of EA 1997 (transfer of staff to QCDA) is repealed.

Commencement Information
I180 Sch. 8 para. 8 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

LSA 2000

9 In section 98 of LSA 2000 (approved qualifications: England), in subsections (7) and (8), omit "the Qualifications and Curriculum Development Agency or".

Commencement Information
I181 Sch. 8 para. 9 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Freedom of Information Act 2000 (c. 36)

10 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies and offices: general) omit "The Qualifications and Curriculum Development Agency."

Commencement Information
I182 Sch. 8 para. 10 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
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EA 2002

11 EA 2002 is amended as follows.

Commencement Information
I183 Sch. 8 para. 11 in force at 15.1.2012 for specified purposes by S.I. 2012/84, **art. 2**
I184 Sch. 8 para. 11 in force at 1.4.2012 in so far as not already in force by S.I. 2012/924, **art. 2**

12 In section 85(9) (curriculum requirements for the fourth key stage: duty to have regard to guidance) for "Qualifications and Curriculum Development Agency" substitute " Secretary of State ".

Commencement Information
I185 Sch. 8 para. 12 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

13 In section 87(7) (establishment of the National Curriculum for England by order: persons on whom assessment arrangements order may confer or impose functions) omit paragraph (c) (but not the "and" immediately after it).

Commencement Information
I186 Sch. 8 para. 13 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

14 (1) Section 90 (development work and experiments) is amended as follows.

(2) In subsection (3)—
(a) after paragraph (a) insert " or ";
(b) omit paragraph (c) (and the "or" immediately before it).

(3) In subsection (4) omit the words after "by the governing body".

(4) In subsection (5), for paragraph (b) substitute—
"(b) a person designated for the purposes of this subsection by the Secretary of State."

(5) In subsection (5A) for "the reviewing body" substitute " a person designated for the purposes of this subsection by the Secretary of State ".

(6) Omit subsection (5B).

(7) In subsection (5C) for "subsection (5B)" substitute " subsection (5)(b) or (5A) ".

Commencement Information
I187 Sch. 8 para. 14 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

15 For section 96 substitute—

"**96 Procedure for making certain orders and regulations**

(1) This section applies where the Secretary of State proposes to make—

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(a) an order under section 82(4), 84(6) or 87(3)(a) or (b), or
(b) regulations under section 91.

(2) The Secretary of State must give notice of the proposal to such of the following as appear to the Secretary of State to be concerned with the proposal—
(a) associations of local authorities,
(b) bodies representing the interests of school governing bodies, and
(c) organisations representing school teachers.

(3) The Secretary of State must also give notice of the proposal to any other persons with whom consultation appears to the Secretary of State to be desirable.

(4) The Secretary of State must give the bodies and other persons mentioned in subsections (2) and (3) a reasonable opportunity of submitting evidence and representations as to the issues arising from the proposal.

(5) After considering any evidence and representations submitted in pursuance of subsection (4), the Secretary of State must publish, in such manner as, in the Secretary of State's opinion, is likely to bring them to the notice of persons with a special interest in education—
(a) a draft of the proposed order or regulations and any associated document, and
(b) a summary of the views expressed during the consultation.

(6) The Secretary of State must allow a period of at least one month beginning with the publication of the draft of the proposed order or regulations for the submission of any further evidence and representations as to the issues arising.

(7) When the period allowed has expired, the Secretary of State may make the order or regulations, with or without modifications.”

Commencement Information
I188 Sch. 8 para. 15 in force at 15.1.2012 by S.I. 2012/84, **art. 2**

Childcare Act 2006 (c. 21)

16 The Childcare Act 2006 is amended as follows.

Commencement Information
I189 Sch. 8 para. 16 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

17 In section 42(2) (persons on whom order specifying assessment arrangements may confer or impose functions) omit paragraph (d) (but not the “and” immediately after it).

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

Commencement Information
I190 Sch. 8 para. 17 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

18 (1) Section 46 (power to enable exemptions from learning and development requirements to be conferred) is amended as follows.

(2) In subsection (1B) for "the reviewing body" substitute " a person designated by the Secretary of State for the purposes of this subsection ".

(3) Omit subsection (1C).

(4) In subsection (1D) for "subsection (1C)" substitute " subsection (1B) ".

Commencement Information
I191 Sch. 8 para. 18 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

EIA 2006

19 EIA 2006 is amended as follows.

Commencement Information
I192 Sch. 8 para. 19 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

20 In section 74(1) (curriculum requirements for the fourth key stage)—

(a) in the new section 85 to be inserted into EA 2002, in subsection (6) for "Qualifications and Curriculum Authority" substitute " Secretary of State ";

(b) in the new section 85A to be inserted into that Act, in subsection (5) omit "or the Qualifications and Curriculum Authority".

Commencement Information
I193 Sch. 8 para. 20 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Safeguarding Vulnerable Groups Act 2006 (c. 47)

21 In section 21(10) of the Safeguarding Vulnerable Groups Act 2006 (controlled activity relating to children) omit paragraph (d).

Commencement Information
I194 Sch. 8 para. 21 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

ASCLA 2009

22 ASCLA 2009 is amended as follows.

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

Commencement Information
I195 Sch. 8 para. 22 in force at 15.1.2012 for specified purposes by S.I. 2012/84, **art. 2**
I196 Sch. 8 para. 22 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

23 In section 129(4) (persons who provide information to which Ofqual required to have regard) omit paragraph (a).

Commencement Information
I197 Sch. 8 para. 23 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

24 Section 173 and Schedule 10 (QCDA staff and property transfer schemes) are repealed.

Commencement Information
I198 Sch. 8 para. 24 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

25 In paragraph 8 of Schedule 5 (learning aims for persons aged 19 or over: persons who provide advice or information to which Secretary of State may have regard) omit paragraph (b) (but not the "or" immediately after it).

Commencement Information
I199 Sch. 8 para. 25 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

26 In consequence of the amendments made by the other provisions of this Schedule, in Schedule 12 (Ofqual and the QCDA: minor and consequential amendments), omit the following provisions: paragraphs 1, 2(3), 3, 4, 5(2), 7, 10, 20, 30, 33, 34, 36(2), 37 and 43.

Commencement Information
I200 Sch. 8 para. 26 in force at 15.1.2012 for specified purposes by S.I. 2012/84, **art. 2**
I201 Sch. 8 para. 26 in force at 1.4.2012 in so far as not already in force by S.I. 2012/924, **art. 2**

SCHEDULE 9

Section 27

ABOLITION OF THE QCDA: TRANSFER SCHEMES

Staff transfer schemes

1 (1) The Secretary of State may make a scheme (a "staff transfer scheme") providing—
(a) for a designated employee of the QCDA to become a member of staff of Ofqual or the Secretary of State ("the Crown employer") (and accordingly to become employed in the civil service of the state);

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(b) so far as may be consistent with employment in the civil service of the state, for the terms and conditions of the employee's employment with the QCDA to have effect as if they were the conditions of service as a member of the Crown employer's staff;

(c) for the transfer to the Crown employer of the rights, powers, duties and liabilities of the QCDA 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 QCDA in respect of such a contract or the employee to be treated as having been done by or in relation to the Crown employer.

(2) A staff transfer scheme may provide for a period before the employee became a member of the Crown employer's staff to count as a period during which the employee was a member of the Crown employer's 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 the employee not to become a member of the Crown employer's staff if the employee gives notice objecting to the operation of the scheme in relation to the employee.

(4) A staff transfer scheme may provide for a person who would be treated (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 an employee of the QCDA to become a member of the Crown employer's staff despite any provision, of whatever nature, which would otherwise prevent the person from being employed in the civil service of the state.

Commencement Information

I202 Sch. 9 para. 1 in force at 1.4.2012 by S.I. 2012/924, **art. 2** (with arts. 4, 5)

Property transfer schemes

2 (1) The Secretary of State may make a scheme (a "property transfer scheme") providing for the transfer from the QCDA of designated property, rights or liabilities of the QCDA to Ofqual or the Secretary of State.

(2) 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 anything done by or in relation to the QCDA 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.

(3) The things that may be transferred by a property transfer scheme include—

(a) property, rights and liabilities that could not otherwise be transferred;

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

(b) property acquired, and rights and liabilities arising, after the making of the scheme.

Commencement Information
I203 Sch. 9 para. 2 in force at 1.4.2012 by S.I. 2012/924, **art. 2** (with arts. 4, 5)

Continuity

3 A transfer by virtue of a staff transfer scheme or a property transfer scheme does not affect the validity of anything done by or in relation to the QCDA before the transfer takes effect.

Commencement Information
I204 Sch. 9 para. 3 in force at 1.4.2012 by S.I. 2012/924, **art. 2** (with arts. 4, 5)

Supplementary provision etc.

4 A staff transfer scheme or a property transfer scheme may include supplementary, incidental, transitional and consequential provision.

Commencement Information
I205 Sch. 9 para. 4 in force at 1.4.2012 by S.I. 2012/924, **art. 2** (with arts. 4, 5)

Interpretation

5 In this Schedule—

"designated", in relation to a staff transfer scheme or a property transfer scheme, means specified in, or determined in accordance with, the scheme;

"Ofqual" means the Office of Qualifications and Examinations Regulation;

"the QCDA" means the Qualifications and Curriculum Development Agency.

Commencement Information
I206 Sch. 9 para. 5 in force at 1.4.2012 by S.I. 2012/924, **art. 2** (with arts. 4, 5)

SCHEDULE 10

Section 34

SCHOOL ADMISSIONS: CONSEQUENTIAL AMENDMENTS

Amendments consequential on the amendments to section 85A (admission forums)

1 (1) Part 3 of SSFA 1998 (school admissions) is amended as follows.

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

(2) Section 85B (functions of admission forums in relation to Academies) is repealed.

(3) In section 88F (sections 88C to 88E: supplementary), in subsection (3), omit paragraph (f) (but not the "and" following it).

(4) In section 88Q (reports under section 88P: provision of information), in subsection (2), omit paragraph (b).

Commencement Information
I207 Sch. 10 para. 1 in force at 1.2.2012 by S.I. 2012/84, **art. 3**

2 In EA 2002, section 66 (insertion of section 85B of SSFA 1998: admissions forums in relation to Academies) is repealed.

Commencement Information
I208 Sch. 10 para. 2 in force at 1.2.2012 by S.I. 2012/84, **art. 3**

3 In EIA 2006, in section 41 (role of admissions forums), omit subsections (1) to (6) (amendments to section 85A of SSFA 1998).

Commencement Information
I209 Sch. 10 para. 3 in force at 1.2.2012 by S.I. 2012/84, **art. 3**

Amendments consequential on the repeal of section 88J of SSFA 1998 (school adjudicators)

4 (1) Part 3 of SSFA 1998 (school admissions) is amended as follows.

(2) In section 88K (sections 88H to 88J: supplementary)—

(a) in subsection (1)—

(i) at the end of paragraph (a), insert " or ";

(ii) omit paragraph (c) (and the "or" preceding it);

(b) for subsection (3), substitute—

"(3) Where the adjudicator makes a decision mentioned in subsection (1), the adjudicator must publish a report containing—

(a) the adjudicator's decision on the objection or (as the case may be) on whether the admission arrangements conform with the requirements relating to admission arrangements, and

(b) the reasons for that decision.";

(c) in subsection (4)(a)(ii), for "to 88J" substitute " , 88I ";

(d) in subsection (5), for "sections 88I and 88J" substitute " section 88I ";

(e) in the heading, for "to 88J" substitute " and 88I ".

(3) Section 88L (restriction on alteration of admission arrangements following adjudicator's decision) is repealed.

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

Commencement Information

I210 Sch. 10 para. 4 in force at 1.2.2012 by S.I. 2012/84, **art. 3**

SCHEDULE 11

Section 37

ESTABLISHMENT OF NEW SCHOOLS

Amendments to Part 2 of EIA 2006

1 Part 2 of EIA 2006 (establishment, discontinuance and alteration of schools) is amended as follows.

Commencement Information

I211 Sch. 11 para. 1 in force at 1.2.2012 for specified purposes by S.I. 2012/84, **art. 3** (with art. 4)

I212 Sch. 11 para. 1 in force at 1.9.2012 for specified purposes by S.I. 2012/2213, **art. 2**

2 Before section 7 insert—

Requirement to seek proposals for establishment of new Academies

"6A (1) If a local authority in England think a new school needs to be established in their area, they must seek proposals for the establishment of an Academy.

(2) The local authority must specify a date by which any proposals sought under subsection (1) must be submitted to them.

(3) After the specified date, the local authority must notify the Secretary of State—

(a) of the steps they have taken to seek proposals for the establishment of an Academy, and

(b) of any proposals submitted to them as a result before the specified date, or of the fact that no such proposals have been submitted to them before that date.

(4) A notification under subsection (3) must—

(a) identify a possible site for the Academy, and

(b) specify such matters as may be prescribed."

Commencement Information

I213 Sch. 11 para. 2 in force at 1.2.2012 for specified purposes by S.I. 2012/84, **art. 3** (with art. 4)

I214 Sch. 11 para. 2 in force at 1.9.2012 for specified purposes by S.I. 2012/2213, **art. 2**

3 In section 7 (invitation for proposals for establishment of new schools)—

(a) in subsection (1), after "may" insert " with the consent of the Secretary of State ";

(b) in subsection (5), omit paragraph (b) and the "and" immediately before it;

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Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

(c) omit subsection (5A);

(d) in subsection (6), insert " and " at the end of paragraph (a) and omit paragraph (c) and the "and" immediately before it.

Commencement Information
I215 Sch. 11 para. 3 in force at 1.2.2012 by S.I. 2012/84, **art. 3** (with art. 4)

4 After section 7 insert—

"**7A Withdrawal of notices under section 7**

(1) This section applies where a local authority have published a notice under section 7.

(2) At any time before the date specified in the notice—

(a) the local authority may withdraw it, with the consent of the Secretary of State, or

(b) the Secretary of State may direct the local authority to withdraw it."

Commencement Information
I216 Sch. 11 para. 4 in force at 1.2.2012 by S.I. 2012/84, **art. 3** (with art. 4)

5 Section 8 (proposals under section 7 relating to community or community special schools) is repealed.

Commencement Information
I217 Sch. 11 para. 5 in force at 1.2.2012 by S.I. 2012/84, **art. 3** (with art. 4)

6 (1) Section 10 (publication of proposals with consent of Secretary of State) is amended as follows.

(2) In subsection (1), for the words from "(otherwise" to the end substitute "a new community, community special, foundation or foundation special school, which—

(a) is not to be one providing education suitable only to the requirements of persons above compulsory school age, and

(b) is to replace one or more maintained schools, except where section 11(A2) applies or in a case within section 11(A3)."

(3) In subsection (2)—

(a) after "voluntary" insert " controlled ";

(b) in paragraph (b), for "(2)(b) or (c)" substitute " (2) ".

Commencement Information
I218 Sch. 11 para. 6 in force at 1.2.2012 by S.I. 2012/84, **art. 3** (with art. 4)

7 (1) Section 11 (publication of proposals to establish maintained schools: special cases) is amended as follows.

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

(2) Before subsection (1) insert—

"(A1) Subsection (A2) applies where a local authority in England publish a notice under section 7 (notice inviting proposals for establishment of new schools), and—

(a) no proposals are made pursuant to the notice, or

(b) proposals are made pursuant to the notice but none of the proposals are approved under Schedule 2 or result in Academy arrangements being entered into.

(A2) The local authority may publish under this section proposals of their own to establish a new community, community special, foundation or foundation special school, which is not to be one providing education suitable only to the requirements of persons above compulsory school age.

(A3) Where a local authority in England propose to establish a new community, community special, foundation or foundation special school, which—

(a) is to be a primary school, and

(b) is to replace a maintained infant school and a maintained junior school,

the authority must publish their proposals under this section."

(3) After subsection (1) insert—

"(1A) Where any persons ("proposers") propose to establish a new voluntary aided school in England, they may publish their proposals under this section."

(4) In subsection (2)—

(a) after "voluntary" insert " controlled ";

(b) before paragraph (b) insert—

"(aa) is to replace one or more foundation or voluntary schools which have a religious character,".

(5) After subsection (2) insert—

"(2A) For the purposes of subsection (2)(aa), a new foundation or voluntary controlled school replaces a foundation or voluntary school which has a religious character if it is proposed that the new school—

(a) should have the same religious character,

(b) should have a different religious character, or

(c) should not have a religious character."

(6) In subsection (3), after "voluntary" insert " controlled ".

(7) In subsection (7), after "subsection" insert " (1A) or ".

(8) For subsection (9) substitute—

"(9) In this section—

"maintained infant school" means a maintained school that provides primary education suitable to the requirements of children of compulsory school age who have not attained the age of 8;

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Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

"maintained junior school" means a maintained school that provides primary education suitable to the requirements of junior pupils who have attained the age of 7;

"non-maintained special school" means a school which is approved under section 342 of EA 1996."

Commencement Information
I219 Sch. 11 para. 7 in force at 1.2.2012 by S.I. 2012/84, **art. 3** (with art. 4)

8 In section 11A(1) (restriction on power of governing body to make proposals), for "11(2)" substitute " 11(1A) or (2) ".

Commencement Information
I220 Sch. 11 para. 8 in force at 1.2.2012 by S.I. 2012/84, **art. 3** (with art. 4)

9 In section 12 (establishment of school as a federated school), in subsection (1), after "new" insert " maintained ".

Commencement Information
I221 Sch. 11 para. 9 in force at 1.2.2012 by S.I. 2012/84, **art. 3** (with art. 4)

10 (1) Schedule 2 (consideration, approval and implementation of proposals for establishment or discontinuance of schools in England) is amended as follows.

(2) After paragraph 3 insert—

" "Academy proposals" and "non-Academy proposals"

3A In this Schedule—

(a) "Academy proposals" means proposals under section 7 for the establishment of an Academy, and

(b) "non-Academy proposals" means proposals under section 7 for the establishment of a school falling within subsection (2)(a) of that section."

(3) In paragraph 4(a) (references to persons by whom proposals under section 7 are made), omit "or in the case of proposals published by the relevant authority under subsection (5)(b) of that section, by the relevant authority,".

(4) In paragraph 5(b) (requirement to forward objections and comments made in relation to proposals)—

(a) for "referred to" substitute " to be considered by the Secretary of State or ";

(b) after "forward to" insert " the Secretary of State or (as the case may be) ".

(5) In the heading to Part 2, omit "by Local Authority or Adjudicator".

(6) For the heading before paragraph 6 substitute " *Consideration of proposals* ".

(7) Before paragraph 6 insert—

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"5A (1) Academy proposals do not require consideration under paragraph 8 (see paragraph 7A instead).

(2) If proposals under section 7 consist wholly of non-Academy proposals, the proposals require consideration under paragraph 8.

(3) If proposals under section 7 include both Academy proposals and non-Academy proposals, the non-Academy proposals do not require consideration under paragraph 8 unless and until paragraph 7A(5) or (6) applies."

(8) In paragraph 6 (proposals under section 7, 10 or 11 requiring consideration under paragraph 8), omit "7,".

(9) After paragraph 7 insert—

"7A (1) This paragraph applies where proposals under section 7 consist of or include Academy proposals.

(2) The Secretary of State must decide whether to enter into Academy arrangements as a result of any of the Academy proposals.

(3) The Secretary of State must notify the relevant authority of a decision under sub-paragraph (2).

(4) Sub-paragraphs (5) and (6) apply where the proposals under section 7 include non-Academy proposals.

(5) If the Secretary of State decides not to enter into Academy arrangements as a result of any of the Academy proposals, the non-Academy proposals require consideration under paragraph 8.

(6) In any other case, the Secretary of State may direct that all or any of the non-Academy proposals require consideration under paragraph 8."

(10) Omit the heading before paragraph 8.

(11) In paragraph 9 (consideration of proposals that are related to other proposals), for sub-paragraph (2) substitute—

"(2) Where proposals within sub-paragraph (2A) appear to the relevant authority to be related to other proposals within that sub-paragraph that have not yet been determined, the authority must consider the proposals together.

(2A) The proposals within this sub-paragraph are—

(a) proposals under section 7 that require consideration by the authority under paragraph 8;

(b) proposals under section 10, 11 or 15."

(12) In paragraph 10(1) (duty to refer to adjudicator certain proposals made by or involving relevant authority), for paragraph (a) substitute—

"(a) all the proposals published under section 7 in response to a notice under that section and which—

(i) would otherwise require consideration by the authority under paragraph 8, and

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(ii) consist of or include proposals which relate to the establishment of a foundation school with a foundation falling within sub-paragraph (2);".

(13) In paragraph 12 (duty to refer proposals to adjudicator in pursuance of direction of Secretary of State)—

(a) in sub-paragraph (1)(a)—

(i) after "section 7" insert " and which require consideration under paragraph 8 ";

(ii) after "determined by the authority" insert " under that paragraph ";

(b) in sub-paragraph (1)(b), after "that section" insert " and which require consideration under paragraph 8, ";

(c) omit sub-paragraphs (2) and (3).

(14) In paragraph 13 (duty to refer proposals to adjudicator where determination delayed), in paragraph (a), after "section 7" insert " and which require consideration under paragraph 8 ".

(15) Omit paragraph 18 and the heading before it (consultation in respect of proposals to establish Academy).

(16) In paragraph 19(4) (determination whether or not to implement proposals under section 15 not requiring consideration under paragraph 8)—

(a) after paragraph (a) insert—

"(aa) proposals published under section 7 that require consideration under paragraph 8 and are not yet determined,";

(b) in paragraph (b), omit "7,".

(17) Omit paragraph 27 (proposals relating to Academy: implementation).

Commencement Information

I222 Sch. 11 para. 10 in force at 1.2.2012 by S.I. 2012/84, **art. 3** (with art. 4)

Other amendments

11 In Schedule 2 to AA 2010 (Academies: amendments), omit paragraph 22.

Commencement Information

I223 Sch. 11 para. 11 in force at 1.2.2012 by S.I. 2012/84, **art. 3** (with art. 4)

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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 12

Section 49

FURTHER EDUCATION INSTITUTIONS: AMENDMENTS

Amendments to FHEA 1992

1 FHEA 1992 is amended as follows.

Commencement Information
I224 Sch. 12 para. 1 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

2 After section 16 insert—

"**16A Publication of proposals**

(1) The appropriate authority may not make an order under section 16(1) or (3) unless the authority has published a draft of the proposed order, or of an order in substantially the same form, by such time and in such manner as may be prescribed.

(2) A draft proposal or order in respect of an institution which is maintained by a local authority may not be published without the consent of the governing body and the local authority.

(3) In this section "the appropriate authority" means—

(a) in relation to a proposal or order in respect of an institution in England, the Secretary of State;

(b) in relation to a proposal or order in respect of an institution in Wales, the Welsh Ministers."

Commencement Information
I225 Sch. 12 para. 2 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

3 (1) Section 19 (supplementary powers of further education corporations) is amended as follows.

(2) In subsection (4)(c), for "27" substitute " 27C or 33P ".

(3) **[**[F13]In subsection (4A), after "exercised" insert " by a further education corporation in Wales ".**]**

(4) **[**[F13]In subsection (4AA), after "exercised" insert " by a further education corporation in Wales ".**]**

(5) **[**[F13]In subsection (4AB), for "appropriate authority consents" substitute " Welsh Ministers consent ".**]**

(6) Omit subsection (4AC).

(7) In subsection (4B)—

(a) **[**[F14]after "exercised" insert " by a further education corporation in Wales ";**]**

(b) omit "the Chief Executive of Skills Funding or".

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(8) In subsection (4C), omit "the Chief Executive or" and "(as the case may be)".

(9) **[**[F15]In subsection (5)—

(a) after "exercised" insert " by a further education corporation in Wales ";

(b) for "appropriate body" substitute " Welsh Ministers ".**]**

Textual Amendments

F13 Sch. 12 para. 3(3)-(5) omitted (1.9.2014) by virtue of Further and Higher Education (Governance and Information) (Wales) Act 2014 (anaw 1), s. 11(2), **Sch. 2 para. 7**; S.I. 2014/1706, art. 3(h)

F14 Sch. 12 para. 3(7)(a) omitted (1.9.2014) by virtue of Further and Higher Education (Governance and Information) (Wales) Act 2014 (anaw 1), s. 11(2), **Sch. 2 para. 7**; S.I. 2014/1706, art. 3(h)

F15 Sch. 12 para. 3(9) omitted (1.9.2014) by virtue of Further and Higher Education (Governance and Information) (Wales) Act 2014 (anaw 1), s. 11(2), **Sch. 2 para. 7**; S.I. 2014/1706, art. 3(h)

Commencement Information

I226 Sch. 12 para. 3 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

4 Section 19A (duty in relation to promotion of well-being of local area) is repealed.

Commencement Information

I227 Sch. 12 para. 4 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

5 **[**[F16]In section 20 (constitution of further education corporation and conduct of further education institution), for subsection (2) substitute—

"(2) Instruments of government and articles of government of further education corporations in England—

(a) must comply with the requirements of Part 2 of Schedule 4, and

(b) subject to that, may make such other provision as may be necessary or desirable.

(2A) Instruments of government and articles of government of further education corporations in Wales—

(a) must comply with the requirements of Part 3 of Schedule 4, and

(b) subject to that, may make any provision authorised to be made by that Part of that Schedule and such other provision as may be necessary or desirable."**]**

Textual Amendments

F16 Sch. 12 para. 5 omitted (1.9.2014) by virtue of Further and Higher Education (Governance and Information) (Wales) Act 2014 (anaw 1), s. 11(2), **Sch. 2 para. 7**; S.I. 2014/1706, art. 3(h)

Commencement Information

I228 Sch. 12 para. 5 in force at 1.4.2012 by The Education Act 2011 (Commencement No. 3 and Transitional and Savings Provisions) Order 2012 (S.I. 2012/924), art. 2

6 **[**[F17]For section 22 substitute—

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

"**Subsequent instruments and articles: England**

A further education corporation in England may modify or replace their instrument of government or articles of government.

Subsequent instruments and articles: Wales

(1) Subject to subsections (2) and (3), the Welsh Ministers may—
  (a) if a further education corporation in Wales submits a draft of an instrument of government to have effect in place of their existing instrument, by order make a new instrument of government in the terms of the draft or in such terms as they think fit, and
  (b) if such a corporation submits draft modifications of an instrument made under paragraph (a), by order modify the instrument in the terms of the draft or in such terms as they think fit.

(2) The Welsh Ministers must not make a new instrument otherwise than in the terms of the draft, or modify the instrument otherwise than in the terms of the draft, unless they have consulted the corporation.

(3) If the institution conducted by a further education corporation mainly serves the population of England, or receives financial support from the Chief Executive of Skills Funding, the Welsh Ministers must consult the Chief Executive of Skills Funding before making an order under subsection (1).

(4) The Welsh Ministers may by order modify, replace or revoke any instrument of government or articles of government of any further education corporation in Wales.

(5) An order under subsection (4) may relate to all further education corporations in Wales, to any category of such corporations specified in the order or to any such corporation so specified.

(6) Before making an order under subsection (4), the Welsh Ministers must consult—
  (a) the further education corporation or (as the case may be) each further education corporation to which the order relates, and
  (b) the Chief Executive of Skills Funding, if the institution conducted by the corporation or (as the case may be) any corporation to which the order relates mainly serves the population of England, or receives financial support from the Chief Executive of Skills Funding.

(7) A further education corporation in Wales may, with the consent of the Welsh Ministers—
  (a) make new articles of government in place of their existing articles, or
  (b) modify their existing articles.

(8) The Welsh Ministers may by a direction under this section require further education corporations in Wales, any class of such corporations specified in the direction or any particular further education corporation so specified—
  (a) to modify, replace or revoke their articles of government, or

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Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

(b) to secure that any rules or bye-laws made in pursuance of their articles of government are modified, replaced or revoked,

in any manner so specified.

(9) Before giving a direction under this section, the Welsh Ministers must consult the further education corporation or (as the case may be) each further education corporation to which the direction applies.”**]**

Textual Amendments

F17 Sch. 12 para. 6 omitted (1.9.2014) by virtue of Further and Higher Education (Governance and Information) (Wales) Act 2014 (anaw 1), s. 11(2), **Sch. 2 para. 7**; S.I. 2014/1706, art. 3(h)

Commencement Information

I229 Sch. 12 para. 6 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

7 **[**[F18]For section 27 substitute—

“**Proposals for dissolution of further education corporations: England**

(1) This section applies if a further education corporation in England propose that the corporation should be dissolved.

(2) The corporation must publish details of the proposal, and such other information as may be prescribed, in accordance with regulations.

(3) The corporation must consult on the proposal, and take account of the views of those consulted, in accordance with regulations.

Dissolution of further education corporations: England

(1) This section and section 27B apply if, after complying with section 27, a further education corporation in England resolve that the corporation should be dissolved on a specified date.

(2) “The dissolution date” means the date specified in a resolution under subsection (1).

(3) The corporation must notify the Secretary of State of the resolution and the dissolution date as soon as reasonably practicable.

(4) The corporation are dissolved on the dissolution date.

Dissolution of further education corporations: England: transfer of property, rights and liabilities

(1) At any time before the dissolution date, the corporation may transfer any of their property, rights or liabilities to such person or body, or a person or body of such description, as may be prescribed.

(2) The corporation may do so only with the consent of the person or body concerned.

(3) A transfer under subsection (1) has effect on the dissolution date.

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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) Subsection (5) applies if a person or body prescribed, or of a description prescribed, under subsection (1) is not a charity established for charitable purposes which are exclusively educational purposes.

(5) Any property transferred to the person or body must be transferred on trust to be used for charitable purposes which are exclusively educational purposes.

Dissolution of further education corporations: Wales

(1) Subject to the following provisions of this section, the Welsh Ministers may by order provide for—
  (a) the dissolution of a further education corporation in Wales, and
  (b) the transfer to any person mentioned in subsection (2) or (3) of property, rights and liabilities of the corporation.

(2) Such property, rights and liabilities may, with the consent of the person or body concerned, be transferred to—
  (a) any person appearing to the Welsh Ministers to be wholly or mainly engaged in the provision of educational facilities or services of any description, or
  (b) any body corporate established for purposes which include the provision of such facilities or services.

(3) Such property, rights and liabilities may be transferred to a higher education funding council.

(4) Where the recipient of a transfer under an order under this section is not a charity established for charitable purposes which are exclusively educational purposes, any property transferred must be transferred on trust to be used for charitable purposes which are exclusively charitable purposes.

(5) An order under this section may apply section 26 with such modifications as the Welsh Ministers consider necessary or desirable.

(6) Before making an order under this section in respect of a further education corporation, the Welsh Ministers must consult—
  (a) the corporation, and
  (b) the Chief Executive of Skills Funding, if the institution conducted by the corporation mainly serves the population of England, or receives financial support from the Chief Executive of Skills Funding.”**]**

Textual Amendments

F18 Sch. 12 para. 7 omitted (1.9.2014) by virtue of Further and Higher Education (Governance and Information) (Wales) Act 2014 (anaw 1), s. 11(2), **Sch. 2 para. 7**; S.I. 2014/1706, art. 3(h)

Commencement Information

I230 Sch. 12 para. 7 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

8 For section 29 substitute—

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

"**29 Government and conduct of designated institutions**

(1) This section applies to a designated institution, other than—
  (a) an institution conducted by a company, or
  (b) an institution conducted by an unincorporated association, if the order designating the institution provides for its exemption.

(2) For each designated institution to which this section applies, there is to be—
  (a) an instrument providing for the constitution of a governing body of the institution (to be known as the instrument of government), and
  (b) an instrument in accordance with which the institution is to be conducted (to be known as the articles of government).

(3) In sections 29A to 29C—

"instrument" means an instrument of government or articles of government;

"regulatory instrument", in relation to an institution, means—
  (a) an instrument of government or articles of government, or
  (b) any other instrument relating to or regulating the institution.

29A First post-designation instruments and articles of designated institutions: England and Wales

(1) The first post-designation instrument and articles of government of a designated institution to which section 29 applies must each comply with subsection (3) and (if the institution is in Wales) subsection (6).

(2) The "first post-designation instrument and articles of government" of a designated institution are the first instrument of government and articles of government that the institution has after the designation takes effect.

(3) The instrument must meet one of the following requirements—
  (a) the instrument was in force when the designation took effect and is approved for the purposes of this section by the appropriate authority;
  (b) the instrument—
    (i) is made in pursuance of a power under a regulatory instrument or (where there is no such power) by the governing body of the institution, and
    (ii) (in either case) is approved for the purposes of this section by the appropriate authority;
  (c) the instrument is made by the appropriate authority by order.

(4) An instrument made by the governing body under subsection (3)(b) or the appropriate authority under subsection (3)(c) may replace wholly or in part an existing regulatory instrument.

(5) Before making an instrument under subsection (3)(c), the appropriate authority must, so far as it appears practicable to do so, consult—
  (a) the governing body of the institution, and

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(b) where there is power under a regulatory instrument to make the instrument, and that power is exercisable by persons other than the governing body of the institution, the persons by whom the power is exercisable.

(6) If the institution is in Wales, provision made by the instrument in relation to the appointment of members of the governing body must take into account the members who may be appointed by the Welsh Ministers under section 39 of the Learning and Skills Act 2000.

(7) In this section "the appropriate authority"—

(a) in relation to an institution in England, means the Secretary of State;

(b) in relation to an institution in Wales, means the Welsh Ministers.

29B Changes to instruments and articles: England

(1) This section applies to a designated institution in England which is an institution to which section 29 applies.

(2) The governing body of the institution may modify or replace its instrument of government and articles of government.

(3) The instrument of government and articles of government (as modified or replaced)—

(a) must comply with the requirements of Part 2 of Schedule 4, and

(b) subject to that, may make such other provision as may be necessary or desirable.

29C Changes to instruments and articles: Wales

(1) This section applies to a designated institution in Wales which is an institution to which section 29 applies.

(2) Subject to subsection (3), the governing body of the institution may modify, replace or revoke its instrument of government and articles of government if —

(a) the instrument falls within section 29A(3)(a),

(b) the instrument was made by the governing body, or

(c) the instrument was made in pursuance of a power under a regulatory instrument, where there is no other power to modify it.

(3) An instrument approved under section 29A(3)(a) or (b) by the Welsh Ministers may not be modified, replaced or revoked without the consent of the Welsh Ministers.

(4) The Welsh Ministers may by order modify, replace or revoke the instrument of government or articles of government of the institution.

(5) Before making an order under subsection (4), the Welsh Ministers must, so far as it appears practicable to do so, consult—

(a) the governing body of the institution, and

(b) where there is power under a regulatory instrument to make the instrument, and that power is exercisable by persons other than the

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governing body of the institution, the persons by whom the power is exercisable."

Commencement Information
I231 Sch. 12 para. 8 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

9 In section 30 (special provision for certain institutions), in subsection (1) for "section 29" substitute " sections 29 to 29C ".

Commencement Information
I232 Sch. 12 para. 9 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

10 In section 31 (designated institutions conducted by companies), omit subsection (2A)(a).

Commencement Information
I233 Sch. 12 para. 10 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

11 (1) Section 33C (establishment of new bodies corporate as sixth form college corporations) is amended as follows.

(2) In subsection (2), for "the responsible local authority" substitute " a person or body ("the proposer") ".

(3) In subsection (3)(a), for "authority have" substitute " proposer has ".

(4) In subsection (3)(c)—

(a) for "authority have" substitute " proposer has ";

(b) for "them" substitute " the proposer ".

Commencement Information
I234 Sch. 12 para. 11 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

12 In section 33E (principal powers of a sixth form college corporation), in subsection (2), after "subsection (1)" insert " and (in the case of a sixth form college corporation to which section 33J applies) section 33J(1A) ".

Commencement Information
I235 Sch. 12 para. 12 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

13 In section 33F (supplementary powers of a sixth form college corporation)—

(a) in subsection (6)(e)(ii), for "27" substitute " 27C or 33P ";

(b) omit subsection (7);

(c) in subsection (10), omit "or section 33G".

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Commencement Information
I236 Sch. 12 para. 13 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

14 Section 33G (restrictions on exercise of supplementary powers of sixth form college corporations) is repealed.

Commencement Information
I237 Sch. 12 para. 14 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

15 Section 33H (duty in relation to promotion of well-being of local area) is repealed.

Commencement Information
I238 Sch. 12 para. 15 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

16 In section 33I(2) (instrument and articles of government of sixth form college corporations)—

(a) **[**[F19] in paragraph (a), after "requirements of" insert " Part 2 of " ; **]**

(b) for paragraph (b) substitute—

"(b) subject to that, may make such other provision as may be necessary or desirable."

Textual Amendments
F19 Sch. 12 para. 16(a) omitted (1.9.2014) by virtue of Further and Higher Education (Governance and Information) (Wales) Act 2014 (anaw 1), s. 11(2), **Sch. 2 para. 7**; S.I. 2014/1706, art. 3(h)

Commencement Information
I239 Sch. 12 para. 16 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

17 (1) Section 33J (special provision for certain institutions) is amended as follows.

(2) After subsection (1) insert—

"(1A) A sixth form college corporation to which this section applies may (accordingly) conduct the relevant sixth form college in a way that secures that the established character of the sixth form college is preserved and developed (and, in particular, in a way that is in accordance with any trust deed relating to the college)."

(3) In subsection (3)—

(a) for "reference in subsection (1)(a) to the established character of a sixth form college is" substitute " references in subsections (1)(a) and (1A) to the established character of a sixth form college are ";

(b) for "a reference" substitute " references ".

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
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Commencement Information
I240 Sch. 12 para. 17 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

18 In section 33K (instrument and articles of new sixth form college corporation)—

(a) in subsection (1), for "YPLA" substitute " Secretary of State by order ";

(b) for subsection (2) substitute—

"(2) An order under subsection (1) may not be made unless—

(a) the Secretary of State has consulted the corporation, and

(b) in the case of a sixth form college corporation to which section 33J applies, the trustees of the relevant sixth form college have given their consent."

Commencement Information
I241 Sch. 12 para. 18 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

19 For section 33L substitute—

"**33L Changes to instruments and articles**

(1) A sixth form college corporation may modify or replace their instrument of government or articles of government.

(2) A sixth form college corporation to which section 33J applies may do the things mentioned in subsection (1) only with the consent of the trustees of the relevant sixth form college."

Commencement Information
I242 Sch. 12 para. 19 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

20 For section 33N substitute—

"**33N Proposals for dissolution of sixth form college corporations**

(1) This section applies if a sixth form college corporation propose that the corporation should be dissolved.

(2) The corporation must publish details of the proposal, and such other information as may be prescribed, in accordance with regulations.

(3) The corporation must consult on the proposal, and take account of the views of those consulted, in accordance with regulations.

33O Dissolution of sixth form college corporations

(1) This section and section 33P apply if, after complying with section 33N, a sixth form college corporation resolve that the corporation should be dissolved on a specified date.

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

(2) "The dissolution date" means the date specified in a resolution under subsection (1).

(3) The corporation must notify the Secretary of State of the resolution and the dissolution date as soon as reasonably practicable.

(4) The corporation are dissolved on the dissolution date.

33P Dissolution of sixth form college corporations: transfer of property, rights and liabilities

(1) At any time before the dissolution date, the corporation may transfer any of their property, rights or liabilities to such person or body, or a person or body of such description, as may be prescribed, subject to subsection (4).

(2) The corporation may do so only with the consent of the person or body concerned.

(3) A transfer under subsection (1) has effect on the dissolution date.

(4) In the case of a sixth form college corporation to which section 33J applies, any property held by the corporation on trust for the purposes of the relevant sixth form college must be transferred to the trustees of the relevant sixth form college.

(5) Subsection (6) applies if a person or body prescribed, or of a description prescribed, under subsection (1) is not a charity established for charitable purposes which are exclusively educational purposes.

(6) Any property transferred to the person or body must be transferred on trust to be used for charitable purposes which are exclusively educational purposes.

(7) Subsection (6) does not apply to property transferred to the person or body by virtue of subsection (4)."

Commencement Information
I243 Sch. 12 para. 20 in force at 1.4.2012 by S.I. 2012/924, **art. 2** (with art. 6)

21 In section 38 (payments in respect of loan liabilities), in subsection (2), for "YPLA" in both places substitute " Secretary of State ".

Commencement Information
I244 Sch. 12 para. 21 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

22 Section 49A (guidance about consultation with students and employees), as it has effect in relation to England, is repealed.

Commencement Information
I245 Sch. 12 para. 22 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

23 Section 51 (publication of proposals) is repealed.

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
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Commencement Information
I246 Sch. 12 para. 23 in force at 1.4.2012 by S.I. 2012/924, **art. 2** (with art. 7)

24 In section 53 (inspection of accounts), in subsection (2)—
(a) after "section 15ZA" insert " or 18A ";
(b) omit "61 or".

Commencement Information
I247 Sch. 12 para. 24 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

25 (1) Section 56A (intervention by Chief Executive of Skills Funding) is amended as follows.

(2) In subsection (1), for the words from "Chief Executive of Skills Funding" to "Executive")" substitute " Secretary of State ".

(3) In subsection (3), for "Chief Executive" substitute " Secretary of State ".

(4) Omit subsection (4).

(5) In subsections (5) and (6), for "Chief Executive", wherever occurring, substitute " Secretary of State ".

(6) In subsection (7), after "include" insert " — (a) " and at the end insert—

"(b) a direction requiring a governing body to make a resolution under section 27A(1) for the body to be dissolved on a date specified in the direction.

(7A) A governing body to which a direction such as is mentioned in subsection (7)(b) is given is to be taken for the purposes of section 27A(1) to have complied with section 27 before making the resolution required by the direction."

(7) For subsection (9) substitute—

"(9) The Secretary of State may not give a direction to a governing body under subsection (6)(c) which relates to the dismissal of a member of staff."

(8) Omit subsection (10).

Commencement Information
I248 Sch. 12 para. 25 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

26 Section 56AA (appointment by Chief Executive of Skills Funding of members of governing body of further education institution) is repealed.

Commencement Information
I249 Sch. 12 para. 26 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

27 Section 56B (intervention policy: England) is repealed.

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
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Commencement Information
I250 Sch. 12 para. 27 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

28 Section 56C (directions) is repealed.

Commencement Information
I251 Sch. 12 para. 28 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

29 Section 56D (notification by local authority or YPLA of possible grounds for intervention) is repealed.

Commencement Information
I252 Sch. 12 para. 29 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

30 (1) Section 56E (intervention by local authority) is amended as follows.

(2) In subsection (1), for "responsible local authority are" substitute " Secretary of State is ".

(3) In subsection (3), for "authority" substitute " Secretary of State ".

(4) For subsection (4) substitute—

"(4) Subsections (4A) and (4B) apply to a sixth form college which is specified, or falls within a class specified, in an order under section 33J(2).

(4A) Before doing one or more of the things listed in subsection (6), the Secretary of State must consult—

(a) the trustees of the sixth form college, and

(b) each person or body with power under the college's instrument of government to appoint or nominate one or more of its foundation governors.

(4B) After carrying out a consultation under subsection (4A), the Secretary of State must give the persons and bodies consulted a notice stating—

(a) what the Secretary of State has decided to do;

(b) the reasons for the decision."

(5) In subsection (5)—

(a) for "authority do one or more of those things, the authority" substitute " Secretary of State does one or more of the things listed in subsection (6), the Secretary of State ";

(b) in paragraph (a), for "authority are" substitute " Secretary of State is ";

(c) in paragraph (b), for "authority have" substitute " Secretary of State has ".

(6) In subsection (6)—

(a) for "The authority" substitute " The Secretary of State ";

(b) in paragraph (c), for "authority think" substitute " Secretary of State thinks ".

(7) In subsection (7), after "include" insert " — (a) " and at the end insert—

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"(b) a direction requiring a governing body to make a resolution under section 33O(1) for the body to be dissolved on a date specified in the direction.

(7A) A governing body to which a direction such as is mentioned in subsection (7)(b) is given is to be taken for the purposes of section 33O(1) to have complied with section 33N before making the resolution required by the direction."

(8) For subsection (9) substitute—

"(9) The Secretary of State may not give a direction to a governing body under subsection (6)(c) which relates to the dismissal of a member of staff."

(9) Omit subsection (10).

(10) In the heading, for "local authorities" substitute " Secretary of State ".

Commencement Information
I253 Sch. 12 para. 30 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

31 Section 56F (appointment by local authorities of members of sixth form college governing body) is repealed.

Commencement Information
I254 Sch. 12 para. 31 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

32 Section 56G (intervention policy: sixth form colleges) is repealed.

Commencement Information
I255 Sch. 12 para. 32 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

33 Section 56H (intervention by YPLA) is repealed.

Commencement Information
I256 Sch. 12 para. 33 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

34 Section 56I (appointment by YPLA of members of sixth form college governing body) is repealed.

Commencement Information
I257 Sch. 12 para. 34 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

35 Section 56J (notification by Chief Executive of Skills Funding of possible grounds for intervention) is repealed.

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
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Commencement Information
I258 Sch. 12 para. 35 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

36 (1) Section 82 (joint exercise of functions) is amended as follows.

(2) For subsection (1) substitute—

"(1) A relevant authority may exercise any of its functions jointly with—
(a) another relevant authority, or
(b) the Secretary of State, to the extent that the Secretary of State is discharging functions under section 14 of the Education Act 2002,
where the condition in subsection (1B) is met.

(1A) The Secretary of State may exercise functions under section 14 of the Education Act 2002 jointly with a relevant authority where the condition in subsection (1B) is met.

(1B) The condition is that it appears to the persons who are to exercise functions jointly that to do so—
(a) will be more efficient, or
(b) will enable them more effectively to discharge any of their functions."

(3) In subsection (2), for the words from the beginning to "provision" substitute " A relevant authority must, if directed to do so by the Secretary of State, make provision jointly with another relevant authority or with the Secretary of State ".

(4) In subsection (3)(a) omit "the YPLA,".

Commencement Information
I259 Sch. 12 para. 36 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

37 In section 83 (efficiency studies), in the table in subsection (1B), for "YPLA" substitute " Secretary of State ".

Commencement Information
I260 Sch. 12 para. 37 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

38 In section 88 (stamp duty)—
(a) for "27" substitute " 27B, 27C ";
(b) for "33N" substitute " 33P ".

Commencement Information
I261 Sch. 12 para. 38 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

39 In section 88A (stamp duty land tax)—
(a) for "27" substitute " 27B, 27C ";

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
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(b) for "33N" substitute " 33P ".

Commencement Information
I262 Sch. 12 para. 39 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

40 (1) Section 89 (orders, regulations and directions) is amended as follows.

(2) In subsection (2)—
(a) for "22, 29(6) and (8)" substitute " 22ZA(1) and (4), 29A(3)(c), 29C(4) ";
(b) after "33A(5)(b)" insert " 33J(2), 33K(1), ";
(c) omit "or section 33L".

(3) In subsection (3), after "subsection (3A)" insert " or (3B) ".

(4) After subsection (3A) insert—

"(3B) An order falls within this subsection if—
(a) it is an order revoking (wholly or in part) an order under section 15 or 16 and is made by virtue of section 27A(4), or
(b) it is an order revoking (wholly or in part) an order under section 33A, 33B or 33C and is made by virtue of section 33O(4)."

Commencement Information
I263 Sch. 12 para. 40 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

41 (1) Section 90 (interpretation) is amended as follows.

(2) In subsection (1)—
(a) after the definition of "further education" insert—

""further education corporation in England" means a further education corporation established to conduct an institution in England;

"further education corporation in Wales" means a further education corporation established to conduct an institution in Wales;";
(b) omit the definitions of "the responsible local authority" and "the YPLA".

(3) Omit subsection (2ZA).

Commencement Information
I264 Sch. 12 para. 41 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

42 In section 92 (index)—
(a) after the entry for "further education corporation" insert—

"further education corporation in England	section 90(1)
further education corporation in Wales	section 90(1)"

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(b) omit the entries for "responsible local authority" and "the YPLA".

Commencement Information
I265 Sch. 12 para. 42 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

43 [F20]For Schedule 4 substitute—

"SCHEDULE 4

INSTRUMENTS AND ARTICLES OF GOVERNMENT

PART 1

GENERAL

1 In this Schedule—

" instrument " means an instrument of government or articles of government;

" the institution " means—

(a) in the case of a further education corporation, the institution which the corporation are established to conduct;

(b) in the case of the governing body of a designated institution, the institution;

(c) in the case of a sixth form college corporation, the relevant sixth form college.

PART 2

ENGLAND

2 This Part applies in relation to—

(a) a further education corporation in England;

(b) the governing body of a designated institution in England;

(c) a sixth form college corporation.

3 In this Part "the body" means—

(a) in the case of a further education corporation or a sixth form college corporation, the corporation;

(b) in the case of a governing body, the governing body.

4 An instrument must provide for—

(a) the number of members of the body,

(b) the eligibility of persons for membership,

(c) the members to include—

(i) staff and students at the institution, and

(ii) in the case of a sixth form college corporation, parents of students at the institution aged under 19, and

(d) the appointment of members.

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5 (1) An instrument must make provision about the procedures of the body and the institution.

(2) In particular, an instrument must specify how the body may resolve for its dissolution and the transfer of its property, rights and liabilities.

6 (1) An instrument must make provision for there to be—

(a) a chief executive of the institution, and

(b) a clerk to the body.

(2) An instrument must make provision about the respective responsibilities of the body, the chief executive and the clerk.

(3) The responsibilities of the body must include—

(a) in the case of a sixth form college corporation to which section 33J applies, the preservation and development of the educational character and mission of the institution and the oversight of its activities;

(b) in the case of any other sixth form college corporation, a further education corporation or a governing body, the determination and periodic review of the educational character and mission of the institution and the oversight of its activities;

(c) in any case, the effective and efficient use of resources, the solvency of the institution and the body and the safeguarding of their assets.

7 An instrument must require the body to publish arrangements for obtaining the views of staff and students on the matters for which the body are responsible under paragraph 6(3)(a) or (b).

8 An instrument must permit the body to change their name with the approval of the Secretary of State.

9 An instrument must specify how the body may modify or replace the instrument of government and articles of government.

10 An instrument must prohibit the body from making changes to the instrument of government or articles of government that would result in the body ceasing to be a charity.

11 An instrument must provide for—

(a) a copy of the instrument to be given free of charge to every member of the body,

(b) a copy of the instrument to be given free of charge, or at a charge not exceeding the cost of copying, to anyone else who requests it, and

(c) a copy of it to be available for inspection at the institution on request, during normal office hours, to every member of staff of, and student at, the institution.

12 An instrument must provide for the authentication of the application of the seal of the body.

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PART 3

WALES

13 This Part applies in relation to further education corporations in Wales.

14 Provision made by an instrument in relation to the appointment of members of the corporation must take into account the members who may be appointed by the Welsh Ministers under section 39 of the Learning and Skills Act 2000.

15 (1) An instrument must provide for—
- (a) the number of members of the corporation,
- (b) the eligibility of persons for membership, and
- (c) the appointment of members.

(2) An instrument may provide for the nomination of any person for membership by another, including by a body nominated by the Welsh Ministers.

16 An instrument must provide for one or more officers to be chosen from among the members.

17 An instrument may—
- (a) provide for the corporation to establish committees, and
- (b) permit such committees to include persons who are not members of the corporation.

18 An instrument may provide for the delegation of functions of the corporation to—
- (a) officers or committees, or
- (b) the principal of the institution.

19 An instrument may provide for the corporation to pay allowances to its members.

20 An instrument must provide for the authentication of the seal of the corporation.

21 An instrument must require the corporation to—
- (a) keep proper accounts and proper records in relation to the accounts, and
- (b) prepare in respect of each financial year of the corporation a statement of accounts.

22 An instrument must—
- (a) provide for the appointment of a principal of the institution, and
- (b) determine which functions exercisable in relation to the institution are to be exercised by the corporation, its officers or committees and which by the principal of the institution.

23 An instrument must make provision about the procedures of the corporation and the institution.

24 An instrument must provide—

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(a) for the appointment, promotion, suspension and dismissal of staff, and

(b) for the admission, suspension and expulsion of students.

25 An instrument may make provision authorising the corporation to make rules or bye-laws for the government and conduct of the institution, including in particular rules or bye-laws about the conduct of students, staff or both.”**]**

Textual Amendments

F20 Sch. 12 para. 43 omitted (1.9.2014) by virtue of Further and Higher Education (Governance and Information) (Wales) Act 2014 (anaw 1), s. 11(2), **Sch. 2 para. 7**; S.I. 2014/1706, art. 3(h)

Commencement Information

I266 Sch. 12 para. 43 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Other amendments

44 (1) LSA 2000 is amended as follows.

(2) In section 110 (secondary education), in subsection (5), for “51(3A)” substitute “ 16A(2) ”.

(3) In section 143 (further education sector: designated institutions), in subsection (6)(b), for “section 29” substitute “ any of sections 29 to 29C ”.

Commencement Information

I267 Sch. 12 para. 44 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

45 **[**[F21]In section 22 of the Further Education and Training Act 2007 (consultation of further education institutions), in the new section 49A to be inserted into FHEA 1992 in relation to Wales—

(a) in subsection (1)—

(i) after “further education sector” insert “ in Wales ”;

(ii) for “appropriate authority” substitute “ Welsh Ministers ”;

(b) omit subsection (3).**]**

Textual Amendments

F21 Sch. 12 para. 45 omitted (1.9.2014) by virtue of Further and Higher Education (Governance and Information) (Wales) Act 2014 (anaw 1), s. 11(2), **Sch. 2 para. 7**; S.I. 2014/1706, art. 3(h)

Commencement Information

I268 Sch. 12 para. 45 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

46 (1) ASCLA 2009 is amended as follows.

(2) In section 256 (further education corporations in England: co-operation and promotion of well-being), omit subsection (3).

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(3) In Schedule 6 (dissolution of the Learning and Skills Council for England: minor and consequential amendments), omit paragraphs 3(2), 4(a), 5(a), 7(2), (3), (4)(b), (5)(a), (6) and (7), 8 to 11 and 12(a).

(4) In Schedule 8 (sixth form college sector), omit paragraphs 7 and 11(3).

Commencement Information
I269 Sch. 12 para. 46 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

SCHEDULE 13

Section 54

16 TO 19 ACADEMIES AND ALTERNATIVE PROVISION ACADEMIES: CONSEQUENTIAL AMENDMENTS

AA 2010

1 AA 2010 is amended as follows.

Commencement Information
I270 Sch. 13 para. 1 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

2 In section 4(3) (Academy orders: when maintained school is "converted into" Academy) for "a school" substitute " an educational institution ".

Commencement Information
I271 Sch. 13 para. 2 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

3 (1) Section 6 (effect of Academy order) is amended as follows.

(2) In subsection (2), for "a school" substitute " an educational institution ".

(3) In subsection (3) —

(a) after "selective school" insert " and is to be converted into an Academy school ";

(b) for "section 1(6)(c)" substitute " section 1A(1)(c) ";

(c) for "a school" substitute " an educational institution ".

(4) In subsection (5)—

(a) at the beginning insert " If the Academy is an Academy school, ";

(b) for "the Academy" substitute " it ".

(5) In subsection (7), after "the school" insert " (a) " and at the end insert ", and

"(b) is to be converted into an Academy school."

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Commencement Information
I272 Sch. 13 para. 3 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

4 In section 10A (charges at boarding Academies) (inserted by section 61), in subsection (1)(a), for "an Academy" substitute " an Academy school or an alternative provision Academy ".

Commencement Information
I273 Sch. 13 para. 4 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

5 (1) Schedule 1 (Academies: land) (substituted by Schedule 14) is amended as follows.

(2) In paragraph 10 (power of Secretary of State to make direction where Academy order made)—

(a) in sub-paragraph (1)(b), for "Academy" substitute " Academy school ";

(b) in sub-paragraph (3)(c), for "Academy" substitute " Academy school ".

(3) In paragraph 13 (transfer of land and other property on dissolution of governing body), in sub-paragraph (3)(b), for "Academy" substitute " Academy school ".

Commencement Information
I274 Sch. 13 para. 5 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

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."

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Commencement Information
I275 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
I276 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)—

(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
I277 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)—

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(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 ";

(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, ";

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(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";

(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—

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"(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
I278 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)—
- (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
I279 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)—

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(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

I280 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 ".

Commencement Information

I281 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

I282 Sch. 13 para. 13 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

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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

I283 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,

(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

I284 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 ".

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Commencement Information
I285 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
I286 Sch. 13 para. 17(1)(3) in force at 1.4.2012 by S.I. 2012/924, **art. 2**

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
I287 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—

"(iia) 16 to 19 Academies, and".

Commencement Information
I288 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."

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(4) In Schedule 17 (disabled pupils: enforcement), in paragraph 13(5)(b), for "Academy" substitute " Academy school or an alternative provision Academy ".

Commencement Information
I289 Sch. 13 para. 20 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

SCHEDULE 14

Section 63

ACADEMIES: LAND

Schedule 1 to AA 2010

1 For Schedule 1 to AA 2010 (Academies: land) substitute—

"SCHEDULE 1

Section 13

ACADEMIES: LAND

PART 1

LAND HELD BY A LOCAL AUTHORITY

Transfer scheme where land ceases to be used for purposes of a school or 16 to 19 Academy

1 (1) The Secretary of State may make a scheme in relation to land if the requirements in sub-paragraph (2) are met.

(2) The requirements are as follows—

(a) a local authority holds a freehold or leasehold interest in the land when the scheme is made;

(b) at any time in the period of eight years ending with the day on which the scheme is made the land was used wholly or mainly for the purposes of a school or a 16 to 19 Academy;

(c) at the time the scheme is made the land is no longer used for the purposes of the school or 16 to 19 Academy mentioned in paragraph (b) or the Secretary of State thinks it is about to be no longer so used.

(3) The scheme must meet the requirements in paragraph 3(1).

Transfer scheme following proposals for establishment of new Academy

2 (1) The Secretary of State may make a scheme in relation to land if the requirements in sub-paragraph (2) are met.

(2) The requirements are as follows—

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(a) a local authority holds a freehold or leasehold interest in the land when the scheme is made;

(b) the land forms the whole or part of a site specified in a notification given to the Secretary of State under section 6A of EIA 2006, or a notice published under section 7 of that Act, (proposals for new schools) as a possible site for a new school;

(c) before making the scheme, the Secretary of State consulted the authority.

(3) The scheme must meet the requirements in paragraph 3(1).

Transfer schemes under paragraphs 1 and 2: general

3 (1) These requirements must be met as regards a scheme under paragraph 1 or 2—

(a) the scheme must provide for a transfer of the land or such part of it as is specified in the scheme;

(b) the scheme must specify whether the transfer is the transfer of a freehold or leasehold interest in the land or the grant of a lease in respect of the land (see paragraph 22(4));

(c) the transfer must be to a person who is specified in the scheme and is concerned with the running of an Academy;

(d) the transfer must be made to the transferee for the purposes of the Academy;

(e) in the case of a scheme under paragraph 2, the Academy must have been the subject of proposals under section 6A or 7 of EIA 2006;

(f) the scheme must make provision about the transfer to the transferee of any right or liability held by the local authority as holder of the land or specified part concerned.

(2) In sub-paragraph (1) the reference to a right or liability—

(a) includes a reference to a right or liability as a trustee, but

(b) excludes a reference to a liability in respect of the principal of or interest on a loan.

(3) A scheme may include incidental, consequential, supplemental and transitional provision.

(4) A scheme under paragraph 1 must be so expressed that it does not come into force while the land concerned is used for the purposes of the school or 16 to 19 Academy mentioned in paragraph 1(2)(b).

(5) A scheme comes into force—

(a) on the day it specifies for it to come into force, or

(b) on the day it otherwise identifies as the day for it to come into force.

(6) When a scheme comes into force it has effect to transfer (in accordance with its provisions) the land, rights and liabilities to which it applies.

(7) A transfer made by virtue of a scheme is binding on all persons even if, apart from this sub-paragraph, it would have required the consent or concurrence of any person.

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Restriction on disposal of land held by local authority for purposes of a school or 16 to 19 Academy

4 (1) Sub-paragraph (2) applies if—
(a) a freehold or leasehold interest in land is held by a local authority,
(b) the authority proposes to make a disposal in respect of the land, and
(c) at any time in the period of eight years ending with the day on which the disposal is proposed to be made, the land was used wholly or mainly for the purposes of a school or a 16 to 19 Academy.

(2) Unless the Secretary of State consents, the authority must not make the disposal.

(3) Sub-paragraph (2) does not apply to a disposal made in pursuance of a contract made, or option granted, before 26 July 2002.

(4) A disposal is not invalid only because it is made in contravention of sub-paragraph (2).

(5) A person acquiring land, or entering into a contract to acquire it, is not to be concerned to enquire whether the consent required by sub-paragraph (2) has been given.

5 (1) This paragraph applies if a local authority has made a disposal in contravention of paragraph 4(2).

(2) In a case where the authority has made a disposal within the meaning of this Schedule because it has granted an option (see paragraph 22(5)(d)), the Secretary of State may by notice served on the option holder repudiate the option at any time before it is exercised.

(3) In a case where the authority has made a disposal within the meaning of this Schedule because it has entered into a contract to dispose of land (see paragraph 22(5)(c)), the Secretary of State may by notice served on the other party to the contract repudiate it at any time before a conveyance of the land is executed.

(4) A repudiation under sub-paragraph (2) or (3) has effect—
(a) when the notice is served, and
(b) as if the repudiation were made by the authority.

(5) In a case where the land has been transferred (whether or not in pursuance of an option or contract falling within sub-paragraph (2) or (3)) the Secretary of State may purchase the land compulsorily.

(6) The Acquisition of Land Act 1981 applies in relation to the compulsory purchase of land under sub-paragraph (5).

(7) On completion of a compulsory purchase of land under sub-paragraph (5) the Secretary of State must transfer it to a person concerned with the running of an Academy.

(8) If the Secretary of State acquires land by compulsory purchase under sub-paragraph (5), the Secretary of State is entitled to recover from the authority an amount equal to the aggregate of—

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(a) the compensation agreed or awarded in respect of the purchase,
(b) any interest payable by the Secretary of State in respect of the compensation, and
(c) the costs and expenses incurred by the Secretary of State in connection with the making of the compulsory purchase order.

(9) The authority must provide the Secretary of State with such information as the Secretary of State may require it to provide in connection with a compulsory purchase under sub-paragraph (5).

Restriction on appropriation of land held by local authority for purposes of a school or 16 to 19 Academy

6 (1) Sub-paragraph (2) applies if—
(a) a freehold or leasehold interest in land is held by a local authority,
(b) the authority proposes to make an appropriation of the land under section 122 of the Local Government Act 1972, and
(c) at any time in the period of eight years ending with the day on which the appropriation is proposed to be made the land was used wholly or mainly for the purposes of a school or a 16 to 19 Academy.

(2) Unless the Secretary of State consents, the authority must not make the appropriation.

7 (1) This paragraph applies if a local authority has made an appropriation in contravention of paragraph 6(2).

(2) The Secretary of State may purchase the land concerned compulsorily.

(3) Sub-paragraphs (6) to (9) of paragraph 5 apply to a compulsory purchase of land under sub-paragraph (2) as they apply to a compulsory purchase of land under paragraph 5(5).

Class consents

8 For the purposes of paragraphs 4(2) and 6(2), the consent of the Secretary of State—
(a) may be given in relation to a particular case or class of case, and
(b) may be given subject to conditions.

Duty to inform Secretary of State on proposed change of use of land used for purposes of a school or 16 to 19 Academy

9 (1) Sub-paragraph (2) applies if—
(a) a freehold or leasehold interest in land is held by a local authority,
(b) the authority proposes to change the use of the land in such a way that (were the change made) the land would cease to be capable of use wholly or mainly for the purposes of a school or a 16 to 19 Academy, and
(c) at any time in the period of eight years ending with the date of the proposed change of use the land was used wholly or mainly for the purposes of a school or a 16 to 19 Academy.

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(2) The authority must inform the Secretary of State of the proposal.

PART 2

LAND HELD BY A GOVERNING BODY, A FOUNDATION BODY OR TRUSTEES

Power of Secretary of State to make direction where Academy order made

10 (1) This paragraph applies where—
- (a) an Academy order has effect in respect of—
  - (i) a voluntary school,
  - (ii) a foundation school, or
  - (iii) a foundation special school, and
- (b) the school is to be converted into an Academy.

(2) The Secretary of State may make one or more of the directions listed in sub-paragraph (3) in respect of publicly funded land which is held for the purposes of the school by—
- (a) the governing body of the school,
- (b) the foundation body of the school, or
- (c) the trustees of the school.

(3) The directions are—
- (a) that the land or any part of the land be transferred to such local authority as the Secretary of State may specify, subject to the payment by that authority of such sum by way of consideration (if any) as the Secretary of State determines to be appropriate;
- (b) that the governing body, the foundation body or the trustees, as the case may be, pay, either to the Secretary of State or to such local authority as the Secretary of State may specify, the whole or any part of the value, as at the date of the direction, of the whole or any part of the land;
- (c) that the land or any part of the land be transferred to a person concerned with the running of the Academy, subject to the payment by that person or the Secretary of State of such sum by way of consideration (if any) as the Secretary of State determines to be appropriate.

(4) Unless otherwise specified in the direction, any transfer of land pursuant to sub-paragraph (3) is to take place on the conversion date.

Power of Secretary of State to make direction on discontinuance of foundation, voluntary or foundation special school

11 (1) This paragraph applies where the Secretary of State has received an application under sub-paragraph (2), (3) or (4ZA) of paragraph 5 of Schedule 22 to SSFA 1998 (application in respect of land held by governing body, foundation body or trustees on discontinuance of school).

(2) The Secretary of State may direct that the land or any part of the land to which the application relates be transferred to a person concerned with the running

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of an Academy, subject to the payment by that person or the Secretary of State of such sum by way of consideration (if any) as the Secretary of State determines to be appropriate.

Power of Secretary of State to make direction on proposed disposal of school land

12 (1) This paragraph applies where the Secretary of State has received a notice under any of the following paragraphs of Schedule 22 to SSFA 1998—
- (a) paragraph A1A(4) (notice by governing body of intention to dispose of publicly funded land);
- (b) paragraph A7A(4) (notice by foundation body of intention to dispose of publicly funded land);
- (c) paragraph A13A(6) (notice by trustees of intention to dispose of publicly funded land);
- (d) paragraph A23(4)(b) (notice by local authority of intention to apply for transfer order in respect of publicly funded land).

(2) The Secretary of State may direct that the land or any part of the land to which the notice relates be transferred to a person concerned with the running of an Academy, subject to the payment by that person or the Secretary of State of such sum by way of consideration (if any) as the Secretary of State determines to be appropriate.

Transfer of land and other property on dissolution of governing body

13 (1) This paragraph applies where a governing body of a school are to be dissolved by virtue of paragraph 5(2)(a)(iv) of Schedule 1 to EA 2002 (dissolution of governing body on conversion date following Academy order).

(2) Where a governing body are so dissolved, the following are transferred as provided in sub-paragraph (3)—
- (a) all publicly funded land which is held by the governing body for the purposes of the school and which is not transferred on the conversion date (pursuant to a direction under paragraph 10 or otherwise);
- (b) all other property of the governing body which is used or held for the purposes of the school;
- (c) all rights and liabilities of the governing body (including rights and liabilities in relation to staff) which were acquired or incurred for the purposes of the school.

(3) The land, other property, rights and liabilities are, on the conversion date, transferred to, and by virtue of this Act vest in—
- (a) the local authority that maintained the school, or
- (b) such person concerned with the running of an Academy as the Secretary of State directs before the conversion date.

(4) Sub-paragraph (2) does not apply to—
- (a) any land for which provision has been made for payment under paragraph 10(3)(b),
- (b) any land or other property which is held by the governing body on trust for the purposes of the school,

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(c) any property or rights to which section 7 (transfer of school surpluses) applies, or

(d) unless the Secretary of State otherwise directs before the conversion date, any liabilities of the governing body in respect of a loan made to the governing body.

(5) Subject to sub-paragraphs (6) and (7), a governing body who are to be dissolved as mentioned in sub-paragraph (1) may transfer any land or other property which is held by them on trust for the purposes of the school to any person to hold such land or other property on trust for purposes connected with the provision of education in schools.

(6) Sub-paragraph (5) does not apply to land in respect of which a direction has been made under paragraph 10(3) (a) or (c).

(7) Sub-paragraph (5) does not apply to land or other property held by a governing body on trust for the purposes of the school in a case where any other persons ("other trustees") also hold land or other property on trust for the purposes of the school.

(8) In a case mentioned in sub-paragraph (7), the land or other property held on trust by the governing body is, on the conversion date, transferred to, and by virtue of this Act vests in, the other trustees.

(9) If any doubt or dispute arises as to the persons to whom land or other property is transferred under sub-paragraph (8), it is to be treated as so transferred to such persons as the Secretary of State directs.

PART 3

LAND HELD FOR THE PURPOSES OF AN ACADEMY

Notice in relation to certain land held for the purposes of an Academy

14 (1) This paragraph applies to land—

(a) that is held for the purposes of an Academy, and

(b) that has been acquired or enhanced in value wholly or partly by payments made by or on behalf of—

(i) a local authority, or

(ii) the Secretary of State.

This is subject to sub-paragraph (2).

(2) If a leasehold interest in land is held for the purposes of a new Academy, this paragraph does not apply to—

(a) that or any other leasehold interest in the land, or

(b) a freehold interest in the land.

(3) An Academy is a new Academy for the purposes of sub-paragraph (2) if, by virtue of section 9(1)(a) (new educational institutions), the duty in section 9(2) (impact on other schools etc) applied when the Secretary of State was deciding whether to enter into Academy arrangements in relation to it.

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(4) In the case of land to which this paragraph applies that has been acquired or enhanced in value wholly or partly by payments made by or on behalf of a local authority, the authority may serve a notice under sub-paragraph (6).

(5) In the case of land to which this paragraph applies that has been acquired or enhanced in value wholly or partly by payments made by or on behalf of the Secretary of State, the Secretary of State may serve a notice under sub-paragraph (6).

(6) A notice under this sub-paragraph is a notice that the land is publicly funded land for the purposes of this Schedule.

(7) A notice under sub-paragraph (6) must be served—
- (a) on the person holding the land (subject to sub-paragraph (8)),
- (b) within the period of six months beginning with the date on which the payments were made, or, if there is more than one such date, the latest of those dates.

(8) Where the land is vested in the official custodian for charities in trust for a charity, a notice under sub-paragraph (6) must be served—
- (a) on the charity, if the charity is a corporate charity;
- (b) on the persons having the general control and management of the administration of the charity, in any other case.

Power of Secretary of State to make direction on educational institution ceasing to be an Academy

15 (1) This paragraph applies if—
- (a) an educational institution ceases to be an Academy, and
- (b) immediately before it does so, publicly funded land is held by a person for the purposes of the Academy.

(2) Sub-paragraph (1)(a) applies whether or not, on the educational institution ceasing to be an Academy, it simultaneously ceases to function as an educational institution.

(3) The Secretary of State may make one or more of the following directions—
- (a) a direction that the land or any part of the land be transferred to such local authority as the Secretary of State may specify, subject to the payment by that authority of such sum by way of consideration (if any) as the Secretary of State determines to be appropriate;
- (b) a direction that the person holding the land pay, either to the Secretary of State or to such local authority as the Secretary of State may specify, the whole or any part of the value, as at the date of the direction, of the whole or any part of the land;
- (c) a direction that the land or any part of the land be transferred to a person concerned with the running of an Academy, subject to the payment by that person or the Secretary of State of such sum by way of consideration (if any) as the Secretary of State determines to be appropriate;
- (d) a direction that the land or any part of the land be transferred to the governing body, foundation body or trustees of a school, subject to

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the payment by that body or trustees (as the case may be) or the Secretary of State of such sum by way of consideration (if any) as the Secretary of State determines to be appropriate.

Termination of occupation by Academy of land held by trustees: notice of termination and power of Secretary of State to make direction

16 (1) This paragraph applies if—

(a) land has been held for the purposes of a maintained school by the trustees of the school,

(b) the land is held by the trustees for the purposes of an Academy, and

(c) the termination of the Academy's occupation of the land would have the result that it was not reasonably practicable for the Academy to continue to be conducted at its existing site.

(2) A notice given by the trustees to the Academy proprietor that purports to terminate the Academy's occupation of the land is not effective unless—

(a) the period of notice is reasonable, having regard to the length of time that it would take to terminate the Academy arrangements, and in any event is not less than two years, and

(b) a copy of the notice is given to the Secretary of State and the local authority by which the school was maintained at the same time as the notice is given to the proprietor.

(3) Where the trustees give, at the same (or substantially the same) time, notices purporting to terminate an Academy's occupation of two or more pieces of land held by the trustees for the purposes of the Academy, then for the purpose of determining whether sub-paragraph (1)(c) applies in relation to any of those pieces of land, regard may be had to the combined effect of terminating the Academy's occupation of both or all of them.

(4) If a question arises as to whether the termination of an Academy's occupation of any land would have the result mentioned in sub-paragraph (1)(c) (including a question as to whether sub-paragraph (3) applies in any particular circumstances), it is to be determined by the Secretary of State.

(5) Sub-paragraph (6) applies where a notice that is effective to terminate an Academy's occupation of land relates to publicly funded land.

(6) The Secretary of State may make one or more of the following directions—

(a) a direction that the land or any part of the land be transferred to such local authority as the Secretary of State may specify, subject to the payment by that authority of such sum by way of consideration (if any) as the Secretary of State determines to be appropriate;

(b) a direction that the trustees pay, either to the Secretary of State or to such local authority as the Secretary of State may specify, the whole or any part of the value, as at the date of the direction, of the whole or any part of the land;

(c) a direction that the land or any part of the land be transferred to a person concerned with the running of an Academy, subject to the payment by that person or the Secretary of State of such sum by way of consideration (if any) as the Secretary of State determines to be appropriate;

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(d) a direction that the land or any part of the land be transferred to the governing body, foundation body or trustees of a school, subject to the payment by that body or trustees (as the case may be) or the Secretary of State of such sum by way of consideration (if any) as the Secretary of State determines to be appropriate.

Power of Secretary of State to make direction on proposed disposal of Academy land

17 (1) This paragraph applies to a disposal of publicly funded land that is held by a person ("P") for the purposes of an Academy.

(2) P must give the Secretary of State notice of P's intention to dispose of the land.

(3) In determining whether, and how, to give notice to the Secretary of State under sub-paragraph (2), P must have regard to any guidance given from time to time by the Secretary of State.

(4) On receipt of the notice, the Secretary of State must—

(a) decide whether to make a direction under sub-paragraph (7) in respect of the land specified in the notice, and

(b) notify P of that decision.

(5) P may not dispose of the land until P has been notified of the Secretary of State's decision.

(6) If the Secretary of State decides to make a direction in respect of the land, P may not dispose of the land except in accordance with the direction.

(7) The Secretary of State may make one or more of the following directions—

(a) a direction that the land or any part of the land be transferred to such local authority as the Secretary of State may specify, subject to the payment by that local authority of such sum by way of consideration (if any) as the Secretary of State determines to be appropriate;

(b) a direction that P pay, either to the Secretary of State or to such local authority as the Secretary of State may specify, the whole or any part of the value, as at the date of the direction, of the whole or any part of the land;

(c) a direction that the land or any part of the land be transferred to a person concerned with the running of an Academy, subject to the payment by that person or the Secretary of State of such sum by way of consideration (if any) as the Secretary of State determines to be appropriate;

(d) in the case of playing field land, a direction that the disposal is not to be made.

(8) In this paragraph—

(a) "playing field land" means land in the open air which is provided for the purposes of physical education or recreation, other than any land falling within a description prescribed under section 77(7) of SSFA 1998;

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Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

(b) references to a disposal of land include references to a change of use of the land in cases where the land is no longer to be used for the purposes of an Academy.

PART 4

GENERAL

Directions under this Schedule: general

18 (1) Where a transfer pursuant to a direction under this Schedule relates to registered land, it is the duty of the transferor—

(a) to execute any such instrument under the Land Registration Act 2002,

(b) to deliver any such certificate under that Act, and

(c) to do such other things under that Act,

as the transferor would be required to execute, deliver or do in the case of a transfer by agreement between the transferor and the transferee.

(2) A direction under this Schedule may include such incidental, consequential, supplemental and transitional provision as the Secretary of State thinks is appropriate for giving it full effect.

Disapplication of rule against perpetuities

19 (1) Where—

(a) land is transferred for no consideration for the purposes of an Academy, and

(b) the person who transferred the land is granted an option to make a re-acquisition of the land (subject to whatever conditions),

the rule against perpetuities does not apply to the option.

(2) Sub-paragraph (1) does not apply to an option granted before 26 July 2002.

Disapplication of other Acts

20 (1) Where a lease is granted or transferred to a person for the purposes of an Academy on or after 26 July 2002, section 153 of the Law of Property Act 1925 (enlargement of leases granted for no rent etc) does not apply to permit that person to enlarge the term under the lease.

(2) Subsections (2) and (2A) of section 123 of the Local Government Act 1972 (disposals of land by principal councils) do not apply to a disposal of land to a person for the purposes of an Academy.

Regulations

21 (1) The Secretary of State may make regulations containing such incidental, consequential, supplemental and transitional provisions as the Secretary of State thinks are appropriate in consequence of this Schedule or for giving it full effect.

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
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(2) Regulations under sub-paragraph (1) about transfer schemes may in particular include provision—

(a) requiring a person to be appointed by the Secretary of State in connection with the proposed making of a scheme;

(b) requiring the appointed person to identify the land, rights and liabilities to be transferred by or under a scheme;

(c) requiring a transferor under a scheme to provide the appointed person with such documents as may be required in order to identify the land, rights and liabilities to be transferred by or under the scheme;

(d) requiring a transferor under a scheme to execute such instruments, deliver such certificates and do any other such things as are required by the Land Registration Act 2002 in order to transfer the land;

(e) treating a transferor under a scheme as having given acknowledgement in writing of the rights to production of documents.

(3) Regulations under sub-paragraph (1) about land held by a local authority may in particular include provision—

(a) that consent under paragraph 4 (proposed disposal of school land) is to be sought in a specified way;

(b) that information is to be given under paragraph 9 (duty to inform Secretary of State of proposed change of use of school land) in a specified way.

(4) Regulations under sub-paragraph (1) about the transfer of land, other property and rights and liabilities under paragraph 13 (transfer of land and other property on dissolution of governing body) may in particular include provision about the production of documents, execution of instruments, delivery of certificates and any other related matters.

Interpretation

22 (1) A dwelling-house used for occupation by a person employed to work at an educational institution is to be treated for the purposes of this Schedule as used for the purposes of the educational institution.

(2) In this Schedule—

"foundation body", in relation to a school, has the same meaning as in SSFA 1998 (see section 21(4) of that Act);

"trustees", in relation to a school, means any person (other than the governing body) holding property on trust for the purposes of the school.

(3) In this Schedule, "publicly funded land" means—

(a) in relation to land held by a governing body, land falling within any of paragraphs (a) to (i) of paragraph A1(1) of Schedule 22 to SSFA 1998 (disposals of school land on discontinuance etc);

(b) in relation to land held by a foundation body, land falling within any of paragraphs (a) to (h) of paragraph A7(1) of that Schedule;

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(c) in relation to land held by trustees, other than land held for the purposes of an Academy, land falling within sub-paragraph (1), (2) or (3) of paragraph A13 of that Schedule;

(d) in relation to land held for the purposes of an Academy—

(i) land acquired from a governing body, foundation body or trustees that was, at the time of the acquisition, publicly funded land within the meaning of paragraph (a), (b) or (c);

(ii) land held by trustees for the purposes of an Academy which was previously held by the trustees for the purposes of a maintained school and which, at the time it was held for the purposes of a maintained school, was publicly funded land within the meaning of paragraph (c);

(iii) land acquired from a local authority;

(iv) land in relation to which a notice has been served under paragraph 14;

(v) land acquired from a person concerned with the running of an Academy that was, at the time of the acquisition, publicly funded land within the meaning of sub-paragraphs (i) to (iv) or this sub-paragraph.

(4) References in this Schedule to a transfer or disposal of land are to the transfer or disposal of a freehold or leasehold interest in the land or to the grant of a lease in respect of the land.

(5) References in this Schedule to a disposal of land include references to—

(a) a compulsory disposal,

(b) in the case of any premises held under a tenancy to which Part 2 of the Landlord and Tenant Act 1954 applies, the termination of the tenancy under that Part,

(c) entering into a contract to dispose of land, and

(d) granting an option to acquire a freehold or leasehold interest in land.

(6) Where—

(a) a person (A) holds a freehold or leasehold interest in land from which a leasehold interest has been granted to another person (B), and

(b) B is concerned with the running of an Academy,

for the purposes of this Schedule both A and B are to be treated as holding land for the purposes of an Academy.

(7) References in this Schedule to a lease include references to a sub-lease."

Commencement Information

I290 Sch. 14 para. 1 in force at 1.2.2012 by S.I. 2012/84, **art. 3** (with art. 5)

Amendments to Schedule 22 to SSFA 1998

2 Schedule 22 to SSFA 1998 (disposals of land in case of certain schools and disposals on discontinuance) is amended as set out in paragraphs 3 to 15.

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

Commencement Information
I291 Sch. 14 para. 2 in force at 1.2.2012 by S.I. 2012/84, **art. 3** (with art. 5)

3 In paragraph A1, in sub-paragraph (1)(b), at the end insert—

"paragraph 15(3)(d) or 16(6)(d) of Schedule 1 to the Academies Act 2010,".

Commencement Information
I292 Sch. 14 para. 3 in force at 1.2.2012 by S.I. 2012/84, **art. 3** (with art. 5)

4 After paragraph A1, insert—

"A1A(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 A2 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.

(4) The governing body must give the Secretary of State notice of their intention to dispose of the land.

(5) On receipt of the notice, the Secretary of State must—

(a) decide whether to make a direction under paragraph 12 of Schedule 1 to the Academies Act 2010 (transfer to Academy) in respect of the land, and

(b) notify the governing body of that decision.

(6) The governing body may not dispose of the land until they have been notified of the Secretary of State's decision.

(7) If the Secretary of State decides to make a direction in respect of the land, the governing body may not dispose of the land except in accordance with the direction."

Commencement Information
I293 Sch. 14 para. 4 in force at 1.2.2012 by S.I. 2012/84, **art. 3** (with art. 5)

5 In paragraph A2, for sub-paragraphs (1) to (3), substitute—

"(1) This paragraph applies where a governing body receives a notification under paragraph A1A(5)(b) that the Secretary of State has decided not to make a direction in respect of the land."

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Commencement Information
I294 Sch. 14 para. 5 in force at 1.2.2012 by S.I. 2012/84, **art. 3** (with art. 5)

6 In paragraph A7, in sub-paragraph (1)(b), at the end insert—

"paragraph 15(3)(d) or 16(6)(d) of Schedule 1 to the Academies Act 2010,".

Commencement Information
I295 Sch. 14 para. 6 in force at 1.2.2012 by S.I. 2012/84, **art. 3** (with art. 5)

7 After paragraph A7, insert—

"A7A(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 A8 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 Secretary of State notice of its intention to dispose of the land.

(5) On receipt of the notice, the Secretary of State must—

(a) decide whether to make a direction under paragraph 12 of Schedule 1 to the Academies Act 2010 (transfer to Academy) in respect of the land, and

(b) notify the foundation body of that decision.

(6) The foundation body may not dispose of the land until it has been notified of the Secretary of State's decision.

(7) If the Secretary of State decides to make a direction in respect of the land, the foundation body may not dispose of the land except in accordance with the direction."

Commencement Information
I296 Sch. 14 para. 7 in force at 1.2.2012 by S.I. 2012/84, **art. 3** (with art. 5)

8 In paragraph A8, for sub-paragraphs (1) to (3), substitute—

"(1) This paragraph applies where a foundation body receives a notification under paragraph A7A(5)(b) that the Secretary of State has decided not to make a direction in respect of the land."

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Commencement Information

I297 Sch. 14 para. 8 in force at 1.2.2012 by S.I. 2012/84, **art. 3** (with art. 5)

9 (1) Paragraph A13 is amended as follows.

(2) In sub-paragraph (1)(d), at the end insert—

"paragraph 15(3)(d) or 16(6)(d) of Schedule 1 to the Academies Act 2010,".

(3) In sub-paragraph (7)—

(a) after "maintained schools" insert " or Academies ";

(b) for "A14 to A16" substitute " A13A to A16 ".

Commencement Information

I298 Sch. 14 para. 9 in force at 1.2.2012 by S.I. 2012/84, **art. 3** (with art. 5)

10 After paragraph A13, insert—

"A13A (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 A14 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,

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 Secretary of State notice of their intention to dispose of the land.

(7) On receipt of the notice, the Secretary of State must—

(a) decide whether to make a direction under paragraph 12 of Schedule 1 to the Academies Act 2010 (transfer to Academy) in respect of the land, and

(b) notify the trustees of that decision.

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(8) The trustees may not dispose of the land until they have been notified of the Secretary of State's decision.

(9) If the Secretary of State decides to make a direction in respect of the land, the trustees may not dispose of the land except in accordance with the direction."

Commencement Information
I299 Sch. 14 para. 10 in force at 1.2.2012 by S.I. 2012/84, **art. 3** (with art. 5)

11 In paragraph A14, for sub-paragraphs (1) to (5), substitute—

"(1) This paragraph applies where trustees receive a notification under paragraph A13A(7)(b) that the Secretary of State has decided not to make a direction in respect of the land."

Commencement Information
I300 Sch. 14 para. 11 in force at 1.2.2012 by S.I. 2012/84, **art. 3** (with art. 5)

12 In paragraph A19, before sub-paragraph (1), insert—

"(A1) In determining whether, and how, to give notice to the Secretary of State under paragraph A1A, A7A or A13A, a governing body, a foundation body or trustees must have regard to any guidance given from time to time by the Secretary of State."

Commencement Information
I301 Sch. 14 para. 12 in force at 1.2.2012 by S.I. 2012/84, **art. 3** (with art. 5)

13 (1) Paragraph A23 (land required by local authority for certain purposes) is amended as follows.

(2) For sub-paragraph (4), substitute—

"(4) Before making an application under sub-paragraph (1) for a transfer order in relation to publicly funded land, the authority must give notice of their intention to make the application to—

(a) the body or trustees holding the land, and

(b) the Secretary of State."

(3) In sub-paragraph (6), for "such an application" substitute " an application under sub-paragraph (1) or a notice under sub-paragraph (4) ".

(4) After sub-paragraph (6), insert—

"(6A) On receipt of a notice under sub-paragraph (4)(b), the Secretary of State must—

(a) decide whether to make a direction under paragraph 12 of Schedule 1 to the Academies Act 2010 (transfer to Academy) in respect of the land, and

(b) notify the local authority of that decision.

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(6B) If the Secretary of State decides to make a direction under paragraph 12 of Schedule 1 to the Academies Act 2010 in respect of the land, the local authority may not make an application under sub-paragraph (1) for a transfer order in relation to the land."

Commencement Information

I302 Sch. 14 para. 13 in force at 1.2.2012 by S.I. 2012/84, **art. 3** (with art. 5)

14 (1) Paragraph 5 (discontinuance of foundation, voluntary and foundation special schools: land) is amended as follows.

(2) After sub-paragraph (1), insert—

"(1A) But this paragraph does not apply where proposals mentioned in sub-paragraph (1)(a) have been approved, adopted, confirmed or determined to be implemented in consequence of an Academy order made in respect of the school."

(3) In sub-paragraph (4), after paragraph (a) insert—

"(aa) in the case of a school in England, make a direction in respect of the land under paragraph 11 of Schedule 1 to the Academies Act 2010 (transfer to Academy);".

(4) In sub-paragraph (4B), after paragraph (a) insert—

"(aa) in the case of a school in England, make a direction in respect of the land under paragraph 11 of Schedule 1 to the Academies Act 2010 (transfer to Academy);".

(5) In sub-paragraph (5A), in paragraph (b), after "maintained schools" insert " or Academies ".

Commencement Information

I303 Sch. 14 para. 14 in force at 1.2.2012 by S.I. 2012/84, **art. 3** (with art. 5)

15 (1) Paragraph 7 (disposal of property held by governing body of maintained school on their dissolution) is amended as follows.

(2) In sub-paragraph (1), at the end insert " other than a dissolution by virtue of paragraph 5(2)(a)(iv) of that Schedule (dissolution following Academy order) ".

(3) In sub-paragraph (2)(ii), for the words from "following" to "new school" substitute " persons or bodies mentioned in sub-paragraph (2A) ".

(4) After sub-paragraph (2), insert—

"(2A) The persons and bodies are—

(a) the governing body of a maintained school;

(b) the temporary governing body of a new school;

(c) in the case of the dissolution of a governing body of a maintained school in England, a person concerned with the running of an Academy."

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
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Commencement Information
I304 Sch. 14 para. 15 in force at 1.2.2012 by S.I. 2012/84, **art. 3** (with art. 5)

Other amendments

16 Section 482 of EA 1996 (Academies) is repealed.

Commencement Information
I305 Sch. 14 para. 16 in force at 1.2.2012 by S.I. 2012/84, **art. 3** (with art. 5)

17 Schedule 35A to EA 1996 (Academies: land) is repealed.

Commencement Information
I306 Sch. 14 para. 17 in force at 1.2.2012 by S.I. 2012/84, **art. 3** (with art. 5)

18 (1) Section 77 of SSFA 1998 (control of disposals or changes in use of school playing fields) is amended as follows.

(2) In subsection (2B)—
(a) omit "or" at the end of paragraph (a);
(b) after paragraph (b), insert "or
(c) to a disposal in pursuance of—
(i) a transfer scheme under paragraph 1 or 2 of Schedule 1 to the Academies Act 2010 (transfer to person concerned with running of Academy), or
(ii) a direction under paragraph 10 of Schedule 1 to that Act (direction to transfer to local authority or person concerned with running of Academy, where Academy order made)."

(3) In subsection (3)—
(a) in the opening words, for "subsections (4) and" substitute " subsection ";
(b) in the opening words, for "(2B)(a) or (b)" substitute " (2B)(a), (b) or (c) ";
(c) at the end insert " , or by an Academy for the purposes of the Academy ".

(4) Omit subsection (4).

(5) After subsection (4A), insert—

"(4B) On receiving an application for consent under subsection (1) or (3), the Secretary of State may direct that the playing fields, or any part of them, be transferred to a person concerned with the running of an Academy, subject to the payment by that person or the Secretary of State of such sum by way of consideration (if any) as the Secretary of State determines to be appropriate."

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
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Commencement Information
I307 Sch. 14 para. 18 in force at 1.2.2012 by S.I. 2012/84, **art. 3** (with art. 5)

19 In section 65 of EA 2002 (Academies), omit subsection (1).

Commencement Information
I308 Sch. 14 para. 19 in force at 1.2.2012 by S.I. 2012/84, **art. 3** (with art. 5)

20 (1) Section 12 of AA 2010 (charitable status of Academy proprietors etc) is amended as follows.

(2) After subsection (1) insert—

"(1A) In the definition of "trust corporation" in the provisions listed in subsection (1B), the reference to a corporation appointed by the court in any particular case to be a trustee includes a reference to a qualifying Academy proprietor.

(1B) The provisions are—

(a) section 117(1)(xxx) of the Settled Land Act 1925;
(b) paragraph (18) of section 68(1) of the Trustee Act 1925;
(c) section 205(1)(xxviii) of the Law of Property Act 1925;
(d) section 55(1)(xxvi) of the Administration of Estates Act 1925;
(e) section 128 of the Senior Courts Act 1981."

(3) In the heading, after "charitable" insert " and trust corporation ".

Commencement Information
I309 Sch. 14 para. 20 in force at 1.2.2012 by S.I. 2012/84, **art. 3** (with art. 5)

SCHEDULE 15

Section 65

ACADEMIES: MINOR AMENDMENTS

1 In Schedule 4 to the Finance Act 2003 (stamp duty land tax: chargeable consideration), in paragraph 17(2)(e) (arrangements involving public or educational bodies) for "section 482 of the Education Act 1996" substitute " section 1 of the Academies Act 2010 ".

Commencement Information
I310 Sch. 15 para. 1 in force at 1.2.2012 by S.I. 2012/84, **art. 3**

2 In Schedule 17 to the Equality Act 2010 (disabled pupils: enforcement), in paragraph 13(4) (admissions) for paragraph (b) substitute—

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"(b) Academy arrangements (as defined in section 1 of the Academies Act 2010) between the responsible body for an Academy and the Secretary of State,".

Commencement Information
I311 Sch. 15 para. 2 in force at 1.2.2012 by S.I. 2012/84, **art. 3**

3 In section 2 of AA 2010 (payments under Academy arrangements), omit subsection (5).

Commencement Information
I312 Sch. 15 para. 3 in force at 1.2.2012 by S.I. 2012/84, **art. 3**

SCHEDULE 16

Section 67

ABOLITION OF THE YPLA: CONSEQUENTIAL AMENDMENTS

Public Records Act 1958 (c. 51)

1 In paragraph 3 of Schedule 1 to the Public Records Act 1958, in Part 2 of the Table (definition of public records: other establishments and organisations) omit "Young People's Learning Agency for England."

Commencement Information
I313 Sch. 16 para. 1 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Parliamentary Commissioner Act 1967 (c. 13)

2 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc subject to investigation) omit "The Young People's Learning Agency for England."

Commencement Information
I314 Sch. 16 para. 2 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Superannuation Act 1972 (c. 11)

3 In Schedule 1 to the Superannuation Act 1972 (kinds of employment, etc, referred to in section 1 of that Act) omit "The Young People's Learning Agency for England."

Commencement Information
I315 Sch. 16 para. 3 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
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House of Commons Disqualification Act 1975 (c. 24)

4 In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices) omit the entry relating to members of the Young People's Learning Agency for England in receipt of remuneration.

Commencement Information
I316 Sch. 16 para. 4 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Education (Fees and Awards) Act 1983 (c. 40)

5 In section 1 of the Education (Fees and Awards) Act 1983 (fees at universities and further education establishments), in subsection (3)(f), for "Young People's Learning Agency for England" substitute " Secretary of State ".

Commencement Information
I317 Sch. 16 para. 5 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)

6 In section 5 of the Disabled Persons (Services, Consultation and Representation) Act 1986 (disabled persons leaving special education), in subsection (9), in paragraph (c) of the definition of "the responsible authority"—

(a) omit ", the Young People's Learning Agency for England";

(b) omit ", Young People's Learning Agency for England".

Commencement Information
I318 Sch. 16 para. 6 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Employment Act 1988 (c. 19)

7 In section 26 of the Employment Act 1988 (status of trainees etc), for subsection (1A) substitute—

"(1A) The Secretary of State may make an order under subsection (1B) where it appears to the Secretary of State that provision has been made for trainees to receive payments—

(a) from the Secretary of State under section 14 of the Education Act 2002,

(b) from the Chief Executive of Skills Funding under section 100(1)(c) or (d) of the Apprenticeships, Skills, Children and Learning Act 2009, or

(c) from the Welsh Ministers under section 34(1)(c) of the Learning and Skills Act 2000.

(1B) An order under this subsection may provide—

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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) that the trainees are, for the purposes and in the cases specified or described in or determined under the order, to be treated in respect of the training as being or as not being employed;

(b) that where the trainees are treated as being employed they are to be treated as being the employees of the persons so specified, described or determined and of no others;

(c) that where the trainees are treated as not being employed, they are to be treated in such other manner as may be so specified, described or determined; and

(d) that the payments are to be treated for the purposes of such enactments and subordinate legislation as may be so specified, described or determined in such manner as may be so specified, described or determined.

For the purposes of subsection (1A) and this subsection, trainees are persons receiving or proposing to receive training."

Commencement Information

I319 Sch. 16 para. 7 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Education Reform Act 1988 (c. 40)

8 In section 128 (dissolution of higher education corporations), in subsection (1)(b), omit sub-paragraph (iib).

Commencement Information

I320 Sch. 16 para. 8 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Value Added Tax Act 1994 (c. 23)

9 (1) Group 6 of Part 2 of Schedule 9 to the Value Added Tax Act 1994 (exemptions: education) is amended as follows.

(2) In item 5A—

(a) omit paragraph (a);

(b) in paragraph (b), for "that Act" substitute " the Apprenticeships, Skills, Children and Learning Act 2009 ".

(3) After item 5A insert—

"5B The provision of education or vocational training and the supply, by the person providing that education or training, of any goods or services essential to that provision, to persons who are—

(a) aged under 19,

(b) aged 19 or over, in respect of education or training begun by them when they were aged under 19,

(c) aged 19 or over but under 25 and subject to learning difficulty assessment, or

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(d) aged 25 or over, in respect of education or training begun by them when they were within paragraph (c),

to the extent that the consideration payable is ultimately a charge to funds provided by the Secretary of State."

(4) In note (5A), for "item 5A" substitute " items 5A and 5B ".

(5) After note (5A) insert—

"(5B) In item 5B, "subject to learning difficulty assessment" has the same meaning as in the Education Act 1996."

Commencement Information
I321 Sch. 16 para. 9 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

EA 1996

10 EA 1996 is amended as follows.

Commencement Information
I322 Sch. 16 para. 10 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

11 After section 15ZC insert—

"**15ZD Sections 15ZA to 15ZC: duty to have regard to guidance**

In performing the duties imposed by sections 15ZA(1), 15ZB and 15ZC(1)(b) (duties in relation to education and training for persons over compulsory school age), a local authority in England must have regard to any guidance issued by the Secretary of State."

Commencement Information
I323 Sch. 16 para. 11 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

SSFA 1998

12 In section 30 of SSFA 1998 (notice by governing body to discontinue foundation or voluntary school), in subsection (3)(a)(i), for the words from "Young" to "school" substitute " Secretary of State ".

Commencement Information
I324 Sch. 16 para. 12 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

LSA 2000

13 LSA 2000 is amended as follows.

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Commencement Information
I325 Sch. 16 para. 13 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

14 In section 98 (approved qualifications: England), omit subsections (7) and (8).

Commencement Information
I326 Sch. 16 para. 14 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

15 (1) Section 144 (designated institutions: disposal of land, etc) is amended as follows.

(2) In subsection (4)(b), for sub-paragraphs (i) and (ii) substitute—

"(i) in the case of land in England held for the purposes of a sixth form college, or land in Wales, by an arbitrator to be appointed in default of agreement by the President of the Chartered Institute of Arbitrators;

(ii) in the case of any other land in England, by the Secretary of State."

(3) After subsection (4) insert—

"(4A) The expense of an arbitrator appointed under subsection (4)(b)(i) is to be borne equally by the trustees and—

(a) in the case of land in England, the Secretary of State;

(b) in the case of land in Wales, the Welsh Ministers."

(4) In subsection (9)(a), for "Young People's Learning Agency for England" substitute " Secretary of State ".

Commencement Information
I327 Sch. 16 para. 15 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

16 In Schedule 9 (amendments), omit paragraph 14.

Commencement Information
I328 Sch. 16 para. 16 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Freedom of Information Act 2000 (c. 36)

17 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies and offices: general) omit "The Young People's Learning Agency for England."

Commencement Information
I329 Sch. 16 para. 17 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

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EA 2002

18 EA 2002 is amended as follows.

Commencement Information
I330 Sch. 16 para. 18 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

19 In section 183 (transfer of functions relating to allowances under section 181), in subsection (1), omit paragraph (aa) (but not the "or" after it).

Commencement Information
I331 Sch. 16 para. 19 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

20 Omit section 208A (recoupment: adjustment between local authorities and the YPLA).

Commencement Information
I332 Sch. 16 para. 20 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

21 In section 210(6A) (Welsh orders and regulations subject to negative resolution), omit "or section 208A".

Commencement Information
I333 Sch. 16 para. 21 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

HEA 2004

22 In section 41 (interpretation of Part 3), in subsection (2)(a), omit "61 or".

Commencement Information
I334 Sch. 16 para. 22 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Children Act 2004 (c. 31)

23 In section 10 (co-operation to improve wellbeing), in subsection (9)(c), omit "66,".

Commencement Information
I335 Sch. 16 para. 23 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

EA 2005

24 EA 2005 is amended as follows.

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Commencement Information
I336 Sch. 16 para. 24 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

25 In section 14 (destination of reports: maintained schools), omit subsection (3).

Commencement Information
I337 Sch. 16 para. 25 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

26 In section 14A (destination of interim statements: maintained schools), omit subsection (3).

Commencement Information
I338 Sch. 16 para. 26 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

27 In section 92 (joint exercise of functions), in subsection (2), omit "the Young People's Learning Agency for England,".

Commencement Information
I339 Sch. 16 para. 27 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

28 In section 108 (supply of information: education maintenance allowances), in subsection (3), omit paragraph (ba).

Commencement Information
I340 Sch. 16 para. 28 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

EIA 2006

29 EIA 2006 is amended as follows.

Commencement Information
I341 Sch. 16 para. 29 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

30 (1) Section 123 (inspection of further education and training: education and training to which Chapter applies) is amended as follows.

(2) In subsection (1), in paragraphs (b), (c) and (g), for "YPLA" substitute " Secretary of State ".

(3) In subsection (3)(a), omit "61(4)(f) or".

Commencement Information
I342 Sch. 16 para. 30 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Education Act 2011 is up to date with all changes known to be in force on or before 24 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)*

31 In section 124 (inspection of education and training to which Chapter applies), in subsection (5), omit paragraph (b).

Commencement Information
I343 Sch. 16 para. 31 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

32 In section 125 (inspection of further education institutions), in subsection (5), omit paragraph (b).

Commencement Information
I344 Sch. 16 para. 32 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

33 In section 126 (other inspections), in subsection (4), omit paragraph (b).

Commencement Information
I345 Sch. 16 para. 33 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

34 In section 128 (area inspections), in subsection (3)(a), for "YPLA" substitute " Secretary of State ".

Commencement Information
I346 Sch. 16 para. 34 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

35 In section 129 (reports of area inspections), in subsection (2), omit paragraph (b).

Commencement Information
I347 Sch. 16 para. 35 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

36 (1) Section 130 (action plans following area inspections) is amended as follows.

(2) In subsection (2), for "a relevant body" substitute " the Chief Executive ".

(3) In subsections (4) and (5), for "body" substitute " Chief Executive ".

(4) Omit subsection (6).

Commencement Information
I348 Sch. 16 para. 36 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

37 In section 159(1) (interpretation of Part 8), omit the definition of "the YPLA".

Commencement Information
I349 Sch. 16 para. 37 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

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Safeguarding Vulnerable Groups Act 2006 (c. 47)

38 In Schedule 7 to the Safeguarding Vulnerable Groups Act 2006 (vetting information), in the table in paragraph 1, in column 1 of entry 18—

(a) omit "61 or";

(b) after "2009" insert " , section 14 of the Education Act 2002 ".

Commencement Information

I350 Sch. 16 para. 38 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Local Government and Public Involvement in Health Act 2007 (c. 28)

39 In section 104 of the Local Government and Public Involvement in Health Act 2007 (partner authorities), in subsection (4), omit paragraph (fa).

Commencement Information

I351 Sch. 16 para. 39 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

ESA 2008

40 ESA 2008 is amended as follows.

Commencement Information

I352 Sch. 16 para. 40 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

41 In section 13 (notification of non-compliance with section 2 duty), in subsection (5), in paragraph (f) of the definition of "educational institution", for "Young People's Learning Agency for England" substitute " Secretary of State ".

Commencement Information

I353 Sch. 16 para. 41 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

42 In section 72 (educational institutions: duty to provide information), in subsection (5), in paragraph (f) of the definition of "educational institution", for "Young People's Learning Agency for England" substitute " Secretary of State ".

Commencement Information

I354 Sch. 16 para. 42 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

43 In section 77 (supply of information by public bodies), in subsection (2)(b), for "Young People's Learning Agency for England" substitute " Secretary of State ".

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Commencement Information
I355 Sch. 16 para. 43 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

44 In section 132 (providers of independent education or training for 16 to 18 year olds), in subsection (2)(b)(iv), for "Young People's Learning Agency for England" substitute " Secretary of State ".

Commencement Information
I356 Sch. 16 para. 44 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Local Democracy, Economic Development and Construction Act 2009 (c. 20)

F22 45 . . . . . .

Textual Amendments
F22 Sch. 16 para. 45 omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), **ss. 102(2)(b)**, 115(3)(k)

ASCLA 2009

46 ASCLA 2009 is amended as follows.

Commencement Information
I357 Sch. 16 para. 46 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

47 In section 107 (provision of services), in subsection (4), omit paragraph (e).

Commencement Information
I358 Sch. 16 para. 47 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

48 (1) Section 122 (sharing of information for education and training purposes) is amended as follows.

(2) In subsection (3)(b), for "Young People's Learning Agency for England" substitute " Secretary of State ".

(3) In subsection (5)(b), for "Young People's Learning Agency for England" substitute " Secretary of State relating to education or training ".

Commencement Information
I359 Sch. 16 para. 48 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

49 In Schedule 6 (dissolution of the Learning and Skills Council for England: minor and consequential amendments), omit paragraphs 54 to 56 and 57(b).

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Commencement Information
I360 Sch. 16 para. 49 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

50 In Schedule 12 (Ofqual and the QCDA: minor and consequential amendments), omit paragraph 28(3).

Commencement Information
I361 Sch. 16 para. 50 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

SCHEDULE 17

Section 68

ABOLITION OF THE YPLA: TRANSFER SCHEMES

Staff transfer schemes

1 The Secretary of State may make a scheme (a "staff transfer scheme") providing for designated employees of the YPLA—
(a) to become members of staff of the Secretary of State (and accordingly to become employed in the civil service of the state), or
(b) to be transferred to a permitted transferee.

Commencement Information
I362 Sch. 17 para. 1 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

2 (1) This paragraph applies where a staff transfer scheme provides for an employee of the YPLA to become a member of staff of the Secretary of State.

(2) The staff transfer scheme may provide—
(a) so far as may be consistent with employment in the civil service of the state, for the terms and conditions of the employee's employment with the YPLA to have effect as if they were the conditions of service as a member of the Secretary of State's staff;
(b) for the transfer to the Secretary of State of the rights, powers, duties and liabilities of the YPLA under or in connection with the employee's contract of employment;
(c) for anything done (or having effect as if done) before that transfer by or in relation to the YPLA in respect of such a contract or the employee to be treated as having been done by or in relation to the Secretary of State.

(3) The staff transfer scheme may provide for a period before the employee became a member of the Secretary of State's staff to count as a period during which the employee was a member of the Secretary of State's staff (and for the operation of the scheme not to be treated as having interrupted the continuity of that period).

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(4) The staff transfer scheme may provide for the employee not to become a member of the Secretary of State's staff if the employee gives notice objecting to the operation of the scheme in relation to the employee.

(5) The staff transfer scheme may provide for a person who would be treated (by an enactment or otherwise) as being dismissed by the operation of the scheme not to be so treated.

(6) The staff transfer scheme may provide for an employee of the YPLA to become a member of the Secretary of State's staff despite any provision, of whatever nature, which would otherwise prevent the person from being employed in the civil service of the state.

Commencement Information
I363 Sch. 17 para. 2 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

3 (1) This paragraph applies where a staff transfer scheme provides for the transfer of an employee of the YPLA to a permitted transferee.

(2) The staff transfer scheme may provide—

(a) for the employee's contract of employment to have effect (subject to any necessary modifications)—

(i) as if originally made between the employee and the permitted transferee, or

(ii) as the conditions of service as a member of the permitted transferee's staff;

(b) for the transfer to the permitted transferee of the rights, powers, duties and liabilities of the YPLA under or in connection with the employee's contract of employment;

(c) for anything done (or having effect as if done) before that transfer by or in relation to the YPLA in respect of such a contract or the employee to be treated as having been done by or in relation to the permitted transferee.

(3) The staff transfer scheme may provide for a period before the employee became a member of the permitted transferee's staff to count as a period during which the employee was a member of the permitted transferee's staff (and for the operation of the scheme not to be treated as having interrupted the continuity of that period).

(4) The staff transfer scheme may provide for the employee not to become a member of the permitted transferee's staff if the employee gives notice objecting to the operation of the scheme in relation to the employee.

(5) The staff transfer scheme may provide for any person who would be treated (by an enactment or otherwise) as being dismissed by the operation of the scheme not to be so treated.

(6) The staff transfer scheme may provide for the transfer of an employee of the YPLA to a permitted transferee despite any provision, of whatever nature, which would otherwise prevent the employee from being so transferred.

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
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Commencement Information
I364 Sch. 17 para. 3 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Property transfer schemes

4 (1) The Secretary of State may make a scheme (a "property transfer scheme") providing for the transfer from the YPLA of designated property, rights or liabilities of the YPLA to—
(a) the Secretary of State, or
(b) a permitted transferee.

(2) 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 anything done by or in relation to the YPLA 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.

(3) 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.

Commencement Information
I365 Sch. 17 para. 4 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Continuity

5 A transfer by virtue of a staff transfer scheme or a property transfer scheme does not affect the validity of anything done by or in relation to the YPLA before the transfer takes effect.

Commencement Information
I366 Sch. 17 para. 5 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Supplementary provision etc.

6 A staff transfer scheme or a property transfer scheme may include supplementary, incidental, transitional and consequential provision.

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
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Commencement Information
I367 Sch. 17 para. 6 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Interpretation

7 In this Schedule—

"designated", in relation to a staff transfer scheme or a property transfer scheme, means specified in, or determined in accordance with, the scheme;

"permitted transferee" means a person specified in an order made by the Secretary of State;

"the YPLA" means the Young People's Learning Agency for England.

Commencement Information
I368 Sch. 17 para. 7 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

SCHEDULE 18

Section 69

THE APPRENTICESHIP OFFER: CONSEQUENTIAL AMENDMENTS

1 ASCLA 2009 is amended as follows.

Commencement Information
I369 Sch. 18 para. 1 in force at 1.9.2012 by S.I. 2012/1087, **art. 3**

2 In section 27(1) (contents of specification of apprenticeship standards for England)—

(a) after paragraph (a) insert " and ";

(b) omit paragraph (c) and the "and" immediately before it.

Commencement Information
I370 Sch. 18 para. 2 in force at 1.9.2012 by S.I. 2012/1087, **art. 3**

3 In section 36(5) (power to apply provisions with modifications in application to Crown servants etc), omit ", or any of sections 91 to 99,".

Commencement Information
I371 Sch. 18 para. 3 in force at 1.9.2012 by S.I. 2012/1087, **art. 3**

F23 4 . . . . . .

Status: *Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.*
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Textual Amendments

F23 Sch. 18 para. 4 omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(3)(g), **Sch. 14 para. 65(d)**

5 In section 83, for the heading substitute " Power to secure provision of apprenticeship training ".

Commencement Information

I372 Sch. 18 para. 5 in force at 1.9.2012 by S.I. 2012/1087, **art. 3**

F24 6 . . . . . .

Textual Amendments

F24 Sch. 18 para. 6 omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(3)(g), **Sch. 14 para. 65(d)**

7 In section 86 (education and training for persons aged 19 or over or subject to adult detention), in subsection (2), after "that section" insert " 83A or ".

Commencement Information

I373 Sch. 18 para. 7 in force at 1.9.2012 by S.I. 2012/1087, **art. 3**

8 Sections 91 to 99 (functions of the Chief Executive of Skills Funding: the apprenticeship offer) are repealed.

Commencement Information

I374 Sch. 18 para. 8 in force at 1.9.2012 by S.I. 2012/1087, **art. 3**

9 In section 100(1) (power of Chief Executive to secure provision of financial resources), omit paragraph (i).

Commencement Information

I375 Sch. 18 para. 9 in force at 1.9.2012 by S.I. 2012/1087, **art. 3**

10 Section 104 (assistance and support in relation to apprenticeship places) is repealed.

Commencement Information

I376 Sch. 18 para. 10 in force at 1.9.2012 by S.I. 2012/1087, **art. 3**

11 In section 105 (promoting progression from level 2 to level 3 apprenticeships), for subsection (5) substitute—

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"(5) In this section "apprenticeship certificate" means an apprenticeship certificate issued under section 3 or 4.

(6) A reference in this section to an apprenticeship certificate at any level includes a reference to a certificate or other evidence (including a certificate awarded or evidence provided by a person outside England) which appears to the Chief Executive to be evidence of experience and attainment at a comparable or higher level."

Commencement Information
I377 Sch. 18 para. 11 in force at 1.9.2012 by S.I. 2012/1087, **art. 3**

12 In section 121(3) (interpretation of Part 4: training within the Chief Executive's remit), after paragraph (a) insert—

"(aa) training falling within section 83A(1),".

Commencement Information
I378 Sch. 18 para. 12 in force at 1.9.2012 by S.I. 2012/1087, **art. 3**

13 (1) Section 262 (orders and regulations) is amended as follows.

(2) After subsection (3) insert—

"(3A) An order under section 83A(12) may amend, repeal or revoke any provision of, or in an instrument made under, this or any other Act."

(3) Omit subsection (4).

(4) In subsection (6) (orders and regulations subject to affirmative resolution)—

(a) before paragraph (b) insert—

"(ab) an order under section 83A(12);";

(b) omit paragraph (c).

Commencement Information
I379 Sch. 18 para. 13 in force at 1.9.2012 by S.I. 2012/1087, **art. 3**

14 In section 269 (commencement), omit subsection (5).

Commencement Information
I380 Sch. 18 para. 14 in force at 1.9.2012 by S.I. 2012/1087, **art. 3**

Status:
Point in time view as at 21/09/2015. This version of this Act contains provisions that are prospective.

Changes to legislation:
Education Act 2011 is up to date with all changes known to be in force on or before 24 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.