
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 1st August 2003, 1st September 2003 and 1st November 2003, those provisions of the Education Act 2002 specified in Parts I to III of the Schedule to this Order.

References below to sections and Schedules (without more) are references to sections of and Schedules to the Education Act 2002.

In the case of provisions brought into force by this Order which amend existing legislation, references to the Secretary of State in those provisions are to be read, in relation to Wales, as references to the National Assembly for Wales — *see* section 211.

The effect of the provisions specified in Part I of the Schedule is as follows —

Sections 60 to 64 relate to the powers of the National Assembly for Wales (the National Assembly) to direct LEAs.

Section 60 amends section 497A of the Education Act 1996 (the 1996 Act) so that a direction can relate to all functions of an LEA; so that a further direction can be made when a previous one comes to an end if the National Assembly is satisfied that if it did not make a further direction, the LEA would not perform the function in question to an adequate standard; so that the National Assembly can direct an LEA to take more specific action; and so as to enable the National Assembly to direct that a function is to be exercised by it or by its nominee. Section 61 inserts a new section 497AA of the 1996 Act which requires an LEA to co-operate with the National Assembly, or its nominee, if the National Assembly is contemplating making a direction. Section 62 makes consequential amendments to section 497B of the 1996 Act. Sections 63 and 64 enable the National Assembly in certain circumstances to direct an LEA to obtain advice from a specified person.

Section 178(1) and (4) amend the Learning and Skills Act 2000 to extend area inspections to persons who are aged over 14.

Section 215 and Schedules 21 and 22 make minor and consequential amendments and repeals.

The effect of the provisions specified in Part II of the Schedule is as follows —

Section 27 enables the governing body of a maintained school to provide facilities or services for the benefit of the community. Section 28 sets limits on the exercise of this power. Section 19(6) and Schedule 1, paragraph 3(1), (3) to (8), and section 40 and Schedule 3, paragraphs 1 to 5 make provision consequential on the introduction of this power.

Section 29 re-enacts, with amendments, section 39 of the School Standards and Framework Act 1998 (the 1998 Act). Section 39(1) of the 1998 Act required governing bodies to establish a complaints procedure in accordance with regulations, but no regulations were made under that section. Section 29 (1) and (2) now requires a governing body to have a complaints procedure as set out in the section and in accordance with guidance. Section 29 (3) and (4) gives a governing body the power to require pupils to attend any place outside the school for curriculum purposes. Section 29(5) requires a governing body and a head teacher to comply with an LEA's directions in relation to health and safety.

Sections 136 to 140 contain regulation making powers in relation to the qualifications of further education teachers and principals, in relation to courses leading to such qualifications and in relation to the provision of courses of higher education at further education institutions.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Sections 181 to 185 enable the National Assembly to make regulations providing for allowances to be paid to eligible persons over compulsory school age taking part in education or training which is not higher education.

Section 197 enables the National Assembly to make regulations requiring LEAs and governing bodies to enter into partnership agreements, setting out how they will carry out their functions in relation to a school.

Section 199 and Schedule 19 amend provisions of the 1996 Act relating to transport. They require LEAs to prepare a policy statement setting out their arrangements for the provision of, or support for, transport for post 16 learners.

Section 202 contains regulation making powers in relation to educational records of further education institutions.

Section 203 contains regulation making powers in relation to the use of hazardous equipment and materials in further education institutions.

Section 206 and Schedule 20 amend the 1996 Act and the Further and Higher Education Act 1992, to extend the provisions relating to nuisance or disturbance on educational premises to non-maintained special schools, independent schools, premises provided by an LEA for instruction in sporting, recreational or outdoor activities and to institutions within the further education sector.

Section 215 and Schedules 21 and 22 make minor and consequential amendments and repeals.

The effect of the provisions specified in Part III of the Schedule is as follows —

Section 43 inserts a new section 47A of the 1998 Act, requiring LEAs to establish school forums. These will represent governing bodies and head teachers and will advise the LEA on matters relating to its schools budget.