



# Education Act 2002

## 2002 CHAPTER 32

### PART 6

#### THE CURRICULUM IN ENGLAND

##### *Supplementary provisions*

#### **96 Procedure for making certain orders and regulations**

- (1) This section applies where the Secretary of State proposes to make—
  - (a) an order under section 82(4), 83(3), 84(6), 87(2)(a) or (b) or (3)(a) or (b), or
  - (b) regulations under section 91.
- (2) The Secretary of State shall refer the proposal to the Qualifications and Curriculum Authority (in this section referred to as “the Authority”) and shall give them directions as to the time within which they are to report to him.
- (3) The Authority shall give notice of the proposal—
  - (a) to such associations of local education authorities, bodies representing the interests of school governing bodies and organisations representing school teachers as appear to the Authority to be concerned, and
  - (b) to any other persons with whom consultation appears to the Authority to be desirable,and shall give them a reasonable opportunity of submitting evidence and representations as to the issues arising.
- (4) The report of the Authority to the Secretary of State shall contain—
  - (a) a summary of the views expressed during the consultations,
  - (b) the Authority’s recommendations as to the proposal, and
  - (c) such other advice relating to the proposal as the Authority think fit.
- (5) The Authority shall, after submitting their report to the Secretary of State, arrange for the report to be published.

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*Status: This is the original version (as it was originally enacted).*

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- (6) Where the Authority have reported to the Secretary of State, he shall publish in such manner as, in his opinion, is likely to bring them to the notice of persons having a special interest in education—
- (a) a draft of the proposed order or regulations and any associated document, and
  - (b) a statement explaining his reasons for any failure to give effect to the recommendations of the Authority,
- and shall send copies of the documents mentioned in paragraphs (a) and (b) to the Authority and to each of the persons consulted by the Authority.
- (7) The Secretary of State shall allow a period of not less than one month for the submission of evidence and representations as to the issues arising.
- (8) When the period so allowed has expired, the Secretary of State may make the order or regulations, with or without modifications.