

EDUCATION AND INSPECTIONS ACT 2006

EXPLANATORY NOTES

COMMENTARY

Part 1: Education Functions of Local Authorities

Schedule 1: Amendments relating to section 6

38. *Paragraph 1* amends paragraph 1 of Schedule 4C to the Disability Discrimination Act 1995 by amending the definition of “recreational or training facilities” in the substituted section 28R to include facilities secured by local education authorities in England under the new provisions inserted by section 6 as well as facilities secured by an authority in Wales under section 508 of the 1996 Act.
39. The Schedule also makes amendments to four sections of the 1996 Act: sections 312, 508, 510 and 547.
40. *Paragraph 3* amends section 312(2) so that it excludes section 507B from the definition of ‘special educational needs’ provided in section 312. This is because section 507B applies part of the definition of “learning difficulty” in section 13 of the Learning and Skills Act 2000, rather than the definition in section 312 of the 1996 Act.
41. *Paragraph 4* amends section 508, *subsections (1) and (1A)* to ensure their application to Wales only.
42. *Paragraph 5* amends section 510 (provision of clothing) so that the local education authority has the power to provide articles of clothing to users of facilities for physical training secured under sections 507A or 507B.
43. *Paragraph 6* amends section 547 which addresses nuisance or disturbance on premises. *Subsection (2A)(a)* of the section is amended so as to include premises provided by the local education authority under section 507A or 507B, thereby ensuring that any person unlawfully present on the premises and causing or permitting nuisance or disturbance to the annoyance of persons who lawfully use the premises is guilty of an offence and is liable to be fined. Section 547 also ensures that a police constable or person authorised by the local education authority may remove from the premises any person they have reasonable cause to suspect of committing or having committed an offence under the section.