



# Education and Inspections Act 2006

## 2006 CHAPTER 40

### PART 9

#### MISCELLANEOUS

##### *Independent schools*

#### **171 Prohibition on participation in management: transitional provision**

- (1) A person falls within this subsection if—
- (a) immediately before the relevant day he is subject to a direction under section 142 of EA 2002 given on grounds prescribed for the purposes of this section, and
  - (b) prescribed conditions (which may include conditions relating to decisions taken on or after the relevant day by the [<sup>F1</sup>Disclosure and Barring Service] under the Safeguarding Vulnerable Groups Act 2006) are satisfied in relation to him.
- (2) Regulations may provide that, as from a time specified in or determined in accordance with the regulations, persons who fall within subsection (1) are to be treated for prescribed purposes as if the direction given under section 142 of EA 2002 were a direction given by the appropriate authority under section 167A of that Act.
- (3) Regulations may make provision in connection with the determination of any appeal under subsection (1) of section 144 of EA 2002, or application for review under subsection (2) of that section, which is pending on the relevant day.
- (4) Regulations under subsection (3) may, in particular, provide for an appeal, or application for review, under section 144 of EA 2002 to be treated as an appeal under section 167B of that Act.
- (5) In this section—
- “appropriate authority” has the same meaning as in section 167A of EA 2002;

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**Changes to legislation:** Education and Inspections Act 2006, Section 171 is up to date with all changes known to be in force on or before 04 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) [View outstanding changes](#)

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“prescribed” means prescribed by regulations under this section;  
“regulations” means regulations made [<sup>F2</sup>by the Welsh Ministers;]  
“the relevant day” means the day on which section 167A of EA 2002 comes into force.

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#### Textual Amendments

- F1** Words in s. 171(1)(b) substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **13(1)(2)(f)** (with Pt. 4)
- F2** Words in s. 171(5) substituted (5.1.2015) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), **Sch. 1 para. 40(2)**; S.I. 2014/3364, art. 2(z)
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#### Commencement Information

- I1** S. 171 in force at 12.10.2009 for W. by [S.I. 2009/2545](#), **art. 3(1)(c)**

**Changes to legislation:**

Education and Inspections Act 2006, Section 171 is up to date with all changes known to be in force on or before 04 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.

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

- specified provision(s) amendment to earlier commencing SI 2006/2990 art. 4 by [S.I. 2008/54 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2007/935 art. 7(n) by [S.I. 2007/1271 art. 4](#)
- specified provision(s) transitional provisions for earlier commencing SI 2007/935 by [S.I. 2007/1271 art. 5](#)

**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. 11A inserted by [2010 c. 26 s. 7](#)
- s. 88(A1) inserted by [2015 c. 20 Sch. 16 para. 1\(2\)](#)
- s. 93A inserted by [2009 c. 22 s. 246](#)
- s. 93A(7) words inserted by [S.I. 2016/413 reg. 235](#) (This amendment comes into force on the day that section 93A of the Education and Inspections Act 2006 (c. 40) comes into force. That provision is still prospective)
- s. 162(5A)(aa) inserted by [2010 nawm 1 Sch. 1 para. 20\(a\)](#)