

**Changes to legislation:** Apprenticeships, Skills, Children and Learning Act 2009, Cross Heading: Education Act 1997 (c. 44) is up to date with all changes known to be in force on or before 18 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 12

#### OFQUAL AND THE QCDA: MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Education Act 1997 (c. 44)*

12 The Education Act 1997 is amended as follows.

##### **Commencement Information**

**II** Sch. 12 para. 12 in force at 1.4.2010 by [S.I. 2010/1151](#), [art. 2](#), [Sch. 1](#)

13 Sections 21 to 26A (the Qualifications and Curriculum Authority) cease to have effect.

##### **Commencement Information**

**I2** Sch. 12 para. 13 in force at 1.4.2010 for E. by [S.I. 2010/1151](#), [art. 2](#), [Sch. 1](#)

**I3** Sch. 12 para. 13 in force at 1.11.2010 for W. by [S.I. 2010/2413](#), [art. 2\(a\)](#) (with [arts. 3-5](#))

14 In section 29 (functions of the Welsh Ministers in relation to curriculum and assessment) for subsection (5) substitute—

“(5) In this section—

“assessment” includes examination and test;

“funded nursery education” has the meaning given by section 98 of the Education Act 2002;

“maintained school” means—

- (a) any community, foundation or voluntary school, and
- (b) any community or foundation special school.

(6) In the definition of “maintained school”, the reference to a community, foundation or voluntary school or to a community or foundation special school, is a reference to such a school within the meaning of the School Standards and Framework Act 1998.”

##### **Commencement Information**

**I4** Sch. 12 para. 14 in force at 1.11.2010 by [S.I. 2010/2413](#), [art. 2\(a\)](#) (with [arts. 3-5](#))

<sup>F1</sup>15 .....

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**Textual Amendments**

**F1** Sch. 12 para. 15 omitted (21.9.2015) by virtue of [Qualifications Wales Act 2015 \(anaw 5\)](#), s. 60(2), [Sch. 4 para. 9\(4\)](#); S.I. 2015/1687, art. 2 (with arts. 3-12)

16 (1) Section 32 (supplementary provisions relating to discharge by the Welsh Ministers of their functions) is amended as follows.

(2) In subsection (1)(c)—

(a) in sub-paragraph (ii) before “requirements” insert “reasonable”;

(b) for sub-paragraph (iii) substitute—

“(iii) the reasonable requirements of persons with learning difficulties.”

<sup>F2</sup>(3) .....

(4) Omit subsection (4A).

(5) For subsection (6) substitute—

“(6) In this section “persons with learning difficulties” means—

(a) children with special educational needs (as defined in section 312 of the Education Act 1996), and

(b) other persons who—

(i) have a significantly greater difficulty in learning than the majority of persons of their age, or

(ii) have a disability which either prevents or hinders them from making use of educational facilities of a kind generally provided for persons of their age.

(7) But a person is not to be taken to have a learning difficulty solely because the language (or form of language) in which the person is or will be taught is different from a language (or form of language) which has at any time been spoken in the person's home.”

**Textual Amendments**

**F2** Sch. 12 para. 16(3) omitted (21.9.2015) by virtue of [Qualifications Wales Act 2015 \(anaw 5\)](#), s. 60(2), [Sch. 4 para. 9\(4\)](#); S.I. 2015/1687, art. 2 (with arts. 3-12)

**Commencement Information**

**I5** Sch. 12 para. 16 in force at 1.11.2010 by [S.I. 2010/2413](#), art. 2(a) (with arts. 3-5)

<sup>F3</sup>17 .....

**Textual Amendments**

**F3** Sch. 12 paras. 17-19 omitted (21.9.2015) by virtue of [Qualifications Wales Act 2015 \(anaw 5\)](#), s. 60(2), [Sch. 4 para. 9\(4\)](#); S.I. 2015/1687, art. 2 (with arts. 3-12)

<sup>F3</sup>18 .....

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**F3**19 .....

**Textual Amendments**

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**F4**20 .....

**Textual Amendments**

**F4** Sch. 12 para. 20 omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 8 para. 26](#); [S.I. 2012/924](#), art. 2

21 Section 36 (levy on bodies awarding qualifications accredited by relevant body) ceases to have effect.

**Commencement Information**

**I6** Sch. 12 para. 21 in force at 1.4.2010 by [S.I. 2010/1151](#), art. 2, [Sch. 1](#)

22 In section 54(1) (orders and regulations) omit “, except an order under section 25 or 31,”.

**Commencement Information**

**I7** Sch. 12 para. 22 in force at 1.4.2010 by [S.I. 2010/1151](#), art. 2, [Sch. 1](#)

23 In section 58(6) (short title, commencement and extent etc)—  
(a) omit the entries for—  
(i) sections 21 and 22,  
(ii) section 24(4), (6) and (7),  
(iii) sections 26 and 26A, and  
(iv) Schedule 4;  
(b) for “34 to 36” substitute “ 35 ”.

**Commencement Information**

**I8** Sch. 12 para. 23 in force at 1.4.2010 by [S.I. 2010/1151](#), art. 2, [Sch. 1](#)

24 Schedule 4 (the Qualifications and Curriculum Authority) ceases to have effect.

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**I9** Sch. 12 para. 24 in force at 1.4.2010 by [S.I. 2010/1151](#), art. 2, [Sch. 1](#)

25 In Schedule 7 (minor and consequential amendments) omit paragraph 2.

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**Commencement Information**

**I10** Sch. 12 para. 25 in force at 1.4.2010 by [S.I. 2010/1151](#), art. 2, [Sch. 1](#)

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**Commencement Orders yet to be applied to the Apprenticeships, Skills, Children and Learning Act 2009**

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2009/3341 art. 2](#) commences (2009 c. 22)
- [S.I. 2010/2413 art. 2](#) commences (2009 c. 22)
- [S.I. 2011/829 art. 2](#) commences (2009 c. 22)
- [S.I. 2011/882 art. 2](#) amendment to earlier commencing SI 2010/303 art. 7 Sch. 6