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 Independent Barring Board 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;

"prescribed" means prescribed by regulations under this section;

"regulations" means regulations made—

(a) in relation to England, by the Secretary of State, or

(b) in relation to Wales, by the Assembly;

"the relevant day" means the day on which section 167A of EA 2002 comes into force.