

*Status: Point in time view as at 01/04/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Education Act 2011, SCHEDULE 5. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 5

Section 16

#### ABOLITION OF THE TDA: CONSEQUENTIAL AMENDMENTS

##### *Public Records Act 1958 (c. 51)*

- 1 In paragraph 3 of Schedule 1 to the Public Records Act 1958, in Part 2 of the Table (definition of public records: other establishments and organisations) omit “Training and Development Agency for Schools.” and “Teacher Training Agency.”

##### **Commencement Information**

**II** Sch. 5 para. 1 in force at 1.4.2012 by S.I. 2012/924, art. 2

##### *Parliamentary Commissioner Act 1967 (c. 13)*

- 2 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc subject to investigation) omit “Training and Development Agency for Schools.”

##### **Commencement Information**

**I2** Sch. 5 para. 2 in force at 1.4.2012 by S.I. 2012/924, art. 2

##### *Superannuation Act 1972 (c. 11)*

- 3 In Schedule 1 to the Superannuation Act 1972 (kinds of employment, etc, referred to in section 1 of that Act) omit “Training and Development Agency for Schools.”

##### **Commencement Information**

**I3** Sch. 5 para. 3 in force at 1.4.2012 by S.I. 2012/924, art. 2

##### *House of Commons Disqualification Act 1975 (c. 24)*

- 4 In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices) omit the entry relating to members of the Training and Development Agency for Schools in receipt of remuneration.

##### **Commencement Information**

**I4** Sch. 5 para. 4 in force at 1.4.2012 by S.I. 2012/924, art. 2

*Status: Point in time view as at 01/04/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Education Act 2011, SCHEDULE 5. (See end of Document for details)*

*Education (Fees and Awards) Act 1983 (c. 40)*

- 5 In section 1(3) of the Education (Fees and Awards) Act 1983 (institutions in respect of which regulations may provide for differential fees), in paragraph (e), for “support under section 78 of that Act from the Training and Development Agency for Schools” substitute “assistance—
- (i) from the Secretary of State or the Welsh Ministers under section 14 of the Education Act 2002, or
  - (ii) from a person who is receiving financial assistance under that section,”.

**Commencement Information**

**I5** Sch. 5 para. 5 in force at 1.4.2012 by S.I. 2012/924, art. 2

*EA 1994*

- 6 Part 1 of EA 1994 (teacher training) is amended as follows.

**Commencement Information**

**I6** Sch. 5 para. 6 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 7 Section 11A (general duty of Secretary of State and Welsh Ministers with respect to teacher training) is repealed.

**Commencement Information**

**I7** Sch. 5 para. 7 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 8 In section 18B (inspection of teacher training), in subsections (3) and (8), for “Training and Development Agency for Schools” substitute “ Secretary of State ”.

**Commencement Information**

**I8** Sch. 5 para. 8 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 9 In section 18C (inspection of teacher training in Wales), in subsection (12)(b), omit “or the Training and Development Agency for Schools”.

**Commencement Information**

**I9** Sch. 5 para. 9 in force at 1.4.2012 by S.I. 2012/924, art. 2

*EA 1996*

- 10 EA 1996 is amended as follows.

*Status: Point in time view as at 01/04/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Education Act 2011, SCHEDULE 5. (See end of Document for details)*

**Commencement Information**

**I10** Sch. 5 para. 10 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 11 In section 398 (no requirement of attendance at Sunday school etc), in subsection (2), for “75(5) and 96(1)” substitute “ 96(1) and 100 ”.

**Commencement Information**

**I11** Sch. 5 para. 11 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 12 In section 450 (prohibition of charges for admission), in subsection (3), for “75(5) and 96(1)” substitute “ 96(1) and 100 ”.

**Commencement Information**

**I12** Sch. 5 para. 12 in force at 1.4.2012 by S.I. 2012/924, art. 2

*Audit Commission Act 1998 (c. 18)*

- 13 (1) The Table in section 36(1) of the Audit Commission Act 1998 (studies at request of educational bodies) is amended as follows.
- (2) Omit the entry for the Training and Development Agency for Schools.
- (3) For the entry for a training provider receiving financial support under section 78 of the Education Act 2005 substitute—

“A person who provides training for members of the school workforce (within the meaning of Part 3 of the Education Act 2005) and receives financial assistance—

- (a) from the Secretary of State under section 14 of the Education Act 2002,  
or  
(b) from a person who is receiving financial assistance from the Secretary of State under that section.

The provider or the Secretary of State.”

**Commencement Information**

**I13** Sch. 5 para. 13 in force at 1.4.2012 by S.I. 2012/924, art. 2

*THEA 1998*

- 14 (1) Section 26 of THEA 1998 (imposition of conditions as to fees at further or higher education institutions) is amended as follows.
- (2) In subsection (3)—
- (a) omit “81(1), 82(1) or”;

*Status: Point in time view as at 01/04/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Education Act 2011, SCHEDULE 5. (See end of Document for details)*

- (b) omit paragraph (c) and the “or” preceding it;
  - (c) omit “78 or”.
- (3) In subsection (11)—
- (a) omit “or the Training and Development Agency for Schools”;
  - (b) in paragraph (b), omit “or that Agency”.

**Commencement Information**

**I14** Sch. 5 para. 14 in force at 1.4.2012 by S.I. 2012/924, art. 2

*Government of Wales Act 1998 (c. 38)*

- 15 (1) Section 145B of the Government of Wales Act 1998 (studies at request of educational bodies) is amended as follows.
- (2) In the Table in subsection (1), omit the entry for a training provider receiving financial support under section 78 of the Education Act 2005.
- (3) Omit subsection (1A).
- (4) In subsection (2), for “Subsections (1) and (1A) do” substitute “ Subsection (1) does ”.
- (5) In subsection (3), omit “or (1A)”.

**Commencement Information**

**I15** Sch. 5 para. 15 in force at 1.4.2012 by S.I. 2012/924, art. 2

*Freedom of Information Act 2000 (c. 36)*

- 16 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies and offices: general) omit “The Teacher Training Agency.” and “The Training and Development Agency for Schools.”

**Commencement Information**

**I16** Sch. 5 para. 16 in force at 1.4.2012 by S.I. 2012/924, art. 2

*EA 2002*

- 17 In section 145 of EA 2002 (specification of qualification or course)—
- (a) in subsection (1)(c), omit “the Training and Development Agency for Schools,”;
  - (b) in subsection (3), omit “the Training and Development Agency for Schools or”.

*Status: Point in time view as at 01/04/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Education Act 2011, SCHEDULE 5. (See end of Document for details)*

**Commencement Information**

**I17** Sch. 5 para. 17 in force at 1.4.2012 by S.I. 2012/924, art. 2

*HEA 2004*

18 Part 3 of HEA 2004 (student fees and fair access) is amended as follows.

**Commencement Information**

**I18** Sch. 5 para. 18 in force at 1.4.2012 by S.I. 2012/924, art. 2

19 For section 23, substitute—

**“23 Duty of Secretary of State to impose condition as to student fees, etc**

- (1) Subsection (2) applies to a grant made by the Secretary of State to the Higher Education Funding Council for England under section 68 of the 1992 Act.
- (2) The grant must be made subject to a condition requiring the Council to impose a condition under section 24 in relation to any grants, loans or other payments made by the Council under section 65 of the 1992 Act to the governing body of a relevant institution.
- (3) Subsection (4) applies to financial assistance given by the Secretary of State under section 14 of the Education Act 2002 to the governing body of a relevant institution.
- (4) The terms on which the financial assistance is given must include a condition under section 24.
- (5) “Relevant institution” means—
  - (a) in the case of a grant to which subsection (2) applies, an institution specified, or of a class specified, by the Secretary of State in a condition under subsection (2);
  - (b) in the case of financial assistance to which subsection (4) applies, an institution specified, or of a class specified, by order made by the Secretary of State for the purposes of that subsection.”

**Commencement Information**

**I19** Sch. 5 para. 19 in force at 1.4.2012 by S.I. 2012/924, art. 2

20 (1) Section 24 (condition to be imposed by English funding bodies) is amended as follows.

(2) In subsection (3)—

- (a) in paragraph (a)(ii), for the words from “of other” to “section 23” substitute “(where the funding body is the Higher Education Funding Council for England) of other financial requirements determined by the Council in accordance with principles specified by the Secretary of State in the condition under section 23(2)”;

*Status: Point in time view as at 01/04/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Education Act 2011, SCHEDULE 5. (See end of Document for details)*

- (b) in paragraph (b), for the words from “financial requirements” to “section 23” substitute “—
- (i) where the funding body is the Higher Education Funding Council for England, financial requirements determined by the Council in accordance with principles specified by the Secretary of State in the condition under section 23(2);
  - (ii) where the funding body is the Secretary of State, such financial requirements as the Secretary of State thinks appropriate”;
- (3) In subsection (4)(c), for “78 of the 2005 Act” substitute “ 14 of the Education Act 2002 ”.
- (4) In subsection (6)—
- (a) for the definition of “funding body” substitute—
    - ““funding body” means—
    - (a) in the case of a grant, loan or other payment made under section 65 of the 1992 Act, the Higher Education Funding Council for England;
    - (b) in the case of financial assistance given by the Secretary of State under section 14 of the Education Act 2002 to the governing body of a relevant institution, the Secretary of State;”;
  - (b) in the definition of “the grant period”, for “to which the relevant condition under section 23 relates” substitute “ in question ”.

**Commencement Information**

**I20** Sch. 5 para. 20 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 21 (1) Section 27 (power of NAW to impose conditions as to student fees, etc) is amended as follows.
- (2) In subsection (1)—
- (a) omit “82(1) or”;
  - (b) for “a funding body” substitute “ the Higher Education Funding Council for Wales ”;
  - (c) for “the funding body” (in both places) substitute “ the Council ”;
  - (d) omit “78 or”.
- (3) In subsection (2), omit the definition of “funding body”.

**Commencement Information**

**I21** Sch. 5 para. 21 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 22 (1) Section 28 (condition that may be required to be imposed by Welsh funding bodies) is amended as follows.

*Status: Point in time view as at 01/04/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Education Act 2011, SCHEDULE 5. (See end of Document for details)*

- (2) In subsection (3), for “funding body” substitute “ Higher Education Funding Council for Wales ”.
- (3) In subsection (4)(c), omit “78 or”.
- (4) In subsection (6), omit the definition of “funding body”.
- (5) In the heading, for “Welsh funding bodies” substitute “ HEFCW ”.

#### Commencement Information

**I22** Sch. 5 para. 22 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 23 In section 29 (sections 23 to 28: supplementary provisions), in subsection (3)—
- (a) after “1992 Act” insert “, the Education Act 2002 ”;
  - (b) for “, the Higher Education Funding Council for Wales or the Training and Development Agency for Schools” substitute “ or the Higher Education Funding Council for Wales ”;
  - (c) in paragraph (a), for “under section 23 imposed” substitute “ or terms imposed by virtue of section 23 ”;
  - (d) in paragraph (c), for “that Agency” substitute “ the Secretary of State ”.

#### Commencement Information

**I23** Sch. 5 para. 23 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 24 In section 31 (Director of Fair Access to Higher Education), in subsection (5), for “from the Training and Development Agency for Schools under section 78 of the 2005 Act” substitute “ financial assistance from the Secretary of State under section 14 of the Education Act 2002 ”.

#### Commencement Information

**I24** Sch. 5 para. 24 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 25 In section 34 (approval of plans), for subsection (1) substitute—
- “(1) The governing body of any institution which—
- (a) is or may become eligible to receive grants under section 65 of the 1992 Act or section 86 of the 2005 Act, or
  - (b) provides higher education and is or may become eligible to receive financial assistance from the Secretary of State under section 14 of the Education Act 2002,
- may apply to the relevant authority for approval of a proposed plan relating to the institution.”

#### Commencement Information

**I25** Sch. 5 para. 25 in force at 1.4.2012 by S.I. 2012/924, art. 2

*Status: Point in time view as at 01/04/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Education Act 2011, SCHEDULE 5. (See end of Document for details)*

- 26 In section 37 (enforcement of plans: England), in subsection (1)(a), for “Training and Development Agency for Schools” substitute “ Secretary of State ”.

**Commencement Information**

**I26** Sch. 5 para. 26 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 27 In section 38 (enforcement of plans: Wales), in subsection (4), omit “or the Training and Development Agency for Schools”.

**Commencement Information**

**I27** Sch. 5 para. 27 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 28 (1) Section 40 (provision of information) is amended as follows.
- (2) In subsection (1), omit “and the Training and Development Agency for Schools”.
- (3) After subsection (1B) insert—
- “(1C) The Secretary of State may provide the Director with information for the purposes of the exercise by the Director of the Director’s functions.”
- (4) In subsection (2)—
- (a) for “Training and Development Agency for Schools” substitute “ Secretary of State ”;
- (b) for “the Agency” substitute “ the Secretary of State ”;
- (c) for “either of those bodies for the purposes of its functions” substitute “—
- (a) the Council for the purposes of its functions, or
- (b) the Secretary of State for the purposes of the Secretary of State’s functions relating to training for members of the school workforce (within the meaning of Part 3 of the 2005 Act).”

**Commencement Information**

**I28** Sch. 5 para. 28 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 29 In section 41 (interpretation of Part 3), in subsection (2)(a)—
- (a) omit “78 or”;
- (b) after “2005 Act,” insert “ or financial assistance under section 14 of the Education Act 2002, ”.

**Commencement Information**

**I29** Sch. 5 para. 29 in force at 1.4.2012 by S.I. 2012/924, art. 2

*EA 2005*

- 30 EA 2005 is amended as follows.

*Status: Point in time view as at 01/04/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Education Act 2011, SCHEDULE 5. (See end of Document for details)*

**Commencement Information**

**I30** [Sch. 5 para. 30](#) in force at 1.4.2012 by [S.I. 2012/924, art. 2](#)

31 Section 99 (introduction of Schedule 15) is repealed.

**Commencement Information**

**I31** [Sch. 5 para. 31](#) in force at 1.4.2012 by [S.I. 2012/924, art. 2](#)

32 In Schedule 14 (amendments relating to training of school workforce), omit paragraphs 1 to 4, 8, 19(4)(b), 21(3) to (5), 22, 24, 25, 28(5), 29(b) and 32 to 34.

**Commencement Information**

**I32** [Sch. 5 para. 32](#) in force at 1.4.2012 by [S.I. 2012/924, art. 2](#)

33 Schedule 15 (transitional and transitory provisions relating to Part 3) is repealed.

**Commencement Information**

**I33** [Sch. 5 para. 33](#) in force at 1.4.2012 by [S.I. 2012/924, art. 2](#)

**Status:**

Point in time view as at 01/04/2012.

**Changes to legislation:**

There are currently no known outstanding effects for the Education Act 2011, SCHEDULE 5.