



# Education Act 2002

## 2002 CHAPTER 32

### PART 1

#### PROVISION FOR NEW LEGAL FRAMEWORKS

### CHAPTER 1

#### POWERS TO FACILITATE INNOVATION

## 1 Purpose and interpretation of Chapter 1

- (1) The purpose of this Chapter is to facilitate the implementation by qualifying bodies of innovative projects that may—
  - (a) in the opinion of the Secretary of State, contribute to the raising of [<sup>F1</sup>educational standards] in England, or
  - (b) in the opinion of the National Assembly for Wales, contribute to the raising of [<sup>F2</sup>educational standards] in Wales.
- (2) In forming an opinion as to whether a project may contribute to the raising of [<sup>F3</sup>educational standards] in England or Wales, the Secretary of State or the National Assembly for Wales shall—
  - (a) have regard to the need for the curriculum for any school [<sup>F4</sup>in England] affected by the project to be a balanced and broadly based curriculum which promotes the spiritual, moral, cultural, mental and physical development of children and of society, [<sup>F5</sup>and]
  - [<sup>F6</sup>(aa) have regard to the need for the curriculum for pupils of compulsory school age, or below that age, at any maintained school affected by the project that is maintained by a local authority in Wales—
    - (i) to enable pupils to develop in the ways described in the four purposes set out in section 2(1) of the Curriculum and Assessment (Wales) Act 2021,
    - (ii) to provide for appropriate progression,

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- (iii) to be suitable for pupils of differing ages, abilities and aptitudes, and
  - (iv) to be broad and balanced,
  - (ab) have regard to the need for—
    - (i) the curriculum for pupils above compulsory school age at any maintained school affected by the project that is maintained by a local authority in Wales, and
    - (ii) the curriculum for pupils of any age at any other school in Wales affected by the project, to be a balanced and broadly based curriculum which promotes the spiritual, moral, cultural, mental and physical development of those pupils and of society, and]
  - (b) consider the likely effect of the project on all the [<sup>F7</sup>pupils or students] who may be affected by it.
- (3) In this Chapter—
- “the Chief Inspector” means—
    - (a) in relation to England, [<sup>F8</sup>Her Majesty's Chief Inspector of Education, Children's Services and Skills] , and
    - (b) in relation to Wales, Her Majesty’s Chief Inspector of Education and Training in Wales;
  - “children” means persons under the age of nineteen;
  - “education legislation” means—
    - (a) the Education Acts (as defined by section 578 of the Education Act 1996 (c. 56)),
    - (b) the Learning and Skills Act 2000 (c. 21), and
    - (c) any subordinate legislation made under any of those Acts;
  - [<sup>F9</sup>“maintained school” means—
    - (a) a community, foundation or voluntary school,
    - (b) a community or foundation special school, or
    - (c) a maintained nursery school;]
  - [<sup>F10</sup>“qualifying body” means—
    - (a) a [<sup>F11</sup>local authority],
    - (b) an Education Action Forum,
    - (c) a qualifying foundation,
    - (d) the governing body of a maintained school,
    - (e) the head teacher of a maintained school,
    - (f) the proprietor of an Academy, a city technology college or a city college for the technology of the arts,
    - (g) the proprietor of any special school that is not maintained by a [<sup>F11</sup>local authority] but is for the time being approved by the Secretary of State <sup>F12</sup>... under section 342 of the Education Act 1996, or
    - (h) the governing body of an institution within the further education sector;]
  - [<sup>F13</sup>“qualifying foundation” means the foundation, as defined by subsection (3)(a) of section 21 of the School Standards and Framework Act 1998, of any foundation or foundation special school that for the purposes of that section has a foundation established otherwise than under that Act;]
  - <sup>F14</sup> ...
  - “subordinate legislation” has the same meaning as in the Interpretation Act 1978 (c. 30).

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### Textual Amendments

- F1** Words in s. 1(1)(a) substituted (8.11.2006) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(1), [Sch. 16 para. 1\(2\)](#)
- F2** Words in s. 1(1)(b) substituted (8.11.2006) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(1), [Sch. 16 para. 1\(2\)](#)
- F3** Words in s. 1(2) substituted (8.11.2006) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(1), [Sch. 16 para. 1\(3\)\(a\)](#)
- F4** Words in s. 1(2)(a) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Primary Legislation\) Regulations 2022 \(S.I. 2022/744\)](#), reg. 1(3), [Sch. 2 para. 6\(2\)\(a\)](#)
- F5** Word in s. 1(2) omitted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by virtue of [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Primary Legislation\) Regulations 2022 \(S.I. 2022/744\)](#), reg. 1(3), [Sch. 2 para. 6\(2\)\(b\)](#)
- F6** S. 1(2)(aa)(ab) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Primary Legislation\) Regulations 2022 \(S.I. 2022/744\)](#), reg. 1(3), [Sch. 2 para. 6\(2\)\(c\)](#)
- F7** Words in s. 1(2)(b) substituted (8.11.2006) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(1), [Sch. 16 para. 1\(3\)\(b\)](#)
- F8** Words in s. 1(3) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 14 para. 71](#); [S.I. 2007/935](#), art. 5(gg)
- F9** Words in s. 1(3) inserted (8.11.2006) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(1), [Sch. 16 para. 1\(4\)\(a\)](#)
- F10** Words in s. 1(3) substituted (8.11.2006) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(1), [Sch. 16 para. 1\(4\)\(b\)](#)
- F11** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [art. 1](#), [Sch. 2 para. 11\(2\)](#)
- F12** Words in s. 1(3) omitted (1.9.2021) by virtue of [The Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(Consequential Amendments\) Regulations 2021 \(S.I. 2021/861\)](#), regs. 1, [5\(2\)](#)
- F13** Words in s. 1(3) inserted (8.11.2006) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(1), [Sch. 16 para. 1\(4\)\(c\)](#)
- F14** Words in s. 1(3) repealed (8.11.2006) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(1), [Sch. 16 para. 1\(4\)\(d\)](#), [Sch. 18 Pt. 1](#)

### Commencement Information

- I1** S. 1 partly in force; s. 1 not in force at Royal Assent, see s. 216; s. 1 in force (except for the words "(b) a maintained nursery school" in the list of qualifying schools in s. 1(3)) for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [Sch.](#))
- I2** S. 1 in force at 1.9.2003 so far as not already in force except in relation to W. by [S.I. 2003/1667](#), [art. 4](#)
- I3** S. 1 in force at 27.2.2015 for W. by [S.I. 2015/381](#), [art. 2](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 1(3) words substituted by [2008 c. 25 Sch. 1 para. 14](#)
- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1 by [S.I. 2004/571 Sch.](#)
- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1A and 2 by [S.I. 2005/2570 art. 2](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 27(1A) inserted by [2010 c. 26 s. 4\(1\)](#)
- s. 29(2A)-(2D) inserted by [2009 c. 22 s. 260\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 250 omitted (1.9.2012) by virtue of 2011 c. 21, s. 29(9)(d); S.I. 2012/1087, art. 3)
- s. 29B inserted by [2008 c. 25 s. 157](#)
- s. 8585A substituted for s. 85 by [2006 c. 40 s. 74\(1\)](#)
- s. 85A amendment to earlier affecting provision 2006 c. 40 s. 74(1) by [2011 c. 21 s. 31\(2\)](#)
- s. 85A(5) words substituted by [2009 c. 22 Sch. 12 para. 34](#)
- s. 86(1) s. 86 renumbered as s. 86(1) by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 86(2) inserted by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 88(2)-(7) inserted by [2006 c. 40 s. 74\(3\)](#)
- s. 88(7) repealed by [S.I. 2010/1080 Sch. 1 para. 45Sch. 2 Pt. 1](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 88(2)-(7) by 2006 c. 40, s 74(3) was repealed without ever being brought into force.)
- s. 142(9)(b) words substituted by [S.I. 2010/1158 Sch. 2 para. 11\(10\)\(b\)](#)
- s. 210A inserted by [2008 c. 25 Sch. 1 para. 79](#)