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# Education Act 2002

## 2002 CHAPTER 32

### PART 11

#### MISCELLANEOUS AND GENERAL

VALID FROM 02/09/2002

#### *Miscellaneous*

VALID FROM 01/08/2003

#### **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 local education 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.

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VALID FROM 01/08/2003

### 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.

### 204 Baseline assessments

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

#### Commencement Information

**I1** S. 204 in force at 2.9.2002 for E. by [S.I. 2002/2002](#), [art. 4](#)

VALID FROM 01/10/2002

### 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

**I2** [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.](#))

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VALID FROM 01/10/2002

## 206 Nuisance or disturbance on educational premises

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

### Commencement Information

- I3** 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.)

VALID FROM 01/04/2003

## 207 Recoupment: adjustment between local education authorities

- (1) Regulations may provide, in relation to cases where any provision for education to which this section applies is made by a local education authority (in this section referred to as “the providing authority”) in respect of a person who belongs to the area of another local education 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 local education 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 local education 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 local education 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.

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- (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.

VALID FROM 01/04/2003

### 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 local education 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.

VALID FROM 01/04/2003

### 209 Paid chairmen for local learning and skills councils

In Schedule 2 to the Learning and Skills Act 2000 (c. 21) (local learning and skills councils) for paragraph 4 there is substituted—

“**Salaries, allowances etc.**

- 4 The Council must pay—
- (a) in respect of the chairman of a local council such salary and such travelling, subsistence and other allowances as the Secretary of State may determine, and

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- (b) in respect of the other members of a local council such travelling, subsistence and other allowances as the Secretary of State may determine.”

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