



# Education Act 2002

## 2002 CHAPTER 32

### PART 11

#### MISCELLANEOUS AND GENERAL

##### *Miscellaneous*

#### **202 Further education institutions: records**

- (1) Regulations may make provision about the compilation, retention and disclosure of educational records of further education institutions.
- (2) The regulations may, in particular, impose a function on—
  - (a) a [F1local authority], or
  - (b) the governing body of a further education institution.
- (3) The regulations may, in particular, make a duty to provide a copy of a record conditional on the payment of a charge which does not exceed the cost of providing the copy.
- (4) In this section “further education institution” has the same meaning as in section 140.

#### **Textual Amendments**

- F1** 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\(2\)](#)

#### **Commencement Information**

- I1** S. 202 in force at 1.8.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 3](#)
- I2** S. 202 in force at 1.9.2003 for W. by [S.I. 2003/1718](#), [art. 5](#), [Sch. Pt. II](#)

*Status: Point in time view as at 05/05/2010.*

*Changes to legislation: Education Act 2002, Cross Heading: Miscellaneous is up to date with all changes known to be in force on or before 03 June 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)*

### 203 Further education institutions: hazardous material, etc.

- (1) The Secretary of State may by regulations require the governing body of a further education institution in England to prevent the use in the institution of specified equipment or specified materials without the approval of the Secretary of State.
- (2) The Secretary of State may specify equipment or materials under this section only if he thinks the equipment or materials might endanger a person's health or safety.
- (3) The National Assembly for Wales may by regulations require the governing body of a further education institution in Wales to prevent the use in the institution of specified equipment or specified materials without the approval of the Assembly.
- (4) The National Assembly for Wales may specify equipment or materials under this section only if it thinks the equipment or materials might endanger a person's health or safety.
- (5) In this section "further education institution" means an institution within the further education sector.

#### Commencement Information

- I3** S. 203 in force at 1.8.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 3](#)  
**I4** S. 203 in force at 1.9.2003 for W. by [S.I. 2003/1718](#), [art. 5](#), [Sch. Pt. II](#)

### 204 Baseline assessments

Chapter 1 of Part 4 of the Education Act 1997 (c. 44) (baseline assessments) shall cease to have effect.

#### Commencement Information

- I5** S. 204 in force at 2.9.2002 for E. by [S.I. 2002/2002](#), [art. 4](#)

### 205 Application of Part 5 of Education Act 1996 to nursery education

Section 410 of the Education Act 1996 (c. 56) (which excludes the application of Part 5 of that Act in relation to a nursery school or in relation to a nursery class at a primary school) shall cease to have effect.

#### Commencement Information

- I6** S. 205 partly in force; s. 205 not in force at Royal Assent, see s. 216; s. 205 in force for certain purposes for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), [Sch.](#))  
**I7** S. 205 in force at 1.8.2008 for W. by [S.I. 2008/1728](#), [art. 3](#), [Sch. Pt. 2](#)

### 206 Nuisance or disturbance on educational premises

Schedule 20 (nuisance or disturbance on educational premises) shall have effect.

*Status: Point in time view as at 05/05/2010.*

*Changes to legislation: Education Act 2002, Cross Heading: Miscellaneous is up to date with all changes known to be in force on or before 03 June 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)*

#### Commencement Information

- 18** S. 206 partly in force; s. 206 not in force at Royal Assent, see s. 216; s. 206 in force for certain purposes for E. at 1.10.2002 by S.I. 2002/2439, **art. 3** (with transitional provisions and savings in **art. 4, Sch.**)
- 19** S. 206 in force at 1.9.2003 for W. by S.I. 2003/1718, **art. 5, Sch. Pt. II**

### 207 **Recoupment: adjustment between [F<sup>2</sup>local authorities]**

- (1) Regulations may provide, in relation to cases where any provision for education to which this section applies is made by a [F<sup>1</sup>local authority] (in this section referred to as “the providing authority”) in respect of a person who belongs to the area of another [F<sup>1</sup>local authority], for requiring or authorising the other authority (in this section referred to as the “home authority”) to pay to the providing authority—
  - (a) such amount as the authorities may agree, or
  - (b) failing agreement, such amount as may be determined by or under the regulations.
- (2) This section applies to primary education and secondary education.
- (3) The regulations may provide for the amounts payable by one authority to another—
  - (a) to reflect the whole or any part of the average costs incurred by [F<sup>2</sup>local authorities] in the provision of education (whether in England and Wales as a whole or in any particular area or areas), and
  - (b) to be based on figures for average costs determined by such body or bodies representing [F<sup>2</sup>local authorities], or on such other figures relating to costs so incurred, as the Secretary of State, or as the case may be the National Assembly for Wales, considers appropriate.
- (4) Regulations made under this section in relation to Wales by the National Assembly for Wales may provide for the amounts so payable, in such cases as may be specified in or determined in accordance with the regulations, to be such amounts as may be determined—
  - (a) where the providing authority and the home authority are both in Wales, by the National Assembly for Wales, or
  - (b) where the providing authority is in Wales and the home authority is in England, by the Assembly with the consent of the Secretary of State.
- (5) Any dispute between [F<sup>2</sup>local authorities] in Wales as to whether one of them is entitled to be paid any amount by another under the regulations shall be determined by the National Assembly for Wales.
- (6) Any dispute between a providing authority in Wales and a home authority in England as to whether the providing authority is entitled to be paid any amount by the home authority under the regulations shall be determined by the National Assembly for Wales with the consent of the Secretary of State.
- (7) In this section references to provision for education include provision of any benefits or services for which provision is made by or under this Act or any other enactment relating to education.

*Status: Point in time view as at 05/05/2010.*

*Changes to legislation: Education Act 2002, Cross Heading: Miscellaneous is up to date with all changes known to be in force on or before 03 June 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)*

#### Textual Amendments

- F1** 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)**
- F2** 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(3)**

#### Commencement Information

- I10** S. 207 in force at 1.4.2003 except in relation to W. by [S.I. 2003/124](#), **art. 4**
- I11** S. 207 in force at 9.1.2004 for W. by [S.I. 2003/2961](#), **art. 7, Sch. Pt. IV**

### 208 Recoupment: special cases

- (1) In section 493 of the Education Act 1996 (c. 56) (recoupment: cross-border provisions) for subsection (2) there is substituted—

“(2) Subsection (3) of section 207 of the Education Act 2002 (recoupment: adjustment between [<sup>F2</sup>local authorities] ) shall apply for the purposes of this section as it applies for the purposes of that section, but with the omission of the reference to the National Assembly for Wales.

(2A) The regulations may provide for the amounts payable by one authority to another, in such cases as may be specified by or under the regulations, to be such amounts as may be determined by the Secretary of State.”

- (2) The function of making regulations under section 494 of the Education Act 1996 (recoupment: excluded pupils), so far as exercisable in relation to Wales, is hereby transferred to the National Assembly for Wales.
- (3) The function mentioned in subsection (2) is to be treated as having been transferred to the National Assembly for Wales by an Order in Council under section 22 of the Government of Wales Act 1998 (c. 38); and, accordingly, the transfer may be revoked or varied by an Order in Council under that section.

#### Textual Amendments

- F2** 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(3)**

#### Commencement Information

- I12** S. 208 in force at 1.4.2003 except in relation to W. by [S.I. 2003/124](#), **art. 4**
- I13** S. 208 in force at 9.1.2004 for W. by [S.I. 2003/2961](#), **art. 7, Sch. Pt. IV**

### [<sup>F3</sup>208A Recoupment: adjustment between [<sup>F2</sup>local authorities] and the YPLA

- (1) This section applies in relation to the following cases—
- (a) the YPLA secures the provision of education under section 66 of the Apprenticeships, Skills, Children and Learning Act 2009 in respect of a person who belongs to the area of a [<sup>F1</sup>local authority] in England or Wales (“the home authority”);

*Status: Point in time view as at 05/05/2010.*

*Changes to legislation: Education Act 2002, Cross Heading: Miscellaneous is up to date with all changes known to be in force on or before 03 June 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)*

- (b) a [<sup>F1</sup>local authority] in England or Wales (“the providing authority”) secures the provision of education within section 66(1) or (3) of that Act in respect of a person who belongs to the area of a [<sup>F1</sup>local authority] in England.
- (2) Regulations made by the appropriate national authority may make provision—
- (a) in relation to cases within subsection (1)(a), requiring or authorising the payment of an amount by the home authority to the YPLA;
- (b) in relation to cases within subsection (1)(b), requiring or authorising the payment of an amount by the YPLA to the providing authority.
- (3) The amounts that may be required or authorised to be paid are such sums in respect of amounts described in the regulations as may be—
- (a) agreed between the YPLA and the [<sup>F1</sup>local authority] in question, or
- (b) failing agreement, determined in accordance with the regulations.
- (4) The regulations may provide for the amounts payable—
- (a) to reflect the whole or any part of the average costs incurred by [<sup>F2</sup>local authorities] in the provision of education (whether in England and Wales as a whole or in any particular area or areas), and
- (b) to be based on figures for average costs determined by such body or bodies representing [<sup>F2</sup>local authorities], or on such other figures relating to costs so incurred, as the appropriate national authority thinks appropriate.
- (5) Regulations made under this section by the Welsh Ministers may provide that, in cases specified in or determined in accordance with the regulations, the amounts payable are to be determined by the Welsh Ministers with the consent of the Secretary of State.
- (6) In a case where the providing authority is a [<sup>F1</sup>local authority] in Wales, a dispute between the providing authority and the YPLA as to whether the providing authority is entitled to be paid an amount by the YPLA under the regulations is to be determined by the Welsh Ministers with the consent of the Secretary of State.
- (7) In this section—
- “the appropriate national authority” means—
- (a) in relation to a case where the providing authority is a [<sup>F1</sup>local authority] in Wales, the Welsh Ministers;
- (b) in relation to any other case, the Secretary of State;
- “the YPLA” means the Young People's Learning Agency for England.]

#### Textual Amendments

- F1** 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)**
- F2** 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(3)**
- F3** S. 208A inserted (1.4.2010 for E.) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(3)(4), **Sch. 6 para. 55**; S.I. 2010/303, art. 3, Sch. 2

#### <sup>F4</sup>209 Paid chairmen for local learning and skills councils

.....

---

*Status: Point in time view as at 05/05/2010.*

*Changes to legislation: Education Act 2002, Cross Heading: Miscellaneous is up to date with all changes known to be in force on or before 03 June 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)*

---

---

#### **Textual Amendments**

**F4** S. 209 repealed (21.2.2008) by [Further Education and Training Act 2007 \(c. 25\)](#), s. 32(5), [Sch. 2](#); [S.I. 2008/313](#), art. 2(j)

---

#### **Commencement Information**

**I14** S. 209 in force at 1.4.2003 by [S.I. 2003/124](#), [art. 3](#)

**Status:**

Point in time view as at 05/05/2010.

**Changes to legislation:**

Education Act 2002, Cross Heading: Miscellaneous is up to date with all changes known to be in force on or before 03 June 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.