

SCHEDULES

SCHEDULE 1

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 2

MISCELLANEOUS

Local Government Act 1972 (c. 70)

- 42 In section 177(1A) of the Local Government Act 1972 (allowances: supplementary provisions), after paragraph (c) insert “and
(d) regulations made by virtue of section 48(4) of the Education and Skills Act 2008 (allowances for attendance panels).”

Children Act 1989 (c. 41)

- 43 In section 36(5)(b) of the Children Act 1989 (education supervision orders)—
(a) in sub-paragraph (ii), after “subsection (1)” insert “or (1A)”;
(b) in sub-paragraph (iii), after “subsection” insert “(1B) or”.

Social Security Administration Act 1992 (c. 5)

- 44 The Social Security Administration Act 1992 is amended as follows.
- 45 (1) Section 2A (claim or full entitlement to certain benefits conditional on work-focused interviews) is amended as follows.
- (2) In subsection (8), in the definition of “the designated authority”—
(a) after paragraph (c) insert—
“(ca) subject to subsection (9), a county council in England,”;
(b) in paragraph (d), before “a person” insert “subject to subsection (9),”;
(c) in that paragraph for “any such authority” substitute “any authority mentioned in paragraph (c) or (ca)”.
- (3) After that subsection insert—
“(9) A county council in England or a person providing services to, or authorised to exercise any function of, such a council may be specified as the designated authority only in relation to interviews with persons to whom the council is required to make support services available under section 68(1) of the Education and Skills Act 2008 (support services: provision by local education authorities).”
- 46 (1) Section 2AA (full entitlement to certain benefits conditional on work-focused interview for partner) is amended as follows.

Status: This is the original version (as it was originally enacted).

- (2) In subsection (7), in the definition of “designated authority”—
- (a) after paragraph (c) insert—

“(ca) subject to subsection (8), a county council in England,”;
 - (b) in paragraph (d), before “a person” insert “subject to subsection (8),”;
 - (c) in that paragraph, for “a local authority” substitute “any authority mentioned in paragraph (c) or (ca)”.
- (3) After that subsection insert—
- “(8) A county council in England or a person providing services to, or authorised to exercise any function of, such a council may be specified as the designated authority only in relation to interviews with persons to whom the council is required to make support services available under section 68(1) of the Education and Skills Act 2008 (support services: provision by local education authorities).”
- 47 (1) Section 2C (optional work-focused interviews) is amended as follows.
- (2) In subsection (1), after “local authorities” insert “or, subject to subsection (3A), county councils in England”.
 - (3) In subsection (3), after “a local authority” insert “or on a county council in England”.
 - (4) After subsection (3) insert—

“(3A) Regulations under this section may confer functions on a county council in England only in relation to interviews with persons to whom the council is required to make support services available under section 68(1) of the Education and Skills Act 2008 (support services: provision by local education authorities).”

Education Act 1996 (c. 56)

- 48 The Education Act 1996 is amended as follows.
- 49 In section 439 (school attendance: specification of schools), in subsection (2), after “section” insert “88C or”.
- 50 In section 444A(1)(b) (penalty notice in respect of failure to secure regular attendance at school of registered pupil), for sub-paragraph (iii) and the “or” before that sub-paragraph substitute—
- “(iii) in a case falling within subsection (1A) of that section, to a place at which education is provided for a child in the circumstances mentioned in that subsection, or
 - (iv) in a case falling within subsection (1B) of that section, to a place at which a child is required to attend in the circumstances mentioned in that subsection,”.
- 51 In section 566(3) (evidence: documents)—
- (a) in paragraph (a), after “subsection (1)” insert “or (1A)”;
 - (b) in paragraph (b), after “subsection” insert “(1B) or”.
- 52 (1) Paragraph 8 of Schedule 35B (meaning of “eligible child” for purposes of section 508B) is amended as follows.
- (2) In sub-paragraph (1), for paragraph (c) substitute—

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“(c) the appropriate authority for the school has made arrangements for the provision of full-time education for him otherwise than at the school or at his home during the period of exclusion.”.

(3) In that sub-paragraph, for “the child is required to attend” substitute “the education is provided”.

(4) In sub-paragraph (2), for paragraph (b) substitute—

“(b) in relation to a maintained school or a pupil referral unit, references in that sub-paragraph to exclusion are references to exclusion under section 52 of the Education Act 2002.”

School Standards and Framework Act 1998 (c. 31)

53 The School Standards and Framework Act 1998 is amended as follows.

54 (1) Section 86 (parental preferences) is amended as follows.

(2) After subsection (1) insert—

“(1ZA) Subsection (1) does not apply in relation to—

(a) sixth form education, or

(b) any other education to be provided for a child who—

(i) has ceased to be of compulsory school age, or

(ii) will have ceased to be of compulsory school age before the education is provided for him.”

(3) In subsection (2), for “subsections (3) and (3A)” substitute “subsection (3)”.

(4) Omit subsections (3A) and (3B).

(5) In subsection (5), after “section” insert “88C or”.

(6) In subsection (5A)—

(a) after “under section” insert “88C or”;

(b) for “paragraphs (a) and (b) of section 89A(2)” substitute “section 88D(2)(a) and (b) or 89A(2)(a) and (b)”.

(7) In subsection (5B)(a) and (b), after “section” insert “88C or”.

(8) In subsection (8), for “subsections (3) and (3A)” substitute “subsection (3)”.

(9) In subsection (9), omit “or arrangements such as are mentioned in subsection (3B)”.

55 In section 87 (no requirement to admit children permanently excluded from two or more schools), in subsection (1), for “duty imposed by section 86(2) does” substitute “duties imposed by section 86(2) and section 86B(1) do”.

56 After section 88Q (inserted by section 151) insert—

“Admission arrangements: Wales

88R Prohibition on interviews

(1) No admission arrangements for a maintained school in Wales may require or authorise any interview with an applicant for admission to the school or

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his parents, where the interview is to be taken into account (to any extent) in determining whether the applicant is to be admitted to the school.

(2) If the maintained school is one at which boarding accommodation is provided for pupils, subsection (1) does not apply in relation to any interview intended to assess the suitability of an applicant for a boarding place.

(3) Where the admission arrangements for a maintained school in Wales make provision for a permitted form of selection by aptitude, subsection (1) does not prevent the arrangements from requiring or authorising any audition or other oral or practical test to be carried out in relation to an applicant solely for the purpose of ascertaining the applicant's aptitude in accordance with the arrangements.

(4) In this section "permitted form of selection by aptitude" is to be read in accordance with section 99(4)."

57 (1) Section 89 (procedure for determining admission arrangements) is amended as follows.

(2) In subsection (1), after "maintained school" insert "in Wales".

(3) Omit subsections (1ZA) and (1A).

(4) In subsection (5), for "the adjudicator" substitute "the Welsh Ministers".

(5) In subsection (6)—

- (a) for "The adjudicator" substitute "The Welsh Ministers";
- (b) for "he determines" substitute "they determine";
- (c) for "he may determine" substitute "they may determine";
- (d) in paragraph (a), for "his" substitute "their".

(6) Omit subsection (7).

(7) In subsection (8)(g), for "the Secretary of State considers" substitute "the Welsh Ministers consider".

(8) In subsection (10) omit paragraph (b).

58 (1) Section 89A (determination of admission numbers) is amended as follows.

(2) In subsection (1), after "maintained school" insert "in Wales".

(3) In subsection (3), after "maintained school" insert "in Wales".

59 (1) Section 89B (co-ordination of admission arrangements) is amended as follows.

(2) In subsection (1), after "authority" insert "in Wales".

(3) In subsection (2)—

- (a) for "the Secretary of State" substitute "the Welsh Ministers";
- (b) after "authority" insert "in Wales".

(4) In subsection (3)(b)—

- (a) for "the Secretary of State" substitute "the Welsh Ministers";
- (b) for "him" substitute "them".

(5) In subsection (4)—

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- (a) for “The Secretary of State” substitute “The Welsh Ministers”;
 - (b) after “authorities” in the first place in which it occurs, insert “in Wales”;
 - (c) for “them” substitute “such other authorities”.
- (6) In subsection (5)—
- (a) in paragraph (a), after “authority” in the first place in which it occurs insert “in Wales”;
 - (b) in paragraph (b), after “maintained school” insert “in Wales”.
- (7) After subsection (6) insert—
- “(7) Nothing in this section applies in relation to arrangements for the admission to maintained schools in Wales of pupils—
- (a) who—
 - (i) have ceased to be of compulsory school age, or
 - (ii) will have ceased to be of compulsory school age before education is provided for them at the school, or
 - (b) for the purpose of receiving sixth form education.”
- 60 (1) Section 89C (further provision about schemes adopted or made by virtue of section 89B) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a), after “local education authorities” insert “in Wales”;
 - (b) in paragraph (b), after “maintained schools” insert “in Wales”.
- (3) In subsection (2)—
- (a) after “local education authority” in the first place where it occurs, insert “in Wales”;
 - (b) after “maintained school” insert “in Wales”.
- (4) In subsections (3) and (3A), after “a maintained school” insert “in Wales”.
- (5) In subsections (6) and (7), for “the Secretary of State” in each place substitute “the Welsh Ministers”.
- 61 Omit section 89D (power to restrict alteration of admission arrangements following establishment or expansion).
- 62 (1) Section 90 (reference of objections to adjudicator or Secretary of State) is amended as follows.
- (2) In the title, for “adjudicator or Secretary of State” substitute “Welsh Ministers”.
- (3) In subsections (1) and (2), for “the adjudicator” substitute “the Welsh Ministers”.
- (4) After subsection (2) insert—
- “(2A) Where any objection is referred to the Welsh Ministers, they shall decide whether, and (if so) to what extent, the objection should be upheld.”
- (5) Omit subsections (3) to (5).
- (6) In subsection (5A)—
- (a) for “the adjudicator or the Secretary of State is” substitute “the Welsh Ministers are”;

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- (b) for “subsection (3)(a) or (b) or (5)(c)” substitute “(2A)”;
- (c) for “he” (in both places) substitute “they”.

(7) In subsection (5B)—

- (a) for “him” substitute “them”;
- (b) for “the adjudicator or the Secretary of State (as the case may be)” substitute “the Welsh Ministers”;
- (c) in paragraphs (a), (b) and (d), for “his” substitute “their”;
- (d) in paragraph (b) for “he has” substitute “they have”;
- (e) omit paragraph (c);
- (f) in paragraph (d), for “to (c)” substitute “and (b)”.

(8) In subsection (5C)—

- (a) for “the adjudicator or the Secretary of State (as the case may be) decides” substitute “the Welsh Ministers decide”;
- (b) for “his” substitute “their”.

(9) In subsection (8)—

- (a) for “the adjudicator or the Secretary of State” (in both places) substitute “the Welsh Ministers”;
- (b) for “has” substitute “have”.

(10) In subsection (9)—

- (a) in paragraph (a)—
 - (i) for “the adjudicator or the Secretary of State” (in sub-paragraphs (i) and (ii)) substitute “the Welsh Ministers”;
 - (ii) in sub-paragraph (ii), for “is” substitute “are” and for “him” substitute “them”;
- (b) in paragraph (b), for “the adjudicator or the Secretary of State” substitute “the Welsh Ministers”;
- (c) omit paragraph (ba);
- (d) in paragraphs (e) and (f), for “the adjudicator or the Secretary of State” substitute “the Welsh Ministers”.

(11) In subsection (11), omit paragraph (b).

63 After section 90 insert—

“90ZA Regulations by Welsh Ministers under sections 89 to 90

In sections 89 to 90—

“prescribed” means prescribed by regulations made by the Welsh Ministers;

“regulations” means regulations made by the Welsh Ministers.”

64 Omit section 90A (restrictions on alteration of admission arrangements following adjudicator’s decision).

65 Before section 92 insert—

“Publication of information about admissions: England and Wales”

66 Omit section 94(7).

- 67 (1) Section 95 (appeals relating to children to whom section 87 applies) is amended as follows.
- (2) In subsection (1)—
- (a) for “the parent of a child” substitute “the appropriate person”;
- (b) in paragraph (b), for “the child” substitute “a child”.
- (3) After that subsection insert—
- “(1A) In subsection (1), “the appropriate person”, in relation to a child, has the same meaning as in section 94.”
- 68 (1) Section 98 (admission for nursery education or to nursery or special school: children with statements of special educational needs) is amended as follows.
- (2) In subsection (2)—
- (a) in paragraph (a), after “section” insert “88C or”;
- (b) in paragraph (b), after “section” insert “88D or”.
- (3) In subsection (9)(b), after “section” insert “88C or”.
- 69 In section 103 (permitted selection: introduction, variation or abandonment of provision for such selection), in subsection (1), after “sections” insert “88C to 88K or, as the case may be,”.
- 70 In section 108 (implementation of decision that school should cease to have selective admission arrangements), in subsection (2), after “sections” insert “88C to 88K or, as the case may be,”.
- 71 After section 138 insert—

“138A Regulations made by Welsh Ministers under sections 89 to 90

- (1) Any power of the Welsh Ministers to make regulations under sections 89 to 90 shall be exercisable by statutory instrument.
- (2) A statutory instrument containing any such regulations made by the Welsh Ministers shall be subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (3) Any such regulations may make different provision for different cases, circumstances or areas and may contain such incidental, supplemental, saving or transitional provisions as the Welsh Ministers think fit.”
- 72 In section 142(1) (general interpretation)—
- (a) in the definition of “prescribed”, after ““prescribed”” insert “(except in sections 89 to 90)”;
- (b) in the definition of “regulations”, after ““regulations”” insert “(except in sections 89 to 90)”.
- 73 (1) Section 143 (index) is amended as follows.
- (2) For the entry relating to “prescribed” substitute—

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(generally)	section 142(1)
(in sections 89 to 90)	section 90ZA”.

(3) For the entry relating to “regulations” substitute—

“regulations	
(generally)	section 142(1)
(in sections 89 to 90)	section 90ZA”.

Welfare Reform and Pensions Act 1999 (c. 30)

74 (1) Section 72 of the Welfare Reform and Pensions Act 1999 (supply of information for certain purposes) is amended as follows.

(2) In subsection (2)—

(a) after paragraph (c) insert—

“(ca) a county council in England; and”;

(b) in paragraph (d) for “any such authority” substitute “any authority mentioned in paragraph (c) or (ca)”.

(3) In subsection (6) after ““social security information” means” insert “(subject to subsection (6A))”.

(4) After subsection (6) insert—

“(6A) References in subsection (1)(a) and (b) to social security information held by a county council do not include social security information about any person to whom the council is not required to make support services available under section 68(1) of the Education and Skills Act 2008 (support services: provision by local education authorities).”

Learning and Skills Act 2000 (c. 21)

75 The Learning and Skills Act 2000 is amended as follows.

76 In the following provisions after “section” insert “139A or”—

- (a) section 6(3)(f);
- (b) section 13(1)(b);
- (c) section 35(3)(f);
- (d) section 41(1)(b).

77 In section 140 (the title of which becomes “Assessments relating to learning difficulties: Wales”)—

- (a) in subsection (1)(a) after “local education authority” insert “in Wales”;
- (b) in subsection (1)(b) for “Secretary of State believes” substitute “Welsh Ministers believe” and for “Part 1” substitute “Part 2”;
- (c) in subsections (2) and (3) for “The Secretary of State” substitute “The Welsh Ministers”;
- (d) in subsection (3)(b) for “to the Secretary of State” substitute “to the Welsh Ministers” and for “section 13” substitute “section 41”;

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- (e) in subsection (3)(c) for “Secretary of State’s opinion” substitute “opinion of the Welsh Ministers” and for “Part 1” substitute “Part 2”;
- (f) in subsection (5) after “local education authority” insert “in Wales” and for “Secretary of State on his request” substitute “Welsh Ministers on their request”;
- (g) omit subsection (6).

Tax Credits Act 2002 (c. 21)

- 78 Omit paragraph 10 of Schedule 5 to the Tax Credits Act 2002 (provision of information by HMRC for education purposes).

Education Act 2002 (c. 32)

- 79 After section 210 of the Education Act 2002 insert—

“210A Regulations under power conferred on Welsh Ministers after implementation of Government of Wales Act 2006

- (1) The power of the Welsh Ministers to make regulations under section 29B is exercisable by statutory instrument.
- (2) A statutory instrument containing any such regulations made by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (3) The power of the Welsh Ministers to make regulations under section 29B includes power—
 - (a) to make different provisions for different cases or areas,
 - (b) to make provision generally or only in relation to specific cases, and
 - (c) to make such incidental, supplemental, saving or transitional provisions as the Welsh Ministers think fit.
- (4) Nothing in this Act shall be regarded as affecting the generality of subsection (3).”

Anti-social Behaviour Act 2003 (c. 38)

- 80 In section 19(2) of the Anti-social Behaviour Act 2003 (parenting contracts in case of misbehaviour at school or truancy)—
- (a) in paragraph (b), after “subsection (1)” insert “or (1A)”; and
 - (b) in paragraph (c), after “subsection” insert “(1B) or”.

Sexual Offences Act 2003 (c. 42)

- 81 In section 21 of the Sexual Offences Act 2003 (positions of trust), in subsection (7), for paragraph (b) substitute—
- “(b) section 68, 70(1)(b) or 74 of the Education and Skills Act 2008,”.

Children Act 2004 (c. 31)

- 82 The Children Act 2004 is amended as follows.

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

- 83 In section 10 (co-operation to improve well-being), in subsection (4)(f), for “under section 114 of the Learning and Skills Act 2000 (c. 21)” substitute “in pursuance of section 68 of the Education and Skills Act 2008”.
- 84 In section 11 (arrangements to safeguard and promote welfare), in subsection (1)(m), for “under section 114 of the Learning and Skills Act 2000 (c. 21)” substitute “in pursuance of section 74 of the Education and Skills Act 2008”.
- 85 In section 13(3)(g) (Local Safeguarding Children’s Boards), for “under section 114 of the Learning and Skills Act 2000 (c. 21)” substitute “in pursuance of section 68 of the Education and Skills Act 2008”.

Education and Inspections Act 2006 (c. 40)

- 86 The Education and Inspections Act 2006 is amended as follows.
- 87 In section 74(3) (implementation of curriculum requirements for fourth key stage)—
- (a) for the words from the beginning to “insert—” substitute “In section 88 of EA 2002, after subsection (1A) insert—”;
 - (b) in subsection (2) of the inserted text, for “subsection (1)” substitute “subsections (1) and (1A)”.
- 88 (1) In section 180 (functions to be exercisable by National Assembly), in subsection (2) after “sections 40 to 54 (school admissions);” insert—
“section 55 (right of sixth-form pupils to opt out of religious worship);”.
- (2) The amendment made by sub-paragraph (1) is deemed always to have had effect.

Safeguarding Vulnerable Groups Act 2006 (c. 47)

- 89 In section 21 of the Safeguarding Vulnerable Groups Act 2006 (controlled activity relating to children), in subsection (6)(b), for “section 117(1) of the Learning and Skills Act 2000 (c. 21)” substitute “section 72 of the Education and Skills Act 2008 relating to children”.

Criminal Justice and Immigration Act 2008 (c. 4)

- 90 (1) Schedule 7 to the Criminal Justice and Immigration Act 2008 (youth default orders: modification of provisions applying to youth rehabilitation orders) is amended as follows.
- (2) In paragraph 5 (enforcement, revocation and amendment of youth default order), in sub-paragraph (1), at the end add “but subject to paragraph 5A”.
- (3) After that paragraph insert—

“Enforcement, revocation and amendment: order made in respect of conviction under section 51 of the Education and Skills Act 2008

- 5A (1) This paragraph applies where—
- (a) a youth default order has been made in a person’s case in respect of a fine imposed on conviction of an offence under section 51 of the Education and Skills Act 2008 (offence relating to failure to participate in education or training), and
 - (b) the person has reached the age of 18.

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

- (2) Paragraph 5 has effect as if sub-paragraph (3) provided for any power of the court to revoke a youth rehabilitation order and deal with the offender for the offence to be taken to be a power to—
- (a) revoke the youth default order, and
 - (b) specify the amount of the relevant sum (within the meaning given by section 55 of the Education and Skills Act 2008) that, having regard to the extent if any to which the person has complied with the order, is to be treated as remaining unpaid and, accordingly, to be enforceable by virtue of section 56 of that Act.”