

SCHEDULES

SCHEDULE 7

MINOR AND CONSEQUENTIAL AMENDMENTS

PART II

GENERAL

Education Act 1996 (c. 56)

- 127 The Education Act 1996 is amended as follows.
- 128 In section 468 (school may be struck off for contravention of regulations about employment of teachers), at the end there is inserted—
- “(2) Where the Secretary of State is satisfied that a person who is included (otherwise than provisionally) in the list kept under section 1 of the Protection of Children Act 1999 (individuals considered unsuitable to work with children) or is subject to an order under section 28 or 29 of the Criminal Justice and Court Services Act 2000 (disqualification from working with children)—
- (a) is employed in a registered or provisionally registered school, or
 - (b) is the proprietor of such a school,
- he may order that the school be struck off the register or (as the case may be) that the Registrar is not to register the school.”
- 129 After section 473 there is inserted—
- “473A Removal of disqualification: persons no longer unsuitable to work with children**
- (1) Subject to section 473B, a person to whom this section applies may make an application under this section to the Tribunal.
 - (2) This section applies to any person who is disqualified, by an order made under section 470 or 471 on the grounds that he is unsuitable to work with children—
 - (a) from being the proprietor of any independent school; or
 - (b) from being a teacher or other employee in any school.
 - (3) On an application under this section the Tribunal shall determine whether or not the individual shall continue to be subject to the order.
 - (4) If the Tribunal is satisfied that the individual is no longer unsuitable to work with children, it shall direct that the order shall cease to have effect; otherwise it shall dismiss the application.

Status: This is the original version (as it was originally enacted).

- (5) In this section and section 473B, “the Tribunal” means the tribunal established by section 9 of the Protection of Children Act 1999.

473B Conditions for application under section 473A

- (1) A person may only make an application under section 473A with the leave of the Tribunal.
- (2) An application for leave under this section may not be made unless the appropriate conditions are satisfied in the person’s case.
- (3) In the case of a person who was a child when the order was made, the appropriate conditions are satisfied if—
- (a) at least five years have elapsed since the order was made; and
 - (b) in the period of five years ending with the time when he makes the application under this section, he has made no other such application.
- (4) In the case of any other person, the appropriate conditions are satisfied if—
- (a) at least ten years have elapsed since the order was made; and
 - (b) in the period of ten years ending with the time when he makes the application under this section, he has made no other such application.
- (5) The Tribunal shall not grant an application under this section unless it considers—
- (a) that the person’s circumstances have changed since the order was made, or, as the case may be, since he last made an application under this section; and
 - (b) that the change is such that leave should be granted.”

130 In section 474 (removal of disqualification)—

- (a) at the end of subsection (1) there is inserted—
- “But this subsection does not apply in relation to the disqualification of a person to whom section 473A applies.”,
- (b) for the sidenote there is substituted “Removal of disqualification: other cases.”