



Education Act 1997

1997 CHAPTER 44

An Act to amend the law relating to education in schools and further education in England and Wales; to make provision for the supervision of the awarding of external academic and vocational qualifications in England, Wales and Northern Ireland; and for connected purposes. [21st March 1997]

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:—

Extent Information

- E1** For the extent of this Act, see s. 58(5)-(7); amendments and repeals of enactments extending to S. and N.I. are co-extensive with those enactments.

Modifications etc. (not altering text)

- C1** Act: functions transferred (1.7.1999) in relation to specified provisions by [S.I. 1999/672](#), art. 2, [Sch.1](#)
Act applied (E.W.) (1.6.2001) by [S.I. 2001/1507](#), reg. 2, [Sch. 2 para. 2](#)
- C2** Act applied (1.4.2005) by [Central Sussex College \(Government\) Regulations 2005](#) (S.I. 2005/397), [Sch. 2 para. 2](#)
- C3** Act modified (7.4.2005) by [Education Act 2005](#) (c. 18), s. [96\(2\)](#)
- C4** Education Acts modified (*temp.*) (1.4.2007) by [Education and Inspections Act 2006](#) (c. 40), s. 188(3), [Sch. 6 para. 3\(3\)](#); [S.I. 2007/935](#), art. 5(bb)

PART I

ASSISTED PLACES SCHEME

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Textual Amendments
F1 S. 1 repealed (1.9.1997) by 1997 c. 59, ss. 6(3), 7(3)(a), **Sch. Pt.I** (with s. 1(3))

PART II

SCHOOL DISCIPLINE

Responsibility for discipline

F2

Textual Amendments
F2 Ss. 2-3 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 208(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

F3

Textual Amendments
F3 Ss. 2-3 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 208(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

Power to restrain pupils

F4 **Power of members of staff to restrain pupils.**

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Textual Amendments
F4 S. 4 repealed (1.4.2007 for E.) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 18 Pt. 6**; S.I. 2007/935, art. 4(d)

Detention

F5 **Detention outside school hours lawful despite absence of parental consent.**

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Textual Amendments

F5 S. 5 repealed (1.4.2007 for E., 31.10.2010 for W.) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 18 Pt. 6](#); S.I. 2007/935, art. 4(d); S.I. 2010/2543, art. 2(m)

Commencement Information

II S. 5 wholly in force at 1.9.1998 see s. 58(3) and S.I. 1998/386, arts. 2(4), 4, [Sch. 1 Pt. IV](#), [Sch. 2 Pt. II](#) (subject to transitional provisions in [Sch. 2 Pt. II](#))

Exclusion of pupils from school

F6

Textual Amendments

F6 Ss. 6-8 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), [Sch. 30 para. 208\(b\)](#), [Sch.31](#) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), [Sch.1](#)

F7

Textual Amendments

F7 Ss. 6-8 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), [Sch. 30 para. 208\(b\)](#), [Sch.31](#) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), [Sch.1](#)

F8

Textual Amendments

F8 Ss. 6-8 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), [Sch. 30 para. 208\(b\)](#), [Sch.31](#) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), [Sch.1](#)

LEA plans

F9 **LEA plans relating to children with behavioural difficulties.**

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Textual Amendments

F9 S. 9 repealed (1.3.2005 for E., 1.9.2006 for W.) by [Children Act 2004 \(c. 31\)](#), [Sch. 5 Pt. 1](#); S.I. 2005/394, art. 2(1)(l); S.I. 2006/885, art. 3(b)

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PART III

SCHOOL ADMISSIONS

CHAPTER I

COUNTY AND VOLUNTARY SCHOOLS

Partially-selective schools

F1010

Textual Amendments

F10 Pt. III (ss. 10-14) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 208(c), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

Children permanently excluded from two or more schools

F1111

Textual Amendments

F11 Pt. III (ss. 10-14) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 208(c), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

F1212

Textual Amendments

F12 Pt. III (ss. 10-14) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 208(c), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

PROSPECTIVE

Home-school partnership documents

F1313

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Textual Amendments

F13 Pt. III (ss. 10-14) repealed (1.2.1999 to the extent that it relates to the repeal of s. 13 of the amended Act) by 1998 c. 31, ss. 140(1)(3), Sch. 30 para. 208(c), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(3), **Sch.1 Pt. III**

CHAPTER II

GRANT-MAINTAINED SCHOOLS

F14 14

Textual Amendments

F14 Pt. III (ss. 10-14) repealed (1.9.1999) by 1998 c. 31, s.140(1)(3), Sch. 30 para. 208(c), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

PART IV

BASELINE ASSESSMENTS AND PUPILS’ PERFORMANCE

F15F15 **CHAPTER I**

Textual Amendments

F15 Pt. IV Ch. I repealed (2.9.2002 except in relation to W.) by Education Act 2002 (c. 32), ss. 204, 215(2), 216, **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/2002, **art. 4**

CHAPTER II

PUPILS’ PERFORMANCE

19 **School performance targets.**

(1) The Secretary of State may by regulations make such provision as the Secretary of State considers appropriate for requiring the governing bodies of maintained schools to secure that annual targets are set in respect of the performance of pupils—

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- (a) in public examinations or in assessments for the purposes of the National Curriculum, in the case of pupils of compulsory school age; or
 - (b) in public examinations or in connection with the attainment of other external qualifications, in the case of pupils of any age over that age.
- (2) Regulations under this section may require—
- (a) such targets, and
 - (b) the past performance of pupils in the particular examinations or assessments, or in connection with the attainment of the particular qualifications, to which such targets relate,
- to be published in such manner as is specified in the regulations.
- [^{F22}(3) In this section “maintained school” means—
- (a) a community, foundation or voluntary school, or
 - (b) a community or foundation special school (other than one established in a hospital).]

Textual Amendments

F22 S. 19(3) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.213** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

20 Provision of information about individual pupils' performance.

After section 537 of the ^{M1}Education Act 1996 there shall be inserted—

“537A Provision of information about individual pupils' performance.

- (1) The Secretary of State may by regulations make provision requiring—
- (a) the governing body of every school which is—
 - (i) maintained by a local education authority, or
 - (ii) a grant-maintained school, or
 - (iii) a special school which is not maintained by a local education authority, and
 - (b) the proprietor of each independent school,
- to provide to the Secretary of State such individual performance information relating to pupils or former pupils at the school as may be prescribed.
- (2) In this section “individual performance information” means information about the performance of individual pupils (identified in the prescribed manner)—
- (a) in any assessment made for the purposes of the National Curriculum or in accordance with a baseline assessment scheme (within the meaning of Chapter I of Part IV of the Education Act 1997);
 - (b) in any prescribed public examination;
 - (c) in connection with the attainment of any vocational qualification; or
 - (d) in any such other assessment or examination, or in connection with the attainment of any such other qualification, as may be prescribed.
- (3) The Secretary of State may provide any information received by him by virtue of subsection (1)—

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- (a) to any prescribed body or person, or
 - (b) to any body or person falling within a prescribed category.
- (4) Any body or person holding any individual performance information may provide that information to any body to which this subsection applies; and any body to which this subsection applies—
- (a) may provide any information received by it under this subsection—
 - (i) to the Secretary of State, or
 - (ii) to the governing body or proprietor of the school attended by the pupil or pupils to whom the information relates; and
 - (b) may, at such times as the Secretary of State may determine, provide to any prescribed body such information received by it under this subsection as may be prescribed.
- (5) Subsection (4) applies to any body which, for the purposes of or in connection with the functions of the Secretary of State relating to education, is responsible for collating or checking information relating to the performance of pupils—
- (a) in any assessment or examination falling within subsection (2)(a), (b) or (d), or
 - (b) in connection with the attainment of any qualification falling within subsection (2)(c) or (d).
- (6) No individual performance information received under or by virtue of this section shall be published in any form which includes the name of the pupil or pupils to whom it relates.
- (7) References in this section to the attainment of a qualification of any description include references to the completion of any module or part of a course leading to any such qualification.”

Marginal Citations

M1 1996 c. 56.

PART V

SUPERVISION OF CURRICULUM FOR SCHOOLS AND EXTERNAL QUALIFICATIONS

CHAPTER I

THE QUALIFICATIONS AND CURRICULUM AUTHORITY

Establishment of the Authority

F23 **21 The Qualifications and Curriculum Authority.**

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Textual Amendments

F23 Ss. 21-26A repealed (1.4.2010 for E., 1.11.2010 for W.) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), Sch. 12 para. 13, **Sch. 16 Pt. 4**; S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2(a) (with arts. 3-5)

Modifications etc. (not altering text)

C7 S. 21 modified (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), **ss. 175(1)**, 269(4); S.I. 2010/1151, art. 2, Sch. 1

Functions of the Authority

F23 22 General function of Authority to advance education and training.

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Textual Amendments

F23 Ss. 21-26A repealed (1.4.2010 for E., 1.11.2010 for W.) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), Sch. 12 para. 13, **Sch. 16 Pt. 4**; S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2(a) (with arts. 3-5)

F23 23 Functions of the Authority in relation to curriculum and assessment.

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Textual Amendments

F23 Ss. 21-26A repealed (1.4.2010 for E., 1.11.2010 for W.) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), Sch. 12 para. 13, **Sch. 16 Pt. 4**; S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2(a) (with arts. 3-5)

F23 24 Functions of the Authority in relation to external vocational and academic qualifications.

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Textual Amendments

F23 Ss. 21-26A repealed (1.4.2010 for E., 1.11.2010 for W.) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), Sch. 12 para. 13, **Sch. 16 Pt. 4**; S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2(a) (with arts. 3-5)

F23 25 Other functions of the Authority.

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Textual Amendments

F23 Ss. 21-26A repealed (1.4.2010 for E., 1.11.2010 for W.) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), Sch. 12 para. 13, **Sch. 16 Pt. 4**; S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2(a) (with arts. 3-5)

F23 **26 Supplementary provisions relating to discharge by Authority of their functions.**

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Textual Amendments

F23 Ss. 21-26A repealed (1.4.2010 for E., 1.11.2010 for W.) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), Sch. 12 para. 13, **Sch. 16 Pt. 4**; S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2(a) (with arts. 3-5)

F23 **F24** **26A Power of Authority to give directions**

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Textual Amendments

F23 Ss. 21-26A repealed (1.4.2010 for E., 1.11.2010 for W.) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), Sch. 12 para. 13, **Sch. 16 Pt. 4**; S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2(a) (with arts. 3-5)
F24 S. 26A inserted (1.10.2002) by [Education Act 2002 \(c. 32\)](#), s. 189, **Sch. 17 para. 4** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 2**

CHAPTER II

[F25] FUNCTIONS OF THE NATIONAL ASSEMBLY FOR WALES

Textual Amendments

F25 Pt. V Ch. II heading substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 8** (with art. 7)

F26 ...

Textual Amendments

F26 S. 27 crossheading omitted (1.4.2006) by virtue of [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 9** (with art. 7)

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^{F27}27 **The Qualifications, Curriculum and Assessment Authority for Wales.**

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Textual Amendments

- F27** S. 27 omitted (1.4.2006) by virtue of [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 9** (with art. 7)

Functions of the [^{F28}National Assembly for Wales]

Textual Amendments

- F28** Words in s. 28 cross-heading substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 10** (with art. 7)

28 **General function of [^{F29}National Assembly for Wales] to advance education and training.**

- (1) The functions conferred on the [^{F30}National Assembly for Wales] by this Part shall be exercised by [^{F31}the National Assembly for Wales] for the purpose of advancing education and training in Wales.
- (2) [^{F32}The National Assembly for Wales] shall exercise [^{F33}its functions] under this Part with a view to promoting quality and coherence in education and training in relation to which [^{F34}it has] functions under this Part.

Textual Amendments

- F29** Words in s. 28 heading substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 10** (with art. 7)
- F30** Words in s. 28(1) substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 11(a)(i)** (with art. 7)
- F31** Words in s. 28(1) substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 11(a)(ii)** (with art. 7)
- F32** Words in s. 28(2) substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 11(b)(i)** (with art. 7)
- F33** Words in s. 28(2) substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 11(b)(ii)** (with art. 7)
- F34** Words in s. 28(2) substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 11(b)(iii)** (with art. 7)

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29 Functions of the [F35 National Assembly for Wales] in relation to curriculum and assessment.

(1) [F36 The National Assembly for Wales] shall have the functions set out in subsection (2) [F37 with respect to—

- (a) pupils at maintained schools in Wales who have not ceased to be of compulsory school age,
- (b) pupils at maintained nursery schools in Wales, and
- (c) children for whom funded nursery education is provided in Wales otherwise than at a maintained school or maintained nursery school.]

(2) The functions are—

(a) to keep under review all aspects of the curriculum for [F38 maintained schools or maintained nursery schools] and all aspects of school examinations and assessment;

[F39](b)

[F40](c)

(d) to publish and disseminate, and assist in the publication and dissemination of, information relating to the curriculum for such schools or to school examinations and assessment;

(e) to make arrangements with appropriate bodies for auditing the quality of assessments made in pursuance of assessment arrangements; [F41] . . .

(f) [F41]

[F42](2A) In subsection (2) references to the curriculum for a maintained nursery school include references to the curriculum for any funded nursery education provided as mentioned in subsection (1)(c); and references to assessment in schools include references to assessment in funded nursery education.]

(3) The Authority shall have, in relation to Wales, the function of developing learning goals and related materials for children who are [F43 under compulsory school age.]

(4) The Authority shall have, in relation to Wales, the following functions in connection with baseline assessment schemes (within the meaning of Chapter I of Part IV), namely—

(a) if designated by the Secretary of State for the purpose, any function of a designated body under that Chapter; and

(b) any other function which may be conferred on the Authority by the Secretary of State.

(5) In this section “assessment” and “maintained school” have the same meaning as in section 23 [F44]; and “funded nursery education” has the meaning given by section 98 of the Education Act 2002;]

Textual Amendments

F35 Words in s. 29 heading substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 12** (with art. 7)

F36 Words in s. 29(1) substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 13(a)** (with art. 7)

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- F37** Words in s. 29(1) substituted (19.12.2002) by Education Act 2002 (c. 32), **Sch. 17 para. 5(2)** (with ss. 210(8), 214(4)); S.I. 2002/3185, arts. 2, 4, Sch. Pt. 1
- F38** Words in s. 29(2)(a) substituted (19.12.2002) by Education Act 2002 (c. 32), s. 189, **Sch. 17 para. 5(3)(a)** (with ss. 210(8), 214(4)); S.I. 2002/3185, arts. 2, 4, Sch. Pt. 1
- F39** S. 29(2)(b) omitted (1.4.2006) by virtue of Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 13(b)(i)** (with art. 7)
- F40** S. 29(2)(c) omitted (1.4.2006) by virtue of Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 13(b)(ii)** (with art. 7)
- F41** S. 29(2)(f) and preceding word repealed (19.12.2002) by Education Act 2002 (c. 32), ss. 189, 215(2), Sch. 17 para. 5(3)(b), **Sch. 22 Pt. 2** (with ss. 210(8), 214(4)); S.I. 2002/3185, arts. 2, 4, Sch. Pt. 1
- F42** S. 29(2A) inserted (19.12.2002) by Education Act 2002 (c. 32), s. 189, **Sch. 17 para. 5(4)** (with ss. 210(8), 214(4)); S.I. 2002/3185, arts. 2, 4, Sch. Pt. 1
- F43** Words in s. 29(3) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 215** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F44** Words in s. 29(5) inserted (19.12.2002) by virtue of Education Act 2002 (c. 32), s. 189, **Sch. 17 para. 5(6)** (with ss. 210(8), 214(4)); S.I. 2002/3185, arts. 2, 4, Sch. Pt. 1

Modifications etc. (not altering text)

- C8** S. 29 modified (temp.) (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), arts. 1(1), **7(4)** (with art. 7)

30 Functions of the [F45 National Assembly for Wales] in relation to external vocational and academic qualifications.

[F46(1) This section applies for the purposes of the following functions with respect to external qualifications in relation to Wales—

- F47(a) to keep under review all aspects of such qualifications;
- F47(b) to provide support and advice to persons providing courses leading to such qualifications with a view to establishing and maintaining high standards in the provision of such courses;
- F47(c) to publish and disseminate, and assist in the publication and dissemination of, information relating to such qualifications;
- [F48(ca) to develop and publish criteria for the recognition of persons who, as outside persons, award or authenticate such qualifications or credits in respect of components of such qualifications;
- (cb) to recognise, where they meet such criteria, any such persons who apply to be recognised;
- (d) to develop and publish criteria for the accreditation of such qualifications where they are awarded or authenticated by persons recognised under paragraph (cb);]
- F47(e) to accredit, where they meet such criteria, any such qualifications submitted for accreditation;
- [F49(ea) to develop and publish rules and procedures for dealing with the effect on the continued accreditation of such qualifications where any person awarding or authenticating them ceases to be recognised;]
- F47(f) to make arrangements (whether or not with others) for the development, setting or administration of tests or tasks which fall to be undertaken with

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a view to obtaining such qualifications and which fall within a prescribed description.]

[^{F50}(1A) In subsection (1) (d)—“criteria” includes criteria that are to be applied for the purpose of ensuring that the number of different accredited qualifications in similar subject areas or serving similar functions is not excessive; and paragraph (e) of that subsection is to be construed accordingly.]

[^{F51}(1B) The following functions are exercisable solely by the Welsh Ministers—
(a) the functions set out in paragraphs (ca) and (cb) of subsection (1); and
(b) the functions set out in the other paragraphs of that subsection so far as they relate to external qualifications other than National Vocational Qualifications.

(1C) The functions set out in those other paragraphs so far as they relate to National Vocations Qualifications are exercisable as follows—
(a) the functions set out in paragraphs (a) to (c), (d) and (ea) of subsection (1) are exercisable concurrently by the Welsh Ministers and the Qualifications and Curriculum Authority; and
(b) the functions set out in paragraphs (e) and (f) of that subsection are exercisable solely by the Qualifications and Curriculum Authority.

(1D) Subsections (1B) and (1C) are subject to any exercise of the power conferred by subsection (2).]

[^{F52}(2) The National Assembly for Wales may by order prescribe that—
(i) a function specified in subsection (1) which is for the time being exercisable solely by the Assembly shall be exercised concurrently by the Assembly and the Qualifications and Curriculum Authority;
(ii) such a function which is for the time being exercisable solely by the Qualifications and Curriculum Authority shall be exercised either concurrently by that Authority and the Assembly or solely by the Assembly;
(iii) such a function which is for the time being exercisable concurrently by the Qualifications and Curriculum Authority and the Assembly shall be exercised solely by the Assembly.]

[^{F53}(3) The Authority shall have, in relation to Wales, the following functions with respect to external qualifications, namely—
(a) if designated by the Secretary of State for the purpose, to advise the Secretary of State on the exercise of his powers under section 37 (approval of external qualifications); and
(b) if designated by the Secretary of State for the purpose, to exercise any functions conferred on a designated body by regulations under that section.]

^{F54}(4)

(5) In this section “external qualification” has the same meaning as in section 24.

[^{F55}(6) Subsection (7) of section 24 (interpretation of references to the award or authentication by outside persons of external qualifications or credits in respect of components of them) applies for the purposes of this section as it applies for the purposes of that section.]

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Textual Amendments

- F45** Words in s. 30 heading substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 14** (with art. 7)
- F46** S. 30(1) substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 15(a)** (with art. 7)
- F47** S. 30(1)(a)-(f): renumbered (31.3.2009 for W.) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 162(3)(a)**, 173(3)(4); S.I. 2009/784, art. 2(a)
- F48** S. 30(1)(ca)-(d) substituted for s. 30(1)(d) (31.3.2009 for W.) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 162(3)(b)**, 173(3)(4); S.I. 2009/784, art. 2(a)
- F49** S. 30(1)(ea) inserted (31.10.2009 for W.) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 162(3)(c)**, 173(3)(4); S.I. 2009/784, art. 5(a)
- F50** S. 30(1A)-(1C) inserted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 15(b)** (with art. 7)
- F51** S. 30(1B)-(1D) substituted for s. 30(1B)(1C) (31.3.2009 for W.) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 162(4)**, 173(3)(4); S.I. 2009/784, art. 2(a)
- F52** S. 30(2) substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 15(c)** (with art. 7)
- F53** S. 30(3) repealed (1.4.2001 for W. and otherwise *prosp.*) by [2000 c. 21](#), ss. 103(4)(c), 153, 154, **Sch. 11**; S.I. 2001/1274, art. 2, **Sch. Pt. I**
- F54** S. 30(4) omitted (1.4.2006) by virtue of [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 15(d)** (with art. 7)
- F55** S. 30(6) inserted (31.3.2009 for W.) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 162(5)**, 173(3)(4); S.I. 2009/784, art. 2(a)

Modifications etc. (not altering text)

- C9** S. 30(1) functions made exercisable (5.6.2009) by [The Functions in relation to External Qualifications \(Wales\) Order 2009 \(S.I. 2009/1220\)](#), **art. 1(3)2**

^{F56}31 Other functions of the Authority.

.....

Textual Amendments

- F56** S. 31 omitted (1.4.2006) by virtue of [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 16** (with art. 7)

32 Supplementary provisions relating to discharge by [^{F57}the National Assembly for Wales of its functions].

(1) In carrying out [^{F58}its functions] under this Part [^{F59}the National Assembly for Wales] shall—

^{F60}(a)

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- ^{F61}(b)
- (c) so far as relevant, have regard to—
- (i) the requirements of [^{F62}section 99 of the Education Act 2002] (general duties in respect of curriculum),
 - (ii) the requirements of industry, commerce, finance and the professions regarding education and training (including required standards of practical competence), and
 - (iii) the requirements of persons with special learning needs.
- (2) In carrying out those functions [^{F63}the National Assembly for Wales] shall in addition have regard to information supplied [^{F64}to it] by [^{F65}Her Majesty’s Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru] or by any body designated by the Secretary of State for the purposes of this section.
- (3) Where in carrying out any of [^{F66}its functions] under this Part [^{F67}the Assembly [^{F68}recognises any person or] accredits]^{F69}... any qualification, [^{F70}it may] do so on such terms (including terms as to payment) ^{F69}... as [^{F70}it may] determine.
- ^{F71}(3A) Where in carrying out those functions [^{F72}the National Assembly for Wales [^{F73}recognises any person or] accredits] any qualification, [^{F74}it may], at the time of [^{F75}recognition or of] accreditation or later, impose such conditions on [^{F76}recognition or] accreditation or continued [^{F77}recognition or] accreditation as [^{F74}it may] determine.]
- (4) Those conditions may in particular include conditions—
- (a) placing a limit on the amount of the fee that can be demanded in respect of any award or authentication of the qualification in question; and
 - ^{F78}(b) requiring rights of entry to premises and to inspect and copy documents so far as necessary for [^{F79}the National Assembly for Wales] —
 - (i) to satisfy [^{F80}itself] that the appropriate standards are being [^{F81}maintained by the recognised person in question in relation to the award or authentication of qualifications generally or in relation to the award or authentication of the qualification in question], or
 - (ii) to determine whether to impose a condition falling within paragraph (a) and if so what that condition should be.]
- ^{F82}(4A) Where authorised to do so under paragraph 2(3) of Schedule 4, the National Assembly for Wales may act as agent for the Qualifications and Curriculum Authority in connection with the exercise of any of that Authority’s functions in relation to Wales.]
- ^{F83}(5)
- (6) In this section “persons with special learning needs” has the same meaning as in section 26.

Textual Amendments

F57 Words in s. 32 heading substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 17** (with art. 7)

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- F58** Words in s. 32(1) substituted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 18(a)(i)** (with art. 7)
- F59** Words in s. 32(1) substituted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 18(a)(ii)** (with art. 7)
- F60** S. 32(1)(a) omitted (1.4.2006) by virtue of Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 18(a)(iii)** (with art. 7)
- F61** S. 32(1)(b) omitted (1.4.2006) by virtue of Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 18(a)(iii)** (with art. 7)
- F62** Words in s. 32(1)(c)(i) substituted (19.12.2002 for W., 1.3.2003 for E.) by Education Act 2002 (c. 32), s. 216(4), Sch. 21 para. 70 (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 4, Sch. Pt. 1; S.I. 2003/124, art. 2
- F63** Words in s. 32(2) substituted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 18(b)(i)** (with art. 7)
- F64** Words in s. 32(2) substituted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 18(b)(ii)** (with art. 7)
- F65** Words in s. 32(2) substituted (1.1.2001) by 2000 c. 21, s. 73(a); S.I. 2000/3230, art. 2, **Sch.**
- F66** Words in s. 32(3) substituted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 18(c)(i)** (with art. 7)
- F67** Words in s. 32(3) substituted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 18(c)(ii)** (with art. 7)
- F68** Words in s. 32(3) inserted (31.3.2009 for W.) by Education and Skills Act 2008 (c. 25), **ss. 162(7)**, 173(3)(4); S.I. 2009/784, art. 2(a)
- F69** Words in s. 32(3) repealed (19.12.2002) by Education Act 2002 (c. 32), ss. 189, 215(2), Sch. 17 para. 7(2), **Sch. 22 Pt. 2** (with ss. 210(8), 214(4)); S.I. 2002/3185, arts. 2, 4, Sch. Pt. 1
- F70** Words in s. 32(3) substituted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 18(c)(iii)** (with art. 7)
- F71** S. 32(3A) inserted (19.12.2002) by Education Act 2002 (c. 32), s. 189, **Sch. 17 para. 7(3)** (with ss. 210(8), 214(4)); S.I. 2002/3185, arts. 2, 4, Sch. Pt. 1
- F72** Words in s. 32(3A) substituted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 18(d)(i)** (with art. 7)
- F73** Words in s. 32(3A) inserted (31.3.2009 for W.) by Education and Skills Act 2008 (c. 25), **ss. 162(8)(a)**, 173(3)(4); S.I. 2009/784, art. 2(a)
- F74** Words in s. 32(3A) substituted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 18(d)(ii)** (with art. 7)
- F75** Words in s. 32(3A) inserted (31.3.2009 for W.) by Education and Skills Act 2008 (c. 25), **ss. 162(8)(b)**, 173(3)(4); S.I. 2009/784, art. 2(a)
- F76** Words in s. 32(3A) inserted (31.3.2009 for W.) by Education and Skills Act 2008 (c. 25), **ss. 162(8)(c)**, 173(3)(4); S.I. 2009/784, art. 2(a)
- F77** Words in s. 32(3A) inserted (31.3.2009 for W.) by Education and Skills Act 2008 (c. 25), **ss. 162(8)(d)**, 173(3)(4); S.I. 2009/784, art. 2(a)
- F78** S. 32(4)(b) substituted (19.12.2002) by Education Act 2002 (c. 32), s. 189, **Sch. 17 para. 7(4)** (with ss. 210(8), 214(4)); S.I. 2002/3185, arts. 2, 4, Sch. Pt. 1

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- F79** Words in s. 32(4)(b) substituted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 18(e)(i)** (with art. 7)
- F80** Word in s. 32(4)(b) substituted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 18(e)(ii)** (with art. 7)
- F81** Words in s. 32(4)(b)(i) substituted (31.3.2009 for W.) by Education and Skills Act 2008 (c. 25), **ss. 162(9), 173(3)(4)**; S.I. 2009/784, art. 2(a)
- F82** S. 32(4A) inserted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 18(f)** (with art. 7)
- F83** S. 32(5) omitted (1.4.2006) by virtue of Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 18(g)** (with art. 7)

[^{F84}32A Power of Welsh Ministers to give directions

- (1) If it appears to the Welsh Ministers—
- (a) that any recognised person has failed or is likely to fail to comply with any condition subject to which the recognition has effect, and
 - (b) that the failure—
 - (i) prejudices or would be likely to prejudice the proper award or authentication by that person of any qualification accredited by them or by the Qualifications and Curriculum Authority, or
 - (ii) prejudices or would be likely to prejudice persons who might reasonably be expected to seek to obtain any such qualification awarded or authenticated by that person,the Welsh Ministers may direct the recognised person to take or refrain from taking specified steps with a view to securing compliance with the conditions subject to which the recognition has effect.
- (2) If it appears to the Welsh Ministers—
- (a) that any recognised person who awards or authenticates any qualification accredited by them has failed or is likely to fail to comply with any condition subject to which the accreditation has effect, and
 - (b) that the failure—
 - (i) prejudices or would be likely to prejudice the proper award or authentication of the qualification, or
 - (ii) prejudices or would be likely to prejudice persons who might reasonably be expected to seek to obtain the qualification,the Welsh Ministers may direct the recognised person to take or refrain from taking specified steps with a view to securing compliance with the conditions subject to which the accreditation has effect.
- (3) It shall be the duty of the recognised person to comply with any direction under this section.
- (4) Any direction under this section is enforceable, on the application of the Welsh Ministers, by a mandatory order.
- (5) In this section “recognised person” means a person recognised by the Welsh Ministers.

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- (6) In this section any reference to the award or authentication of any qualification by any person is a reference to its award or authentication by any person alone or jointly with others.]

Textual Amendments

F84 S. 32A substituted (31.3.2009 for W.) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 162(10)**, 173(3)(4); [S.I. 2009/784](#), art. 2(a)

CHAPTER III

PROVISIONS SUPPLEMENTARY TO CHAPTERS I AND II

Dissolution of existing bodies

^{F85}33 **Dissolution of existing bodies.**

.....

Textual Amendments

F85 S. 33 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 7**

Transfer of property and staff

^{F86}34 **Transfer of property.**

.....

Textual Amendments

F86 S. 34 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 7**

35 **Transfer of staff.**

(1) This section applies to any person who—

- (a) is employed by the National Council for Vocational Qualifications (“the NCVQ”) or the School Curriculum and Assessment Authority (“the SCAA”) immediately before section 21 comes into force, and
- (b) is designated as respects the Qualifications and Curriculum Authority ^{F87}... by order of the Secretary of State;

and in this section “the relevant Authority” means, in relation to any such person, [^{F88}the Qualifications and Curriculum Authority][^{F89}], known instead as the Qualifications and Curriculum Development Agency from the day on which section 175 of the Apprenticeships, Skills, Children and Learning Act 2009 comes into force].

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- (2) A contract of employment between a person to whom this section applies and the NCVQ or the SCAA shall have effect, from the day on which the order under subsection (1)(b) comes into force, as if originally made between him and the relevant Authority.
- (3) Without prejudice to subsection (2)—
 - (a) all the rights, powers, duties and liabilities of the NCVQ or the SCAA under or in connection with a contract to which that subsection applies shall by virtue of that subsection be transferred to the relevant Authority on the day on which the order under subsection (1)(b) comes into force, and
 - (b) anything done before that day by or in relation to the NCVQ or the SCAA in respect of that contract or the employee shall be deemed from that day to have been done by or in relation to the relevant Authority.
- (4) Subsections (2) and (3) are without prejudice to any right of an employee to terminate his contract of employment if his working conditions are changed substantially to his detriment; but such a change shall not be taken to have occurred by reason only of the change in employer effected by subsection (2).
- (5) In subsection (4) the reference to an employee's working conditions includes a reference to any rights (whether accrued or contingent) under any pension or superannuation scheme of which he was a member by virtue of his employment with the NCVQ or the SCAA (as the case may be).
- (6) An order under subsection (1)(b) may designate a person either individually or as falling within a class or description of employee.
- (7) No order under subsection (1)(b) may be made after the end of the period of six months beginning with the day on which section 21 comes into force.
- (8) Any order under subsection (1)(b) made before the day on which section 21 comes into force shall come into force on that day.
- (9) The Secretary of State may by order provide that there shall be substituted for the period mentioned in subsection (7) such shorter period as he may specify in the order, being a period ending no earlier than the day on which the order comes into force.

Textual Amendments

- F87** Words in s. 35(1)(b) omitted (1.4.2006) by virtue of [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 21(a)** (with art. 7)
- F88** Words in s. 35(1) substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 21(b)** (with art. 7)
- F89** Words in s. 35(1) inserted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), **Sch. 12 para. 20**; S.I. 2010/1151, art. 2, Sch. 1

Levy on bodies awarding accredited qualifications

^{F90}**36 Levy on bodies awarding qualifications accredited by relevant body.**

.....

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Textual Amendments

F90 S. 36 repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), Sch. 12 para. 21, **Sch. 16 Pt. 4**; S.I. 2010/1151, art. 2, Sch. 1

CHAPTER IV

CONTROL OF CERTAIN COURSES LEADING TO EXTERNAL QUALIFICATIONS

^{F91}37 Requirement for approval of certain publicly-funded and school courses leading to external qualifications.

.....

Textual Amendments

F91 S. 37 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 7**

PART VI

INSPECTION OF LOCAL EDUCATION AUTHORITIES AND SCHOOL INSPECTIONS

CHAPTER I

INSPECTION OF LOCAL EDUCATION AUTHORITIES

38 Inspection of LEAs.

- (1) The Chief Inspector—
 - (a) may, and
 - (b) if requested to do so by the Secretary of State, shall,
 arrange for any local education authority to be inspected under this section.

^{F92}(2)

[^{F93}(2A) An inspection of a local education authority in Wales under this section shall consist of a review of the way in which the authority are performing—

- (a) any function conferred on them in their capacity as a local education authority; and
- (b) the functions conferred on them under sections 25 and 26 [^{F94}of the Children Act 2004] so far as relating to education, training or youth support services (within the meaning of section 123 of the Learning and Skills Act 2000).]

(3) A request by the Secretary of State under this section may relate to one or more local education authorities, and shall specify both—

- (a) the local education authority or authorities concerned, and
- (b) the functions of theirs to which the inspection is to relate.

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- (4) Before making any such request the Secretary of State shall consult the Chief Inspector as to the matters to be specified in the request in accordance with subsection (3).
- (5) Any inspection under this section shall be conducted—
- (a) by one of Her Majesty’s Inspectors of Schools in ^{F95}... Wales, or
 - (b) by any additional inspector authorised under ^{F96}... [^{F97}paragraph 2 of Schedule 2 to [^{F98}the Education Act 2005]];
- but he may be assisted by such other persons (whether or not members of the Chief Inspector’s staff) as the Chief Inspector thinks fit.
- (6) For the purposes of this section a local education authority shall provide the Chief Inspector with such information as may be prescribed, and shall do so in such form and—
- (a) within such period following a request made by the Chief Inspector in any prescribed circumstances, or
 - (b) at such other times,
- as regulations may provide.
- (7) In this section and sections 39 to [^{F99}41A] “the Chief Inspector” means—
- ^{F100}(a)
 - (b) in relation to a local education authority in Wales, [^{F101}Her Majesty’s Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhyddros Addysg a Hyfforddiant yng Nghymru];
- and in those sections references to “the inspector” in relation to an inspection under this section are references to the person conducting the inspection.

Textual Amendments

- F92** S. 38(2) repealed (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 14 para. 22(2), **Sch. 18 Pt. 5**; S.I. 2007/935, art. 5(gg)(ii)
- F93** S. 38(2)(2A) substituted for s. 38(2) (1.4.2005 for E., 31.7.2008 for W.) by Children Act 2004 (c. 31), ss. 51, 67(7)(e); S.I. 2005/394, art. 2(2)(e); S.I. 2008/1904, art. 2
- F94** Words in s. 38(2A)(b) inserted (1.4.2008) by Childcare Act 2006 (c. 21), s. 109(2), **Sch. 2 para. 28**; S.I. 2008/17, art. 3(b)
- F95** Words in s. 38(5)(a) repealed (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 14 para. 22(3)(a), **Sch. 18 Pt. 5**; S.I. 2007/935, art. 5(gg)(ii)
- F96** Words in s. 38(5)(b) repealed (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 14 para. 22(3)(b), **Sch. 18 Pt. 5**; S.I. 2007/935, art. 5(gg)(ii)
- F97** Words in s. 38(5)(b) substituted (1.9.2005 for E., 1.9.2006 for W.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 9 para. 11**; S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1
- F98** Words in s. 38(5)(b) substituted (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 14 para. 22(3)(b)**; S.I. 2007/935, art. 5(gg)
- F99** Word in s. 38(7) substituted (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 14 para. 22(4)(a)**; S.I. 2007/935, art. 5(gg)
- F100** S. 38(7)(a) repealed (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 14 para. 22(4)(b), **Sch. 18 Pt. 5**; S.I. 2007/935, art. 5(gg)(ii)
- F101** Words in s. 38(7)(a) substituted (1.1.2001) by 2000 c. 21, s. 73(a); S.I. 2000/3230, art. 2, **Sch.**

Modifications etc. (not altering text)

- C10** S. 38 modified (31.8.2008) by Childcare Act 2006 (c. 21), ss. 28, 109(2); S.I. 2008/17, art. 2(a)

Status: Point in time view as at 01/04/2010. This version of this Act contains provisions that are prospective.

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C11 S. 38(5) applied (E.) (1.9.2005) by [Children Act 2004 \(Joint Area Reviews\) Regulations 2005 \(S.I. 2005/1973\)](#), reg. 1(1), [Sch. para. 2\(a\)](#)

39 Reports of inspections under s. 38 and action plan by LEA.

- (1) Where an inspection under section 38 has been completed, the inspector shall make a written report on the matters reviewed in the course of the inspection, and shall send copies of the report to—
 - (a) any local education authority to which the inspection relates; and
 - (b) the Secretary of State.
- (2) Where a local education authority receive a copy of a report under this section, they shall prepare a written statement of the action which they propose to take in the light of the report and the period within which they propose to take it.
- (3) The authority shall publish—
 - (a) the report, and
 - (b) the statement prepared under subsection (2),
 within such period, and in such manner, as may be prescribed.
- (4) The Chief Inspector may arrange for any report under this section to be published in such manner as he considers appropriate^{F102}; and ^{F103}... [^{F104}section 29(2) to (4) of [^{F105}the Education Act 2005]] shall apply in relation to the publication of any such report as they apply in relation to the publication of a report under any of the provisions mentioned in ^{F106}... [^{F107}section 29(2)].]

Textual Amendments

- F102** Words in s. 39(4) inserted (1.10.1998) by [1998 c. 31, s. 134\(3\)](#) (with ss. 138(9), 144(6)); [S.I. 1998/2212, art. 2, Sch.1 Pt. 1](#)
- F103** Words in s. 39(4) repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\), s. 188\(3\), Sch. 14 para. 23\(a\), Sch. 18 Pt. 5](#); [S.I. 2007/935, art. 5\(gg\)\(ii\)](#)
- F104** Words in s. 39(4) substituted (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 9 para. 12\(a\)](#); [S.I. 2005/2034, art. 4](#); [S.I. 2006/1338, art. 3, Sch. 1](#)
- F105** Words in s. 39(4) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\), s. 188\(3\), Sch. 14 para. 23\(b\)](#); [S.I. 2007/935, art. 5\(gg\)](#)
- F106** Words in s. 39(4) repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\), s. 188\(3\), Sch. 14 para. 23\(c\), Sch. 18 Pt. 5](#); [S.I. 2007/935, art. 5\(gg\)\(ii\)](#)
- F107** Words in s. 39(4) substituted (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 9 para. 12\(b\)](#); [S.I. 2005/2034, art. 4](#); [S.I. 2006/1338, art. 3, Sch. 1](#)

Modifications etc. (not altering text)

- C12** S. 39: functions of a local education authority made exercisable (E.) (1.4.2002) by authorised persons by [Contracting Out \(Local Education Authority Functions\) \(England\) Order 2002 \(S.I. 2002/928\)](#), art. 3, [Sch. 3\(j\)](#)

^{F108}40 Inspector's rights of entry etc.

- (1) This section applies where a local education authority are inspected under section 38.

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- (2) The inspector, and any person assisting him, shall have at all reasonable times a right of entry to—
- (a) the premises of the local education authority,
 - (b) the premises of any school maintained by the authority, and
 - (c) any other premises at which relevant section 19 education is provided, other than premises which are or form part of a private dwelling house but are not a school.
- (3) The inspector, and any person assisting him, shall also have at all reasonable times a right to inspect and take copies of—
- (a) any records kept by, and any other documents containing information relating to, the local education authority or any school maintained by the authority, and
 - (b) any records kept by a person who provides relevant section 19 education that relate to the provision of that education, and any other documents containing information that so relates;
- which he considers relevant to the exercise of his functions.
- (4) [^{F109}Section 58 of the Education Act 2005] (inspection of computer records) shall apply for the purposes of subsection (3) as it applies for the purposes of Part 1 of that Act.
- (5) Without prejudice to subsections (2) and (3), the local education authority and the governing body of any school maintained by the authority—
- (a) shall give the inspector and any person assisting him, all assistance in connection with the exercise of his functions which they are reasonably able to give, and
 - (b) shall secure that all such assistance is also given by persons who work at the school.
- (6) It shall be an offence wilfully to obstruct the inspector or any person assisting him in the exercise of his functions in relation to the inspection.
- (7) A person guilty of an offence under subsection (6) shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (8) In this section—

“document” and “records” each include information recorded in any form;
and

“relevant section 19 education” means education provided to a child by virtue of arrangements made by the local education authority under section 19 of the Education Act 1996 (exceptional provision of education at schools or otherwise).]

Textual Amendments

F108 S. 40 substituted (1.10.2002 except in relation to W. and 19.12.2002 otherwise) by [Education Act 2002 \(c. 32\)](#), [ss. 180, 216](#), (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2002/2439](#), [art. 3](#); [S.I. 2002/3185](#), [art. 4](#)

F109 Words in s. 40(4) substituted (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 9 para. 13](#); [S.I. 2005/2034](#), [art. 4](#); [S.I. 2006/1338](#), [art. 3](#), [Sch. 1](#)

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Modifications etc. (not altering text)

C13 S. 40(2)(3)(5)-(7) applied (E.) (1.9.2005) by [Children Act 2004 \(Joint Area Reviews\) Regulations 2005 \(S.I. 2005/1973\)](#), reg. 1(1), **Sch. para. 2(a)**

^{F110}41 Inspections involving collaboration of Audit Commission.

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Textual Amendments

F110 S. 41 repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), **Sch. 14 para. 24**, **Sch. 18 Pt. 5**; [S.I. 2007/935](#), art. 5(gg)(ii)

[^{F111}41A Inspections involving collaboration of Auditor General for Wales

- (1) If requested to do so by the Chief Inspector, the Auditor General for Wales may assist with any inspection under section 38 of a local education authority in Wales; and subsections (2) to (5) below have effect where the Auditor General for Wales assists with any such inspection.
- (2) Section 40 shall apply to the Auditor General for Wales and to any authorised person as it applies to the inspector.
- (3) Any information obtained by virtue of section 40 by a person falling within one of the categories mentioned in subsection (4) may be disclosed for the purposes of the inspection, or the preparation or making of the report under section 39(1), to a person falling within the other category.
- (4) Those categories are—
 - (a) the Auditor General for Wales and any authorised person; and
 - (b) the inspector and any person assisting him.
- (5) Any report prepared under section 39(1) shall be prepared by the inspector acting in conjunction with the Auditor General for Wales.
- (6) The Auditor General for Wales shall not provide assistance under this section unless, before he does so, the Chief Inspector has agreed to pay the Auditor General for Wales an amount equal to the full costs incurred by the Auditor General for Wales in providing the assistance.
- (7) In this section “authorised person” means a person authorised by the Auditor General for Wales for the purposes of this section.]

Textual Amendments

F111 S. 41A inserted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), s. 73, **Sch. 2 para. 19**; [S.I. 2005/558](#), art. 2, **Sch. 1**

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CHAPTER II

SCHOOL INSPECTIONS

^{F112}42 Miscellaneous amendments relating to school inspections.

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Textual Amendments

F112 S. 42 repealed (1.9.2005 for E., 1.9.2006 for W.) by Education Act 2005 (c. 18), s. 125(4), Sch. 19 Pt. 1; S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1 (with Sch. 4 para. 6)

PART VII

CAREERS EDUCATION AND GUIDANCE

43 Provision of careers education in schools.

- (1) All registered pupils at a school to which this section applies must be provided, during the relevant phase of their education, with a programme of careers education.
- (2) This section applies to—
 - ^{F113}(a) community, foundation and voluntary schools;]
 - ^{F114}(b)
 - ^{F115}(c) community or foundation special schools (other than those established in hospitals);]
 - (d) city technology colleges ^{F116}, city colleges for the technology of the arts and ^{F117}Academies]; and
 - (e) pupil referral units.
- ^{F118}(2A) Subsection (2B) applies where, in the course of a programme of careers education provided, in pursuance of subsection (1), to registered pupils at a school in England falling within subsection (2)(a), (c) or (e), information or advice is given which—
 - (a) relates to any options available in respect of 16-18 education or training, or otherwise relates to the pursuit of particular careers (at any age), or
 - (b) relates to decisions or other steps to be taken in connection with any such options or careers.
- (2B) Any such information must be presented in an impartial manner, and—
 - (a) any such advice must be advice which the person giving it considers will promote the best interests of the pupils concerned, and
 - (b) accordingly, in giving the advice, that person must not seek to promote, contrary to the pupils' best interests, the interests or aspirations of the school or of other persons or institutions.]
- (3) It is the duty of each of the following to secure that subsection (1) ^{F119}(and, where applicable, subsection (2B)) is complied with, namely—
 - (a) in the case of a school falling within subsection (2)(a) to (c), the governing body of the school and its head teacher,

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- (b) in the case of a school falling within subsection (2)(d), the proprietors of the school and its head teacher, and
 - (c) in the case of a pupil referral unit, the local education authority maintaining the unit and the teacher in charge of it.
- (4) Each of sections 496 and 497 of the ^{M2}Education Act 1996 (default powers of Secretary of State) shall, in relation to the duty imposed by subsection (3) above, have effect as if any reference to a body to which that section applies included a reference to the proprietors of a school falling within subsection (2)(d) above.
- (5) 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 his class attain the age of 14; and
 - (b) ending with the expiry of the school year in which the majority of pupils in his class attain the age of 16.
- (6) In this section—
- “career” includes the undertaking of any training, employment or occupation or any course of education;
 - “careers education” means education designed to prepare persons for taking decisions about their careers and to help them implement such decisions;
 - “class”, in relation to a particular pupil, means—
 - (a) the teaching group in which he is regularly taught, or
 - (b) if he 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.
 - [^{F120}“16-18 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”, in connection with registered pupils at schools in England, 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 such a pupil).]

Textual Amendments

- F113** S. 43(2)(a) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 217(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F114** S. 43(2)(b) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 217(b), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F115** S. 43(2)(c) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 217(c)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F116** Words in s. 43(2)(d) substituted (28.7.2000 and 1.9.2001 for E. for specified purposes and otherwise prosp.) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 71**; S.I. 2001/654, art. 2, **Sch. Pt. III**
- F117** Words in s. 43(2)(d) substituted (26.7.2002) by Education Act 2002 (c. 32), s. 65(3), **Sch. 7 Pt. 2 para. 8** (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 2
- F118** S. 43(2A)(2B) inserted (1.9.2009) by Education and Skills Act 2008 (c. 25), ss. **81(2)(a)**, 173(4); S.I. 2009/1513, art. 3
- F119** Words in s. 43(3) inserted (1.9.2009) by Education and Skills Act 2008 (c. 25), ss. **81(2)(b)**, 173(4); S.I. 2009/1513, art. 3

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F120 Words in s. 43(6) inserted (1.9.2009) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 81(2)(c)**, 173(4); [S.I. 2009/1513](#), art. 3

Modifications etc. (not altering text)

C14 Ss. 43, 44 modified (1.8.2001) by [S.I. 2001/1987](#), **reg. 2**

C15 S. 43: functions of a local education authority made exercisable (E.) (1.4.2002) by authorised persons by [Contracting Out \(Local Education Authority Functions\) \(England\) Order 2002 \(S.I. 2002/928\)](#) art. 3, {Sch. 3(k)}

C16 S. 43 extended (E.) (1.9.2004) by [Education \(Extension of Careers Education\) \(England\) Regulations 2003 \(S.I. 2003/2645\)](#), regs. 1(1), 2

Marginal Citations

M2 [1996 c. 56](#).

44 Schools and other institutions to co-operate with careers advisers.

- (1) Where a careers adviser has responsibilities in relation to persons attending an educational institution to which this section applies, he shall on request be provided with—
 - (a) the name and address of every relevant pupil or student at the institution; and
 - (b) any information in the institution’s possession about any such pupil or student which the careers adviser needs in order to be able to provide him with advice and guidance on decisions about his career or with other information relevant to such decisions.
- (2) If the registered address of a parent of any such pupil is different from the pupil’s registered address, subsection (1)(a) requires the parent’s address to be provided as well.
- (3) Paragraph (a) or (as the case may be) paragraph (b) of subsection (1) does not, however, apply to any pupil or student to the extent that—
 - (a) (where he is under [^{F121}the age of 16]) a parent of his, or
 - (b) (where he has attained that age) he himself,has indicated that any information falling within that paragraph should not be provided to the careers adviser.
- (4) Where a careers adviser has responsibilities in relation to persons attending an educational institution to which this section applies, he shall on request be permitted to have, in the case of any relevant pupil or student specified by him, access to that person—
 - (a) on the institution’s premises, and
 - (b) at a reasonable time agreed by or on behalf of the head teacher, principal or other head of the institution,for the purpose of enabling him to provide that person with advice and guidance on decisions about his career and with any other information relevant to such decisions.
- (5) Such access shall include an opportunity for the careers adviser to interview that person about his career, if he agrees to be so interviewed.
- (6) Where a careers adviser has responsibilities in relation to persons attending an educational institution to which this section applies, he shall on request be permitted to have, in the case of any group of relevant pupils or students specified by him, access—

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- (a) to that group of persons in the manner specified in subsection (4)(a) and (b), and
 - (b) to such of the institution's facilities as can conveniently be made available for his use,
- for the purpose of enabling him to provide those persons with group sessions on any matters relating to careers or to advice or guidance about careers.
- (7) Any request made for the purposes of subsection (1), (4) or (6) must be made in writing to the head teacher, principal or other head of the institution in question.
- (8) This section applies to—
- (a) the schools listed in section 43(2)(a) to (d); and
 - (b) institutions within the further education sector.
- (9) It is the duty of each of the following to secure that subsections (1), (4) and (6) are complied with, namely—
- (a) in the case of a school falling within section 43(2)(a) to (c) or an institution within the further education sector, the governing body of the school or institution and its head teacher, principal or other head, and
 - (b) in the case of a school falling within section 43(2)(d), the proprietors of the school and its head teacher;
- and section 43(4) shall apply in relation to that duty as it applies in relation to the duty imposed by section 43(3).
- (10) For the purposes of this section—
- (a) a pupil at a school is a relevant pupil—
 - (i) at any time during the period which is the relevant phase of his education for the purposes of section 43, or
 - (ii) if he is over compulsory school age and receiving secondary education; and
 - (b) a person is a relevant student at an institution within the further education sector if he is receiving at the institution either—
 - (i) full-time education, or
 - (ii) part-time education of a description commonly undergone by persons in order to fit them for employment.
- (11) For the purposes of this section—
- (a) “careers adviser” means a person who is employed by a body providing services in pursuance of arrangements made or directions given under section 10 of the ^{M3}Employment and Training Act 1973 and who is acting, in the course of his employment by that body, for the purposes of the provision of any such services; and
 - (b) a careers adviser has responsibilities for any persons if his employment by that body includes the provision of any such services for them.
- (12) In this section “career” has the same meaning as in section 43.

Textual Amendments

F121 Words in s. 43(3)(a) substituted (in force for specified purposes on 28.7.2000 and 1.4.2001 for E. and W.) by 2000 c. 21, s. 149, **Sch. 9 para. 72**; S.I. 2001/654, art. 2, **Sch. Pt. I**; S.I. 2001/1274, art. 2, **Sch. Pt. I**

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Modifications etc. (not altering text)

C17 Ss. 43, 44 modified (1.8.2001) by S.I. 2001/1987, reg. 2

Marginal Citations

M3 1973 c. 35.

45 Provision of careers information at schools and other institutions.

- (1) Persons attending an educational institution to which this section applies must be provided with access to both—
- (a) guidance materials, and
 - (b) a wide range of up-to-date reference materials, relating to careers education and career opportunities.
- (2) This section applies to—
- (a) the schools listed in section 43(2)(a) to (d); and
 - (b) institutions within the further education sector
- [^{F122}and, in the case of any such school in England, the reference in subsection (1) to persons attending it is a reference to persons who are registered pupils there.]
- [^{F123}(2A) Subsection (2B) applies where registered pupils at a school in England falling within section 43(2)(a) or (c) are provided, in pursuance of subsection (1), with access to materials of the kinds mentioned in that subsection.
- (2B) The materials, taken as a whole, must present the pupils with (so far as relevant to them) a full range of—
- (a) options available in respect of 16-18 education or training, and
 - (b) other options available to them (at any age) in terms of career opportunities, and must not unduly promote any particular options over any others.]

(3) It is the duty of each of the following to secure that subsection (1) [^{F124}(and, where applicable, subsection (2B))] is complied with, namely—

 - (a) in the case of a school falling within section 43(2)(a) to (c) or an institution within the further education sector, the governing body of the school or institution and its head teacher, principal or other head, and
 - (b) in the case of a school falling within section 43(2)(d), the proprietors of the school and its head teacher;

and section 43(4) shall apply in relation to that duty as it applies in relation to the duty imposed by section 43(3).

(4) The persons who under subsection (3) above are responsible for discharging that duty in relation to an institution shall seek assistance with discharging it from a body providing services in pursuance of arrangements made or directions given under section 10 of the ^{M4}Employment and Training Act 1973.

(5) In this section “career” [^{F125}“careers education” and “16-18 education or training”] have the same meaning as in section 43.

(6) Nothing in this section applies to any primary school.

Status: Point in time view as at 01/04/2010. This version of this Act contains provisions that are prospective.

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Textual Amendments

- F122** Words in s. 45(2) inserted (1.9.2009) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 81(3)(a)**, 173(4); [S.I. 2009/1513](#), art. 3
- F123** S. 45(2A)(2B) inserted (1.9.2009) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 81(3)(b)**, 173(4); [S.I. 2009/1513](#), art. 3
- F124** Words in s. 45(3) inserted (1.9.2009) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 81(3)(c)**, 173(4); [S.I. 2009/1513](#), art. 3
- F125** Words in s. 45(5) substituted (1.9.2009) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 81(3)(d)**, 173(4); [S.I. 2009/1513](#), art. 3

Marginal Citations

- M4** 1973 c. 35.

[^{F126} 45A Guidance as to discharge of duties

- (1) The persons responsible for discharging a relevant duty in relation to a school in England falling within section 43(2)(a), (c) or (e) must, in discharging the duty, have regard to any guidance given from time to time by the Secretary of State.
- (2) A “relevant duty” means a duty under any of sections 43(3), 44(9) and 45(3).]

Textual Amendments

- F126** S. 45A inserted (1.9.2009) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 81(4)**, 173(4); [S.I. 2009/1513](#), art. 3

[^{F127} 45B Provision of curriculum information

- (1) Subject to subsections (2) and (3), a service provider may demand from a person mentioned in subsection (6) such curriculum information as is specified in the demand.
- (2) A service provider must not demand any curriculum information unless the provider reasonably considers that the information would assist it in providing its services.
- (3) A service provider must not demand any curriculum information which identifies, or allows to be identified, any pupil or student.
- (4) A person mentioned in subsection (6) must comply with a demand made under subsection (1) by providing the service provider with the information demanded.
- (5) A service provider may publish in whatever form it sees fit any curriculum information provided under subsection (4).
- (6) The persons referred to in subsection (1) are—
 - (a) the governing body and head teacher of a school in Wales falling within section 43(2)(a); and
 - (b) the governing body and principal of an institution within the further education sector in Wales.
- (7) In this section—

“curriculum information” means—

Status: Point in time view as at 01/04/2010. This version of this Act contains provisions that are prospective.
Changes to legislation: Education Act 1997 is up to date with all changes known to be in force on or before 11 April 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 relation to a school mentioned in subsection (6)(a), information about the curriculum for registered pupils at the school during the relevant phase of their education; and
- (b) in relation to an institution within the further education sector, information about the courses of study and other education and training available at the institution;

“pupil” means, in relation to a school mentioned in subsection (6)(a), a person receiving education at the school;

“relevant phase” has the same meaning as in section 43(5);

“service provider” means a person providing services in pursuance of arrangements made with, or directions given by, the Welsh Ministers under section 10 of the Employment and Training Act 1973, and “services” shall be construed accordingly; and

“student” means, in relation to an institution within the further education sector, a person receiving education at the institution.]

Textual Amendments

F127 S. 45B inserted (7.12.2009) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), **ss. 45(2), 49(2)**; [S.I. 2009/3174](#), art. 2(1)(p)

46 Extension or modification of provisions of ss. 43 to 45.

- (1) The Secretary of State may by regulations extend the scope of operation of section 43 or section 44 by substituting for the period specified in section 43(5) or section 44(10)(a)(i) such other period as is specified.
- (2) The Secretary of State may by regulations make provision for extending the scope of operation of section 43, 44 or 45 to primary schools or to any specified description of such schools.
- (3) The Secretary of State may by regulations make provision for requiring—
 - (a) the governing bodies of institutions within the further education sector, and
 - (b) the principals or other heads of such institutions,to secure that a programme of careers education is provided for any specified description of persons attending such institutions.
- (4) The Secretary of State may by regulations amend the definition of “careers adviser” set out in section 44(11)(a).
- (5) In this section—
 - “careers education” has the same meaning as in section 43;
 - “specified” means specified in the regulations in question.

Status: Point in time view as at 01/04/2010. This version of this Act contains provisions that are prospective.

Changes to legislation: Education Act 1997 is up to date with all changes known to be in force on or before 11 April 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 VIII

MISCELLANEOUS AND GENERAL

Exceptional educational provision

47 Functions of LEAs as regards exceptional educational provision.

- (1) Section 19 of the ^{M5}Education Act 1996 (exceptional provision of education in pupil referral units or elsewhere) shall be amended as follows.
- (2) In subsection (1) (duty of local education authority to make arrangements for provision of suitable full-time or part-time education, at school or otherwise, for excluded children etc.), the words “full-time or part-time” shall be omitted.
- (3) In subsection (4) (power of local education authority to make arrangements for provision of suitable full-time or part-time education, otherwise than at school, for excluded young persons etc.), the words “full-time or part-time” shall be omitted.
- (4) After that subsection there shall be inserted—
 - “(4A) In determining what arrangements to make under subsection (1) or (4) in the case of any child or young person a local education authority shall have regard to any guidance given from time to time by the Secretary of State.”

Marginal Citations

M5 1996 c. 56.

Management committees for pupil referral units

48 Management committees for pupil referral units.

At the end of Schedule 1 to the Education Act 1996 (pupil referral units) there shall be added—

Management committees

- “15 (1) Regulations may make provision—
- (a) for requiring any local education authority who maintain a pupil referral unit to establish a committee to act as the management committee for the unit; and
 - (b) for that committee to discharge on behalf of the authority such of their functions in connection with the unit as are delegated by them to the committee in accordance with the regulations.
- (2) Regulations under this paragraph may in particular make provision—
- (a) for enabling a local education authority to establish a joint committee to act as the management committee for two or more pupil referral units maintained by the authority;
 - (b) for requiring the approval of the Secretary of State to be obtained before any such joint committee is established;

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- (c) as to the composition of a management committee established under the regulations and—
 - (i) the appointment and removal of its members, and
 - (ii) their terms of office,and in particular for requiring such a committee to include persons representing schools (including grant-maintained schools) situated in the area from which the unit or units in question may be expected to draw pupils;
- (d) for requiring or (as the case may be) prohibiting the delegation by a local education authority to a management committee of such functions in connection with pupil referral units as are specified in the regulations;
- (e) for authorising a management committee to establish sub-committees;
- (f) for enabling (subject to any provisions of the regulations) a local education authority or a management committee to determine to any extent the committee’s procedure and that of any sub-committee;
- (g) for limiting the personal liability of members of any such committee or sub-committee in respect of their acts or omissions as such members;
- (h) for applying to any such committee or sub-committee, with or without modification—
 - (i) any provision of the Education Acts, or
 - (ii) any provision made by or under any other enactment and relating to committees or (as the case may be) sub-committees of a local authority.”

Teachers not under contract of employment and persons having access to those under 19

F128 49 Power to make regulations: teachers not under contract of employment and persons having access to those under 19.

.....

Textual Amendments

F128 S. 49 repealed (31.3.2003 for W. for specified purposes, 1.6.2003 for E., 2.1.2008 for W. so far as not already in force) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 21 para. 71](#), [Sch. 22 Pt. 3](#) (with [ss. 210\(8\)](#), [214\(4\)](#)); [S.I. 2002/3185](#), art. 5, [Sch. Pt. II](#); [S.I. 2003/1115](#), art. 3; [S.I. 2007/3611](#), art. 4(1), [Sch. Pt. 1](#)

Costs of teachers’ premature retirement

F129 50

Status: Point in time view as at 01/04/2010. This version of this Act contains provisions that are prospective.

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Textual Amendments

F129 S. 50 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.218, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch.1**

Definition of “school”

51 Definition of “school”.

In section 4 of the Education Act 1996 (definition of “school”), for subsection (1) there shall be substituted—

“(1) In this Act “school” means an educational institution which is outside the further education sector and the higher education sector and is an institution for providing—

- (a) primary education,
- (b) secondary education, or
- (c) both primary and secondary education,

whether or not the institution also provides part-time education suitable to the requirements of junior pupils or further education.”

Compulsory school age

52 Commencement of compulsory school age.

(1) Section 8 of the ^{M6}Education Act 1996 (compulsory school age) shall be amended in accordance with subsections (2) and (3).

(2) For subsection (2) there shall be substituted—

“(2) A person begins to be of compulsory school age—

- (a) when he attains the age of five, if he attains that age on a prescribed day, and
- (b) otherwise at the beginning of the prescribed day next following his attaining that age.”

(3) For subsection (4) there shall be substituted—

“(4) The Secretary of State may by order—

- (a) provide that such days in the year as are specified in the order shall be, for each calendar year, prescribed days for the purposes of subsection (2);
- (b) determine the day in any calendar year which is to be the school leaving date for that year.”

^{F130}(4)

^{F130}(5)

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Textual Amendments

F130 S. 52(4)(5) repealed (1.10.1998) by 1998 c. 31, ss. 140(1)(3), Sch. 30 para.218, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch.1**, Pt. I

Commencement Information

I4 S. 52, as partially repealed, wholly in force at 1.10.1998; s. 52 not in force at Royal Assent see s. 58(3); s. 52(4) in force at 1.9.1997 by S.I. 1997/1468, art. 2, **Sch. 1 Pt. II**; s. 52(1)-(3) in force at 1.8.1998 by S.I. 1998/386, art. 2, **Sch. 1 Pt. III**

Marginal Citations

M6 1996 c. 56.

General provisions

53 Stamp duty.

- (1) Subject to subsection (2), stamp duty shall not be chargeable in respect of any transfer effected by virtue of section 30 or 34.
- (2) No instrument (other than a statutory instrument) made or executed in pursuance of either of the provisions mentioned in subsection (1) shall be treated as duly stamped unless it is stamped with the duty to which it would, but for this section (and, if applicable, section 129 of the ^{M7}Finance Act 1982), be liable or it has, in accordance with the provisions of section 12 of the ^{M8}Stamp Act 1891, been stamped with a particular stamp denoting that it is not chargeable with any duty or that it has been duly stamped.

Marginal Citations

M7 1982 c. 39.

M8 1891 c. 39.

[^{F131}53A. Stamp duty land tax

- (1) For the purposes of stamp duty land tax, a land transaction effected by virtue of section 30 is exempt from charge.
- (2) Relief under this section must be claimed in a land transaction return or an amendment of such a return.
- (3) In this paragraph—
 - “land transaction” has the meaning given by section 43(1) of the Finance Act 2003;
 - “land transaction return” has the meaning given by section 76(1) of that Act.]

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Textual Amendments

F131 S. 53A inserted (1.12.2003) by [The Stamp Duty Land Tax \(Consequential Amendment of Enactments\) Regulations 2003 \(S.I. 2003/2867\)](#), reg. 1, **Sch. para. 26**

54 Orders and regulations.

- (1) Any power of the Secretary of State to make orders or regulations under this Act^{F132}... shall be exercised by statutory instrument.
- (2) A statutory instrument containing any order or regulations under this Act, except an order under section 58, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Any order or regulations under this Act may make different provision for different cases, circumstances or areas and may contain such incidental, supplemental, saving or transitional provisions as the Secretary of State thinks fit.
- (4) Without prejudice to the generality of subsection (3), any order or regulations under this Act may make in relation to Wales provision different from that made in relation to England.

Subordinate Legislation Made

P1 S. 54(3) power partly exercised (3.4.1997): 4.4.1997 appointed for specified provisions by [S.I. 1997/1153](#)
s. 54(3) power partly exercised (5.6.1997): different dates appointed for specified provisions by [S.I. 1997/1468](#) (with savings and transitional provisions)
S. 54(3) power partly exercised (24.2.1998): different dates appointed for specified provisions by [S.I. 1998/386](#) (with savings and transitional provisions)

Textual Amendments

F132 Words in s. 54(1) repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), **Sch. 12 para. 22**, **Sch. 16 Pt. 4**; [S.I. 2010/1151](#), art. 2, **Sch. 1**

55 Financial provisions.

There shall be paid out of money provided by Parliament—

- (a) any sums required for the payment by the Secretary of State of grants under this Act;
- (b) any administrative expenses incurred by the Secretary of State in consequence of this Act; and
- (c) any increase attributable to this Act in the sums so payable under any other Act.

56 Construction.

- (1) In this Act—
“prescribed” means prescribed by regulations; and

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“regulations” means regulations made by the Secretary of State under this Act.

- (2) This Act shall be construed as one with the ^{M9}Education Act 1996.
- (3) Where, however, an expression is given for the purposes of any provision of this Act a meaning different from that given to it for the purposes of that Act, the meaning given for the purposes of that provision shall apply instead of the one given for the purposes of that Act.

Marginal Citations

M9 1996 c. 56.

57 Minor and consequential amendments, repeals etc.

- (1) The minor and consequential amendments set out in Schedule 7 shall have effect.
- ^{F133}(2)
- ^{F134}(3)
- (4) The enactments specified in Schedule 8 are repealed to the extent specified.

Textual Amendments

- F133** S. 57(2) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.220, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(3), **Sch.3**
- F134** S. 57(3) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.220, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(3), **Sch.3**

Commencement Information

- I5** S. 57 partly in force; S. 57(1) partly in force at Royal Assent see s. 58(4); s. 57(4) in force for certain purposes at 4.4.1997 by S.I. 1997/1153, **art. 2**; s. 57(1)(4) in force for certain purposes at 14.6.1997, 1.9.1997 and 1.10.1997 and s. 57(2)(3) in force at 1.9.1997 by S.I. 1997/1468, **art. 2, Sch. 1, Pts. I, II, III**; s. 57(1)(4) in force for certain purposes at 1.9.2001 by S.I. 2001/1215, **art. 2**

58 Short title, commencement and extent etc.

- (1) This Act may be cited as the Education Act 1997.
- (2) This Act shall be included in the list of Education Acts set out in section 578 of the ^{M10}Education Act 1996.
- (3) Subject to subsection (4), this Act shall come into force on such day as the Secretary of State may by order appoint, and different days may be appointed for different provisions and for different purposes.
- (4) The following provisions come into force on the day on which this Act is passed—
^{F135}
.....
section 54,
paragraph 48(2) of Schedule 7 and section 57(1) so far as relating thereto, and this section.

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(5) Subject to subsections (6) and (7), this Act extends to England and Wales only.

(6) The following provisions extend to Northern Ireland—

F136
F137
F138
sections [F139 35],
section 53,
section 54,
this section,
F140

(7) The amendment or repeal by this Act of an enactment extending to Scotland or Northern Ireland extends also to Scotland or, as the case may be, Northern Ireland.

Subordinate Legislation Made

- P2** S. 58(3) power partly exercised (3.4.1997): 4.4.1997 appointed for specified provisions by [S.I. 1997/1153](#)
S. 58(3) power partly exercised (5.6.1997): different dates appointed for specified provisions by [S.I. 1997/1468](#) (with savings and transitional provisions)
S. 58(3) power partly exercised (24.2.1998): different dates appointed for specified provisions by [S.I. 1998/386](#) (with savings and transitional provisions)
- P3** S. 58(3) power partly exercised (26.3.2001): 1.9.2001 appointed for specified provisions by [S.I. 2001/1215](#), [art. 2](#)

Textual Amendments

- F135** Words in s. 58(4) repealed (1.9.1999) by [1998 c. 31](#), s. 140(1)(3), [Sch. 30 para.221](#), [Sch. 31](#) (with ss. [138\(9\)](#), [144\(6\)](#)); [S.I. 1999/2323](#), [art. 2\(1\)](#), [Sch.1](#)
- F136** Words in s. 58(6) repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009](#) (c. 22), s. 269(4), [Sch. 12 para. 23\(a\)\(i\)](#), [Sch. 16 Pt. 4](#); [S.I. 2010/1151](#), [art. 2](#), [Sch. 1](#)
- F137** Words in s. 58(6) repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009](#) (c. 22), s. 269(4), [Sch. 12 para. 23\(a\)\(ii\)](#), [Sch. 16 Pt. 4](#); [S.I. 2010/1151](#), [art. 2](#), [Sch. 1](#)
- F138** Words in s. 58(6) repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009](#) (c. 22), s. 269(4), [Sch. 12 para. 23\(a\)\(iii\)](#), [Sch. 16 Pt. 4](#); [S.I. 2010/1151](#), [art. 2](#), [Sch. 1](#)
- F139** Words in s. 58(6) substituted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009](#) (c. 22), s. 269(4), [Sch. 12 para. 23\(b\)](#); [S.I. 2010/1151](#), [art. 2](#), [Sch. 1](#)
- F140** Words in s. 58(6) repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009](#) (c. 22), s. 269(4), [Sch. 12 para. 23\(a\)\(iv\)](#), [Sch. 16 Pt. 4](#); [S.I. 2010/1151](#), [art. 2](#), [Sch. 1](#)

Marginal Citations

- M10** [1996 c. 56](#).

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SCHEDULES

F141 SCHEDULE 1

Textual Amendments

F141 Sch. 1 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 222(a), **Sch. 31** (with ss. 138(9), 144(6); S.I. 1999/2323, art. 2(1), **Sch.1**

F142 SCHEDULE 2

Textual Amendments

F142 Sch. 2 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 222(a), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

F143 SCHEDULE 3

Textual Amendments

F143 Sch. 3 repealed (1.2.1999) to the extent that it relates to the repeal of paragraphs 1 and 2 of the Schedule inserted as Schedule 33B to the 1996 Act set out in Sch. 3, and wholly repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 222(a), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch.1 Pt. III** and S.I. 1999/2323, art. 2(1), **Sch.1**

F144 SCHEDULE 4

Section 21.

Textual Amendments

F144 Sch. 4 repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 12 para. 24, **Sch. 16 Pt. 4**; S.I. 2010/1151, art. 2, Sch. 1

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F145 SCHEDULE 5

Section 27.

Textual Amendments

F145 Sch. 5 omitted (1.4.2006) by virtue of [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), [Sch. 1 para. 25](#) (with art. 7)

F146 SCHEDULE 6

Section 42.

Textual Amendments

F146 Sch. 6 repealed (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 19 Pt. 1](#); [S.I. 2005/2034](#), art. 4; [S.I. 2006/1338](#), art. 3, [Sch. 1](#) (with [Sch. 4 para. 6](#))

SCHEDULE 7

Section 57(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

Public Records Act 1958 (c. 51)

F147₁

Textual Amendments

F147 Sch. 7 para. 1 repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), [Sch. 16 Pt. 4](#); [S.I. 2010/1151](#), art. 2, [Sch. 1](#)

F148

Textual Amendments

F148 Sch. 7 para. 2 and cross-heading repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), [Sch. 16 Pt. 4](#); [S.I. 2010/1151](#), art. 2, [Sch. 1](#)

F148₂

Superannuation Act 1972 (c. 11)

3 (1) In Schedule 1 to the Superannuation Act 1972, in the list of Other Bodies (bodies in respect of which there are superannuation schemes)—

Status: Point in time view as at 01/04/2010. This version of this Act contains provisions that are prospective.

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(a) omit the entries relating to the Curriculum and Assessment Authority for Wales and the School Curriculum and Assessment Authority; ^{F149} ...

^{F149}(b)

(2) Section 1 of that Act (persons to or in respect of whom benefits may be provided by schemes under that section) shall apply to persons who at any time before the coming into force of section 21 of this Act have ceased to serve in employment with the National Council for Vocational Qualifications.

Textual Amendments

F149 Sch. 7 para. 3(1)(b) and preceding word repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), [Sch. 16 Pt. 4](#); [S.I. 2010/1151](#), art. 2, Sch. 1

Commencement Information

I6 Sch 7 para. 3 wholly in force at 1.3.1998; Sch. 7 para. 3 not in force at Royal Assent see s. 58(3); Sch. 7 para. 3(1) in force at 1.10.1997 except so far as it omits the entry relating to SCAA by [S.I. 1997/1468](#), [art. 2 Sch. 1 Pt. III](#); Sch. 7 para. 3(1) in force at 1.3.1998 insofar as not already in force and Sch. 7 para. 3(2) in force at 1.3.1998 by [S.I. 1998/386](#), art. 2, [Sch. 1 Pt. I](#)

House of Commons Disqualification Act 1975 (c. 24)

4 (1) Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (disqualifying offices) shall be amended as follows.

(2) Omit the entries relating to the Curriculum and Assessment Authority for Wales and the School Curriculum and Assessment Authority.

^{F150}(3)

(4) Omit the entry relating to the National Council for Vocational Qualifications.

Textual Amendments

F150 Sch. 7 para. 4(3) repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), [Sch. 16 Pt. 4](#); [S.I. 2010/1151](#), art. 2, Sch. 1

Commencement Information

I7 Sch 7 para. 4 wholly in force at 1.3.1998; Sch. 7 para. 4 not in force at Royal Assent see s. 58(3); Sch. 7 para. 4 in force at 1.10.1997 except so far as it omits the entry relating to SCAA by [S.I. 1997/1468](#), [art. 2 Sch. 1 Pt. III](#); Sch. 7 para. 4 in force at 1.3.1998 insofar as not already in force by [S.I. 1998/386](#), art. 2, [Sch. 1 Pt. I](#)

Local Government Finance Act 1982 (c. 32)

^{F151}5

Textual Amendments

F151 Sch. 7 para. 5 repealed (11.9.1998) by [1998 c. 18](#), ss. 54(3), 55(2), [Sch.5](#)

Status: Point in time view as at 01/04/2010. This version of this Act contains provisions that are prospective.

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Finance Act 1991 (c. 31)

F152⁶

Textual Amendments

F152 Sch. 7 para. 6 repealed (27.7.1999 with effect as mentioned in s. 59(3)(b) of the repealing Act) by 1999 c. 16, s. 139, **Sch. 20 Pt. III(15)**

Charities Act 1993 (c. 10)

- 7 In Schedule 2 to the Charities Act 1993 (exempt charities)—
- (a) for paragraph (da) substitute—
“(da) the Qualifications and Curriculum Authority;”; and
- (b) for paragraph (f) substitute—
“(f) the Qualifications, Curriculum and Assessment Authority for Wales;”.

Commencement Information

I8 Sch. 7 para. 7 wholly in force at 1.10.1997 see s. 58(3) and S.I. 1997/1468, arts. 2, 4, Sch. 1 Pt. III, Sch. 2 Pts. I, II (subject to transitional provisions in Sch. 2 Pts. I, II)

Nursery Education and Grant-Maintained Schools Act 1996 (c. 50)

F153⁸

Textual Amendments

F153 Sch. 7 para. 8 repealed (1.4.2003 for E.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4

Education Act 1996 (c. 56)

- 9 (1) Section 3 of the Education Act 1996 (definition of pupil etc.) shall be amended as follows.
- (2) At the end of subsection (1) insert—
“and references to pupils in the context of the admission of pupils to, or the exclusion of pupils from, a school are references to persons who following their admission will be, or (as the case may be) before their exclusion were, pupils as defined by this subsection.”
- (3) ^{F154}

Textual Amendments

F154 Sch. 7 para. 9(3) repealed (1.10.2002 for E., 1.9.2003 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2003/1718, art. 5, Sch. Pt. II

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- 10 In section 4(2) of that Act (schools: general)—
(a) for “For” substitute “ Nothing in subsection (1) shall be taken to preclude the making of arrangements under section 19(1) (exceptional educational provision) under which part-time education is to be provided at a school; and for ”; and
(b) omit “(pupil referral units)”.
- 11 In section 6(1) of that Act (nursery schools), for “the age of five” substitute “ compulsory school age ”.
- 12 In section 14(4) of that Act (functions of LEA in respect of provision of primary and secondary schools), for “the age of five” substitute “ compulsory school age ”.
- 13 In section 17(2) of that Act (powers of LEA in respect of nursery education), for “the age of five”, in both places, substitute “ compulsory school age ”.
- F155 14

Textual Amendments

F155 Sch. 7 para. 14 repealed (1.9.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4

F156 15

Textual Amendments

F156 Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by [1998 c. 31](#), s. 140(1)(3), [Sch. 30 para.223](#), [Sch. 31](#) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), [Sch.1](#)

F157 16

Textual Amendments

F157 Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by [1998 c. 31](#), s. 140(1)(3), [Sch. 30 para.223](#), [Sch. 31](#) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), [Sch.1](#)

F158 17

Textual Amendments

F158 Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by [1998 c. 31](#), s. 140(1)(3), [Sch. 30 para.223](#), [Sch. 31](#) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), [Sch.1](#)

F159 18

Textual Amendments

F159 Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by [1998 c. 31](#), s. 140(1)(3), [Sch. 30 para.223](#), [Sch. 31](#) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), [Sch.1](#)

F160 19

*Status: Point in time view as at 01/04/2010. This version of this Act contains provisions that are prospective.
Changes to legislation: Education Act 1997 is up to date with all changes known to be in force on or before 11 April 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)*

Textual Amendments

F160 Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch.1

F161²⁰

Textual Amendments

F161 Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch.1

F162²¹

Textual Amendments

F162 Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch.1

F163²²

Textual Amendments

F163 Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch.1

23 In section 312(2)(c) of that Act (meaning of “learning difficulty” for the purposes of the Act)—
(a) for “the age of five” substitute “ compulsory school age ”, and
(b) omit “or over”.

24 In section 332(1) of that Act (duty of Health Authority or National Health Service Trust to notify parent where child has special educational needs), for “the age of five” substitute “ compulsory school age ”.

F164²⁵

Textual Amendments

F164 Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch.1

26 Omit sections 358 to 361 of that Act (provisions about Curriculum Authorities).

Commencement Information

I9 Sch. 7 para. 26 wholly in force at 11.3.1998; Sch.7 para. 26 not in force at Royal Assent see s. 58(3); Sch. 7 para. 26 in force at 1.10.1997 insofar as it omits ss. 360, 361 by S.I. 1997/1468, art.2, Sch. 1 Pt. III and in force at 1.3.1998 insofar as not already in force by S.I. 1998/386, art. 2, Sch. 1 Pt. I

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Changes to legislation: Education Act 1997 is up to date with all changes known to be in force on or before 11 April 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)

27

- [^{F165}In section 362(7) of that Act (development work and experiments)—
- (a) for “the School Curriculum and Assessment Authority” substitute “ the Qualifications and Curriculum Authority ”; and
 - (b) for “the Curriculum and Assessment Authority for Wales” substitute “ the Qualifications, Curriculum and Assessment Authority for Wales ”.]

Textual Amendments

F165 Sch. 7 paras. 27, 28 repealed (1.10.2002 for E. for specified purposes, 20.1.2003 for E in so far as not already in force) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2002/2952, art. 2

Commencement Information

I10 Sch. 7 paras. 27, 28 wholly in force at 1.10.1997 see s. 58(3) and [S.I. 1997/1468](#), arts. 2, 4, [Sch. 1 Pt. III](#), [Sch. 2 Pt. II](#) (subject to transitional provisions in [Sch. 2 Pt. II](#))

28

- [^{F166}In section 368(10) of that Act (procedure for making certain orders and regulations)—
- (a) for “the School Curriculum and Assessment Authority” substitute “ the Qualifications and Curriculum Authority ”; and
 - (b) for “the Curriculum and Assessment Authority for Wales” substitute “ the Qualifications, Curriculum and Assessment Authority for Wales ”.]

Textual Amendments

F166 Sch. 7 paras. 27, 28 repealed (1.10.2002 for E. for specified purposes, 20.1.2003 for E in so far as not already in force) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2002/2952, art. 2

Commencement Information

I11 Sch. 7 paras. 27, 28 wholly in force at 1.10.1997 see s. 58(3) and [S.I. 1997/1468](#), arts. 2, 4, [Sch. 1 Pt. III](#), [Sch. 2 Pt. II](#) (subject to transitional provisions in [Sch. 2 Pt. II](#))

29

- In section 391(10) of that Act (functions of advisory councils)—
- ^{F167}(a)
 - (b) for “the Curriculum and Assessment Authority for Wales” substitute “ the Qualifications, Curriculum and Assessment Authority for Wales ”.

Textual Amendments

F167 Sch. 7 para. 29(a) repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), [Sch. 16 Pt. 4](#); S.I. 2010/1151, art. 2, [Sch. 1](#)

30

- In section 408 of that Act (provision of information)—
- (a) in subsection (1)(a), after “this Part” insert “ or Part V of the Education Act 1997 ”; and
 - (b) in subsection (4)(f), omit “, 400, 401”.

Status: Point in time view as at 01/04/2010. This version of this Act contains provisions that are prospective.
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Commencement Information

I12 Sch. 7 para. 30 wholly in force; Sch. 7 para. 30 not in force at Royal Assent see s. 58(3); Sch. 7 para. 30(a) in force at 1.10.1997 by S.I. 1997/1468, art. 2, **Sch. 1 Pt. III**; Sch. 7 para. 30(b) in force at 1.9.2001 by S.I. 2001/1215, **art. 2**

F16831

Textual Amendments

F168 Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

F16932

Textual Amendments

F169 Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

F17033

Textual Amendments

F170 Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

F17134

Textual Amendments

F171 Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F17235

Textual Amendments

F172 Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

F17336

Textual Amendments

F173 Sch. 7 para. 36 repealed (1.4.2003 for E., 9.1.2004 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4; S.I. 2003/2961, art. 7, Sch. Pt. IV

Status: Point in time view as at 01/04/2010. This version of this Act contains provisions that are prospective.

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37 In section 537(4) of that Act (power of Secretary of State to require information from governing bodies etc.), at the end add “ ; and regulations under this section may provide that, in such circumstances as may be prescribed, the provision of information to a person other than the Secretary of State is to be treated, for the purposes of any provision of such regulations or this section, as compliance with any requirement of such regulations relating to the provision of information to the Secretary of State. ”

38 For the cross-heading “CORPORAL PUNISHMENT” preceding section 548 of that Act substitute—

“ PUNISHMENT AND RESTRAINT OF PUPILS

Corporal punishment”.

39 In section 551 of that Act (regulations as to the duration of the school day, etc.), after subsection (1) insert—

“(1A) In subsection (1) the reference to the duration of the school year at any such schools is a reference to the number of school sessions that must be held during any such year.”

F174 40

Textual Amendments

F174 Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch.1

41 In section 571 of that Act (publication of guidance)—
(a) in subsection (1) for “of the provisions mentioned in subsection (2) below” substitute “ provision of this Act ”; and
(b) omit subsection (2).

42 At the end of section 578 of that Act (“the Education Acts”) add—
“the Education Act 1997.”

43 In section 579(1) of that Act (general interpretation), after the definition of “school day” insert—
““school year”, in relation to a school, means the period beginning with the first school term to begin after July and ending with the beginning of the first such term to begin after the following July;”.

44 In section 580 of that Act (the index) at the appropriate places insert—
(in the entry relating to “child”)

“(in Chapter I of Part VI except sections section 411(8).
431 to 433)

“school year section 579(1)”.

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“wholly based on selection by reference section 411(9)”
 to ability or aptitude (in Chapter I of
 Part VI)

Commencement Information

I13 Sch. 7 para. 44 wholly in force at 1.9.1997; Sch. 7 para. 44 not in force at Royal Assent see s. 58(3); Sch. 7 para. 44 in force at 14.6.1997 to the extent that it inserts the reference to “school year” into section 580 of the 1996 Act and in force at 1.9.1997 insofar as not already in force by [S.I. 1997/1468, art. 2, Sch.1 Pts. I, II](#)

F175 45

Textual Amendments

F175 Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, [Sch. 31](#) (with [ss. 138\(9\), 144\(6\)](#)); [S.I. 1999/2323, art. 2\(1\), Sch.1](#)

F176 46

Textual Amendments

F176 Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, [Sch. 31](#) (with [ss. 138\(9\), 144\(6\)](#)); [S.I. 1999/2323, art. 2\(1\), Sch.1](#)

F177 47

Textual Amendments

F177 Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, [Sch.31](#) (with [ss. 138\(9\), 144\(6\)](#)); [S.I. 1999/2323, art. 2\(1\), Sch.1](#)

F178 48

Textual Amendments

F178 Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, [Sch. 31](#) (with [ss. 138\(9\), 144\(6\)](#)); [S.I. 1999/2323, art. 2\(1\), Sch.1](#)

F179 49

Textual Amendments

F179 Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, [Sch. 31](#) (with [ss. 138\(9\), 144\(6\)](#)); [S.I. 1999/2323, art. 2\(1\), Sch.1](#)

F180 50

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Textual Amendments

F180 Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch.1

School Inspections Act 1996 (c. 57)

F181 51

Textual Amendments

F181 Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch.1

SCHEDULE 8

Section 57(4).

REPEALS

Commencement Information

I14 Sch. 8 in force for specified repeals; at 4.4.1997 by S.I. 1997/1153, art. 2 ; at 14.6.1997, 1.9.1997 and 1.10.1997 by S.I. 1997/1468, art. 2, Sch. 1 Pts. I, II ; at 1.3.1998, 1.8.1998 and 1.9.1998 by S.I. 1998/386, art. 2, Sch. 1 Pts. I, III, IV; at 1.9.2001 by S.I. 2001/1215, art. 2

Chapter	Short title	Extent of repeal
1972 c.11.	Superannuation Act 1972.	In Schedule 1, in the list of Other Bodies, the entries relating to the Curriculum and Assessment Authority for Wales and the School Curriculum and Assessment Authority.
1975 c.24.	House of Commons Disqualification Act 1975.	In Part III of Schedule 1, the entries relating to the Curriculum and Assessment Authority for Wales, the National Council for Vocational Qualifications and the School Curriculum and Assessment Authority.
1996 c.56.	Education Act 1996.	In section 4(2), the words “(pupil referral units)”. In section 19(1) and (4), the words “full-time or part-time”.

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In section 312(2)(c), the words “or over”.

In section 355(5), the definition of “school year” and the “and” preceding it.

Sections 358 to 361.

Sections 400 and 401.

In section 408(4)(f), “, 400, 401”.

Section 423(6).

In section 479(2), the words “providing secondary education”.

Section 571(2).

In Schedule 16, in paragraph 15(1), the words from “,including” to “brought,”.

In Schedule 23, in paragraph 4(1) “, 400”.

Schedules 29 and 30.

In Schedule 37, paragraph 17, in paragraph 21 the words in sub-paragraph (1)(a) from “the entry” to “1993) and” and sub-paragraph (1)(b) and the “and” preceding it and sub-paragraph (2), in paragraph 30 sub-paragraphs (1)(a), (2) and (3), and paragraph 120.

Status:

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