



# Education Act 2002

## 2002 CHAPTER 32

### PART 1

#### PROVISION FOR NEW LEGAL FRAMEWORKS

### CHAPTER 1

#### POWERS TO FACILITATE INNOVATION

## **2 Power to suspend statutory requirements etc.**

- (1) On the application of one or more qualifying bodies (“the applicant”), the Secretary of State (in relation to England) or the National Assembly for Wales (in relation to Wales) may for the purpose of this Chapter by order make provision—
  - (a) conferring on the applicant exemption from any requirement imposed by education legislation;
  - (b) relaxing any such requirement in its application to the applicant;
  - (c) enabling the applicant to exercise any function conferred by education legislation on any other qualifying body (either concurrently with or in place of that other body);
  - (d) making such modifications of any provision of education legislation, in its application to the applicant or any other qualifying body, as are in the opinion of the Secretary of State or the Assembly consequential on any provision made by virtue of any of paragraphs (a) to (c).
- (2) An order under this section shall have effect during a period specified in the order which, subject to section 3(2), must not exceed three years.
- (3) Before making an order under this section, the Secretary of State or the National Assembly shall, if he or it considers it appropriate to do so, consult the Chief Inspector.
- (4) No order under this section which relates to sections 119 to 129 may be made by the National Assembly for Wales without the consent of the Secretary of State.

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*Status: This is the original version (as it was originally enacted).*

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- (5) The Secretary of State or the National Assembly for Wales shall refuse an application for an order under this section if it appears to the Secretary of State or the Assembly that the proposed order would be likely to have a detrimental effect on the education of children with special educational needs.
- (6) The Secretary of State or the National Assembly for Wales may from time to time give guidance as to the matters which the Secretary of State or the Assembly will take into account in determining whether to grant applications for orders under this section.
- (7) No order under this section, except an amending or revoking order made by virtue of section 3, may be made after the end of the period of four years beginning with the commencement date.
- (8) In subsection (7) “the commencement date” means—
  - (a) in relation to an order made by the Secretary of State, the day on which this section comes into force in relation to England, and
  - (b) in relation to an order made by the National Assembly for Wales, the day on which this section comes into force in relation to Wales.
- (9) The effect of an order under this section is to be disregarded in determining for the purposes of section 1 of the Regulatory Reform Act 2001 (c. 6) (power by order to make provision reforming law which imposes burdens) whether any provision of an Act falls within subsection (4)(b) of that section (provisions amended by subordinate legislation within previous two years).