



# Education Act 1996

## 1996 CHAPTER 56

### PART X

#### MISCELLANEOUS AND GENERAL

#### CHAPTER VI

#### GENERAL

#### *Orders, regulations and directions*

#### **568 Orders**

- (1) Any power of the Secretary of State to make orders under this Act (other than an order under any of the excepted provisions) shall be exercised by statutory instrument.
- (2) For the purposes of subsection (1) “the excepted provisions” are—
  - sections 24 and 27;
  - sections 46 to 48, 50, 51, 54, 55, 57, 58, 63, 64, 77(7), 85, 95(1), 104(1), 110(4), 112(4), 128(6) and 179;
  - sections 202, 220, 233, 274 and 302 and the definition of “Church in Wales school” in section 311(1);
  - section 349;
  - sections 420(2) and 427;
  - sections 468, 471(1) and 474;
  - section 489(3),
  - sections 497, 500, 501 and 516;
  - section 545; andparagraph 5 of Schedule 21 and paragraph 3 of Schedule 28.

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*Status: This is the original version (as it was originally enacted).*

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- (3) A statutory instrument containing any order made by the Secretary of State under this Act, other than an order under—  
     section 354(6), 355(2)(a), 356(2)(c) or 401,  
     section 517(6),  
     section 554,  
     section 583(3) or (4), or  
     Schedule 40,  
 shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) No order shall be made under section 354(6), 355(2)(a) or 401 unless a draft of the instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.
- (5) Any order made—  
     (a) by the Secretary of State under this Act by statutory instrument, or  
     (b) by the funding authority under section 220, 233 or 302 or paragraph 5 of Schedule 21,  
 may make different provision for different cases, circumstances or areas and may contain such incidental, supplemental, saving or transitional provisions as the Secretary of State thinks fit.
- (6) Without prejudice to the generality of subsection (5), an order made by the Secretary of State under this Act by statutory instrument may make in relation to Wales provision different from that made in relation to England.

## **569 Regulations**

- (1) Any power of the Secretary of State to make regulations under this Act shall be exercised by statutory instrument.
- (2) A statutory instrument containing regulations under this Act, other than regulations under section 480 or 492 or paragraph 1(4) of Schedule 20, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) No regulations shall be made under section 480 or 492 or paragraph 1(4) of Schedule 20 unless a draft of the instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament.
- (4) Regulations under this Act may make different provision for different cases, circumstances or areas and may contain such incidental, supplemental, saving or transitional provisions as the Secretary of State thinks fit.
- (5) Without prejudice to the generality of subsection (4), regulations under this Act may make in relation to Wales provision different from that made in relation to England.
- (6) Subsection (5) does not apply to regulations under section 579(4).

## **570 Revocation and variation of certain orders and directions**

- (1) This section applies to any order or directions made or given under this Act by—  
     (a) the Secretary of State,

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- (b) the funding authority, or
  - (c) a local education authority,
- other than an order to which section 568(1) applies.
- (2) Subject to subsection (3), any such order or directions may be varied or revoked by a further order or directions made or given by the Secretary of State, the funding authority or the local education authority, as the case may be.
- (3) Where the power to make or give any such order or directions is only exercisable—
- (a) on the application or with the consent of any person or body of persons, or
  - (b) after consultation with any person or body of persons, or
  - (c) subject to any other conditions,
- no order or directions made or given under that power may be varied or revoked under subsection (2) unless the same conditions are complied with.