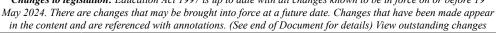
Changes to legislation: Education Act 1997 is up to date with all changes known to be in force on or before 19





Education Act 1997

1997 CHAPTER 44

An Act to amend the law relating to education in schools and further education in England and Wales; to make provision for the supervision of the awarding of external academic and vocational qualifications in England, Wales and Northern Ireland; and for [21st March 1997] connected purposes.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Extent Information

For the extent of this Act, see s. 58(5)-(7); amendments and repeals of enactments extending to S. and N.I. are co-extensive with those enactments.

Modifications etc. (not altering text)

- Act: functions transferred (1.7.1999) in relation to specified provisions by S.I. 1999/672, art. 2, Sch.1 Act applied (E.W.) (1.6.2001) by S.I. 2001/1507, reg. 2, Sch. 2 para. 2
- **C2** Act applied (1.4.2005) by Central Sussex College (Government) Regulations 2005 (S.I. 2005/397), Sch. 2 para. 2
- **C3** Act modified (7.4.2005) by Education Act 2005 (c. 18), s. 96(2)
- Education Acts modified (temp.) (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 6 para. 3(3)**; S.I. 2007/935, art. 5(bb)

PART I

ASSISTED PLACES SCHEME

^{F1} 1																															
-	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•

Changes to legislation: Education Act 1997 is up to date with all changes known to be in force on or before 19 May 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

Textual Amendments S. 1 repealed (1.9.1997) by 1997 c. 59, ss. 6(3), 7(3)(a), Sch. Pt.I (with s. 1(3)) PART II SCHOOL DISCIPLINE Responsibility for discipline F22 **Textual Amendments** Ss. 2-3 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 208(a), Sch.31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch.1 F33 **Textual Amendments** Ss. 2-3 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 208(a), Sch.31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch.1 Power to restrain pupils F44 Power of members of staff to restrain pupils. **Textual Amendments** S. 4 repealed (1.4.2007 for E., 31.10.2010 for W.) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 18 Pt. 6; S.I. 2007/935, art. 4(d); S.I. 2010/2543, art. 2(m) Detention

F55	Detention outside school hours lawful despite absence of parental consent.

Changes to legislation: Education Act 1997 is up to date with all changes known to be in force on or before 19 May 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

Textual Amendments

F5 S. 5 repealed (1.4.2007 for E., 31.10.2010 for W.) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 18 Pt. 6; S.I. 2007/935, art. 4(d); S.I. 2010/2543, art. 2(m)

	Exclusion of pupils from school
^{F6} 6	
Textu F6	ual Amendments Ss. 6-8 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 208(b), Sch.31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch.1
^{F7} 7	
Textu F7	ual Amendments Ss. 6-8 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 208(b), Sch.31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch.1
F88	
Textu F8	ual Amendments Ss. 6-8 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 208(b), Sch.31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch.1
	LEA plans
^{F9} 9	LEA plans relating to children with behavioural difficulties.

.....

Textual Amendments

F9 S. 9 repealed (1.3.2005 for E., 1.9.2006 for W.) by Children Act 2004 (c. 31), Sch. 5 Pt. 1; S.I. 2005/394, art. 2(1)(1); S.I. 2006/885, art. 3(b)

 ${\it Chapter}\ I-{\it County}\ and\ voluntary\ schools$ Document Generated: 2024-05-19

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PART III

SCHOOL ADMISSIONS

CHAPTER I

COUNTY AND VOLUNTARY SCHOOLS

Partially salactive schools

	Partially-selective schools
^{F10} 10	
Textu	al Amendments
F10	Pt. III (ss. 10-14) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 208(c), Sch.31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch.1
	Children permanently excluded from two or more schools
^{F11} 11	
Textu F11	al Amendments Pt. III (ss. 10-14) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 208(c), Sch.31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch.1
F1212	
Textu F12	al Amendments Pt. III (ss. 10-14) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 208(c), Sch.31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch.1
	PROSPECTIVE
	Home-school partnership documents
F1313	

Part IV – Baseline assessments and pupils' performance

Chapter II – Grant-maintained schools Document Generated: 2024-05-19

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Textual Amendments

F13 Pt. III (ss. 10-14) repealed (1.2.1999 to the extent that it relates to the repeal of s. 13 of the amended Act) by 1998 c. 31, ss. 140(1)(3), Sch. 30 para. 208(c), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(3), **Sch.1 Pt. III**

CHAPTER II

GRANT-MAINTAINED SCHOOLS

F1414	•••••
Textu	al Amendments
F14	Pt. III (ss. 10-14) repealed (1.9.1999) by 1998 c. 31, s.140(1)(3), Sch. 30 para. 208(c), Sch.31 (with ss.
	138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch.1

PART IV

BASELINE ASSESSMENTS AND PUPILS' PERFORMANCE

F15CHAPTER I

BASELINE ASSESSMENTS

T4	-1 A
F15	al Amendments Pt. IV Ch. I repealed (2.9.2002 for E., 1.9.2011 for W.) by Education Act 2002 (c. 32), ss. 204, 216(4), Sch. 22 Pt. 3 (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 4; S.I. 2011/1952, art. 2(1)(2)(a)(c)
^{F15} 15	Introductory
^{F15} 16	Adoption of baseline assessment schemes.
F1517	Assessment of pupils in accordance with scheme.
F1518	Regulations for purposes of this Chapter.

Changes to legislation: Education Act 1997 is up to date with all changes known to be in force on or before 19 May 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

CHAPTER II

PUPILS' PERFORMANCE

19 School performance targets.

- [(1) [F16The Welsh Ministers] may by regulations make such provision as [F17the Welsh Ministers consider appropriate for requiring the governing bodies of maintained schools [F18 in Wales] to secure that annual targets are set in respect of the performance of pupils-
 - (a) in public examinations or in assessments [F19] for the purposes of the National Curriculum F¹⁹ required by virtue of regulations made under Part 4 of the Curriculum and Assessment (Wales) Act 2021], in the case of pupils of compulsory school age; or
 - in public examinations or in connection with the attainment of other external qualifications, in the case of pupils of any age over that age.
- (2) Regulations under this section may require
 - such targets, and
 - (b) the past performance of pupils in the particular examinations or assessments, or in connection with the attainment of the particular qualifications, to which such targets relate,

to be published in such manner as is specified in the regulations.

[F20(3) In this section "maintained school" means—

- a community, foundation or voluntary school, or
- a community or foundation special school (other than one established in a hospital).]]

Textual Amendments

- F16 Words in s. 19(1) substituted (1.10.2015) by Deregulation Act 2015 (c. 20), ss. 66(2)(a), 115(7); S.I. 2015/1732, art. 2(g)
- F17 Words in s. 19(1) substituted (1.10.2015) by Deregulation Act 2015 (c. 20), ss. 66(2)(b), 115(7); S.I. 2015/1732, art. 2(g)
- F18 Words in s. 19(1) inserted (1.10.2015) by Deregulation Act 2015 (c. 20), ss. 66(2)(c), 115(7); S.I. 2015/1732, art. 2(g)
- F19 Words in s. 19(1)(a) substituted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), Sch. 2 para. 3(2)
- S. 19(3) substituted (1.9.1999) by 1998 c. 31, s. 140(1), Sch. 30 para.213 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch.1

Modifications etc. (not altering text)

S. 19 ceases to have effect (E.) (1.10.2015) by virtue of Deregulation Act 2015 (c. 20), ss. 66(1), 115(7); S.I. 2015/1732, art. 2(g)

20 Provision of information about individual pupils' performance.

After section 537 of the MIEducation Act 1996 there shall be inserted—

Chapter II – Pupils' performance Document Generated: 2024-05-19

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"537A Provision of information about individual pupils' performance.

- (1) The Secretary of State may by regulations make provision requiring—
 - (a) the governing body of every school which is—
 - (i) maintained by a [F21]local authority], or
 - (ii) a grant-maintained school, or
 - (iii) a special school which is not maintained by a [F21]local authority], and
 - (b) the proprietor of each independent school,

to provide to the Secretary of State such individual performance information relating to pupils or former pupils at the school as may be prescribed.

- (2) In this section "individual performance information" means information about the performance of individual pupils (identified in the prescribed manner)—
 - (a) in any assessment made for the purposes of the National Curriculum or in accordance with a baseline assessment scheme (within the meaning of Chapter I of Part IV of the Education Act 1997);
 - (b) in any prescribed public examination;
 - (c) in connection with the attainment of any vocational qualification; or
 - (d) in any such other assessment or examination, or in connection with the attainment of any such other qualification, as may be prescribed.
- (3) The Secretary of State may provide any information received by him by virtue of subsection (1)—
 - (a) to any prescribed body or person, or
 - (b) to any body or person falling within a prescribed category.
- (4) Any body or person holding any individual performance information may provide that information to any body to which this subsection applies; and any body to which this subsection applies—
 - (a) may provide any information received by it under this subsection—
 - (i) to the Secretary of State, or
 - (ii) to the governing body or proprietor of the school attended by the pupil or pupils to whom the information relates; and
 - (b) may, at such times as the Secretary of State may determine, provide to any prescribed body such information received by it under this subsection as may be prescribed.
- (5) Subsection (4) applies to any body which, for the purposes of or in connection with the functions of the Secretary of State relating to education, is responsible for collating or checking information relating to the performance of pupils—
 - (a) in any assessment or examination falling within subsection (2)(a), (b) or (d), or
 - (b) in connection with the attainment of any qualification falling within subsection (2)(c) or (d).
- (6) No individual performance information received under or by virtue of this section shall be published in any form which includes the name of the pupil or pupils to whom it relates.

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(7) References in this section to the attainment of a qualification of any description include references to the completion of any module or part of a course leading to any such qualification."

Textual Amendments

F21 Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), Sch. 2 para. 8(2)

Marginal Citations

M1 1996 c. 56.

F22 2 1

PART V

SUPERVISION OF CURRICULUM FOR SCHOOLS AND EXTERNAL QUALIFICATIONS

CHAPTER I

THE QUALIFICATIONS AND CURRICULUM AUTHORITY

Establishment of the Authority

F2221	The Qualifications and Curriculum Authority.
Textu	al Amendments
F22	Ss. 21-26A repealed (1.4.2010 for E., 1.11.2010 for W.) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 12 para. 13, Sch. 16 Pt. 4 ; S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2(a) (with arts. 3-5)

Functions of the Authority

F2222	General function of Authority to advance education and training

Textual Amendments

F22 Ss. 21-26A repealed (1.4.2010 for E., 1.11.2010 for W.) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 12 para. 13, Sch. 16 Pt. 4; S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2(a) (with arts. 3-5)

Education Act 1997 (c. 44)

Part V – Supervision of curriculum for schools and external qualifications Chapter I – The Qualifications and Curriculum Authority

Chapter 1 – The Qualifications and Currici

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Textual Amendments

F22 Ss. 21-26A repealed (1.4.2010 for E., 1.11.2010 for W.) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 12 para. 13, **Sch. 16 Pt. 4**; S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2(a) (with arts. 3-5)

CHAPTER II

[F23FUNCTIONS OF THE NATIONAL ASSEMBLY FOR WALES]

Textual Amendments

F23 Pt. V Ch. II heading substituted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 8** (with art. 7)

F24 ...

Textual Amendments

F24 S. 27 crossheading omitted (1.4.2006) by virtue of Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 9** (with art. 7)

F2527 The Qualifications, Curriculum and Assessment Authority for Wales.

......

Textual Amendments

F25 S. 27 omitted (1.4.2006) by virtue of Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 9** (with art. 7)

Functions of the [F26National Assembly for Wales]

Textual Amendments

F26 Words in s. 28 cross-heading substituted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 10** (with art. 7)

Part V – Supervision of curriculum for schools and external qualifications

Chapter II – Functions of the National Assembly for Wales

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[F2728 General function of [F28]National Assembly for Wales] to advance education and training.

- (1) The functions conferred on the [F29National Assembly for Wales] by this Part shall be exercised by [F30the National Assembly for Wales] for the purpose of advancing education and training in Wales.
- (2) [F31 The National Assembly for Wales] shall exercise [F32 its functions] under this Part with a view to promoting quality and coherence in education and training in relation to which [F33 it has] functions under this Part.]

Textual Amendments

- F27 S. 28 omitted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by virtue of The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), Sch. 2 para. 3(3)
- **F28** Words in s. 28 heading substituted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 10** (with art. 7)
- **F29** Words in s. 28(1) substituted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 11(a)(i)** (with art. 7)
- **F30** Words in s. 28(1) substituted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), Sch. 1 para. 11(a)(ii) (with art. 7)
- F31 Words in s. 28(2) substituted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), Sch. 1 para. 11(b)(i) (with art. 7)
- F32 Words in s. 28(2) substituted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), Sch. 1 para. 11(b)(ii) (with art. 7)
- **F33** Words in s. 28(2) substituted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 11(b)(iii)** (with art. 7)

[F3429 Functions of the [F35National Assembly for Wales] in relation to curriculum and

- (1) [F36The National Assembly for Wales] shall have the functions set out in subsection (2) [F37] with respect to—
 - (a) pupils at maintained schools in Wales who have not ceased to be of compulsory school age,
 - (b) pupils at maintained nursery schools in Wales, and
 - (c) children for whom funded nursery education is provided in Wales otherwise than at a maintained school or maintained nursery school.]

(2) 11	ne rur	ictions are—
	(a)	to keep under review all aspects of the curriculum for [F38 maintained schools
		or maintained nursery schools] and all aspects of school examinations and
		assessment;
E24	0	

¹³⁹ (b)																
$^{F40}(c)$																

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- (d) to publish and disseminate, and assist in the publication and dissemination of, information relating to the curriculum for such schools or to school examinations and assessment;
- (e) to make arrangements with appropriate bodies for auditing the quality of assessments made in pursuance of assessment arrangements; ^{F41}...
- [F42(2A) In subsection (2) references to the curriculum for a maintained nursery school include references to the curriculum for any funded nursery education provided as mentioned in subsection (1)(c); and references to assessment in schools include references to assessment in funded nursery education.]
 - (3) The Authority shall have, in relation to Wales, the function of developing learning goals and related materials for children who are [F43 under compulsory school age.]
 - (4) The Authority shall have, in relation to Wales, the following functions in connection with baseline assessment schemes (within the meaning of Chapter I of Part IV), namely—
 - (a) if designated by the Secretary of State for the purpose, any function of a designated body under that Chapter; and
 - (b) any other function which may be conferred on the Authority by the Secretary of State.

[F44(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 F45... special school.
- (6) In the definition of "maintained school", the reference to a community, foundation or voluntary school or to a community ^{F46}... special school, is a reference to such a school within the meaning of the School Standards and Framework Act 1998.]
- [F47(7) In this section references to "school examinations and assessment" do not include examinations taken or assessments carried out for the purpose of the award of a qualification within the meaning of section 56 of the Qualifications Wales Act 2015.]]

- F34 S. 29 omitted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by virtue of The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), Sch. 2 para. 3(4)
- F35 Words in s. 29 heading substituted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), Sch. 1 para. 12 (with art. 7)
- **F36** Words in s. 29(1) substituted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 13(a)** (with art. 7)
- **F37** Words in s. 29(1) substituted (19.12.2002) by Education Act 2002 (c. 32), **Sch. 17 para. 5(2)** (with ss. 210(8), 214(4)); S.I. 2002/3185, arts. 2, 4, Sch. Pt. 1

Education Act 1997 (c. 44)

Part V – Supervision of curriculum for schools and external qualifications

Chapter II - Functions of the National Assembly for Wales

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- F38 Words in s. 29(2)(a) substituted (19.12.2002) by Education Act 2002 (c. 32), s. 189, Sch. 17 para. 5(3) (a) (with ss. 210(8), 214(4)); S.I. 2002/3185, arts. 2, 4, Sch. Pt. 1
- **F39** S. 29(2)(b) omitted (1.4.2006) by virtue of Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 13(b)(i)** (with art. 7)
- F40 S. 29(2)(c) omitted (1.4.2006) by virtue of Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), Sch. 1 para. 13(b)(ii) (with art. 7)
- **F41** S. 29(2)(f) and preceding word repealed (19.12.2002) by Education Act 2002 (c. 32), ss. 189, 215(2), Sch. 17 para. 5(3)(b), **Sch. 22 Pt. 2** (with ss. 210(8), 214(4)); S.I. 2002/3185, arts. 2, **4**, Sch. Pt. 1
- **F42** S. 29(2A) inserted (19.12.2002) by Education Act 2002 (c. 32), s. 189, **Sch. 17 para. 5(4)** (with ss. 210(8), 214(4)); S.I. 2002/3185, arts. 2, 4, Sch. Pt. 1
- **F43** Words in s. 29(3) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 215** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- **F44** S. 29(5)(6) substituted for s. 29(5) (1.11.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(3), **Sch. 12 para. 14**; S.I. 2010/2413, art. 2(a) (with arts. 3-5)
- **F45** Words in s. 29(5) omitted (W.) (1.10.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), Sch. 5 para. 18(2)(a); S.I. 2013/1800, art. 3(j)
- **F46** Words in s. 29(6) omitted (W.) (1.10.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), Sch. 5 para. 18(2)(b); S.I. 2013/1800, art. 3(j)
- **F47** S. 29(7) inserted (21.9.2015) by Qualifications Wales Act 2015 (anaw 5), s. 60(2), **Sch. 4 para. 2(2)**; S.I. 2015/1687, art. 2 (with arts. 3-13)

Modifications etc. (not altering text)

C6 S. 29 modified (temp.) (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), arts. 1(1), 7(4) (with art. 7)

F5030 Functions of the [F48National Assembly for Wales] in relation to [F49relevant] qualifications

- **F48** Words in s. 30 heading substituted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 14** (with art. 7)
- **F49** Word in s. 30 heading substituted (1.11.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(3), Sch. 12 para. 15(8); S.I. 2010/2413, art. 2(a) (with arts. 3-5)
- F50 S. 30 omitted (21.9.2015) by virtue of Qualifications Wales Act 2015 (anaw 5), s. 60(2), Sch. 4 para. 2(3)(a); S.I. 2015/1687, art. 2 (with arts. 3-13)

15131	Other functions of the Authority.	

Changes to legislation: Education Act 1997 is up to date with all changes known to be in force on or before 19 May 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

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F51 S. 31 omitted (1.4.2006) by virtue of Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), Sch. 1 para. 16 (with art. 7)

[^{F:}

Supplementary provisions relating to discharge by [F53 the National Assembly for Wales of its functions].
(1) In carrying out [F54its functions] under this Part [F55the National Assembly for Wales] shall— F56(a)
$^{\text{F57}}(b)$
(c) so far as relevant, have regard to—
(i) the requirements of [F58 section 99 of the Education Act 2002] (general duties in respect of curriculum),
(ii) the [F59] reasonable] requirements of industry, commerce, finance and the professions regarding education and training (including required standards of practical competence), and
[F60(iii) the reasonable requirements of persons with learning difficulties.]
(2) In carrying out those functions [F61the National Assembly for Wales] shall in addition have regard to information supplied [F62to it] by [F63Her Majesty's Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru] or by any body designated by the Secretary of State for the purposes of this section.
^{F64} (3)
F65(3A)
F66(4)
$^{\text{F67}}(4A)\dots$
F68(5)
[^{F69} (6) In this section "persons with learning difficulties" means—
(a) children with [F70] additional learning needs (as defined in section 2 of the

- Additional Learning Needs and Education Tribunal (Wales) Act 2018)], 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.]]

Part V – Supervision of curriculum for schools and external qualifications

Chapter II – Functions of the National Assembly for Wales

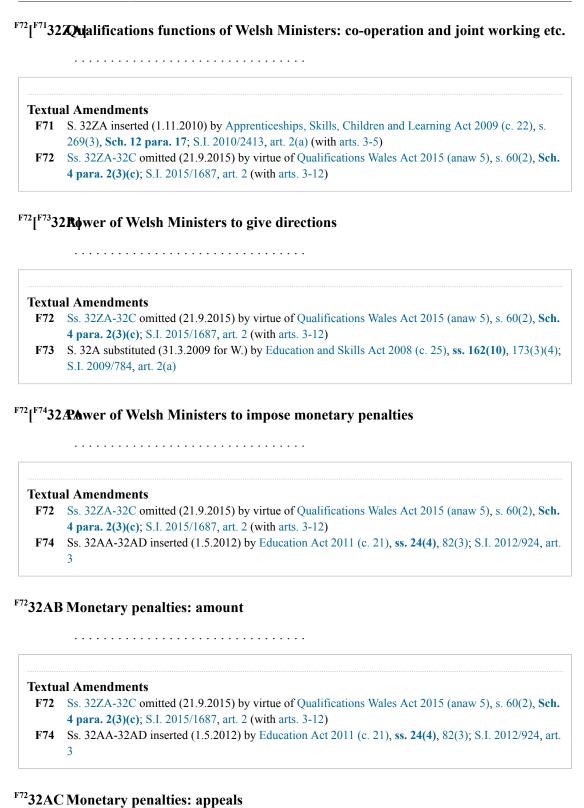
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- F52 S. 32 omitted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by virtue of The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), Sch. 2 para. 3(5)
- **F53** Words in s. 32 heading substituted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 17** (with art. 7)
- F54 Words in s. 32(1) substituted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), Sch. 1 para. 18(a)(i) (with art. 7)
- F55 Words in s. 32(1) substituted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), Sch. 1 para. 18(a)(ii) (with art. 7)
- F56 S. 32(1)(a) omitted (1.4.2006) by virtue of Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), Sch. 1 para. 18(a)(iii) (with art. 7)
- F57 S. 32(1)(b) omitted (1.4.2006) by virtue of Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), Sch. 1 para. 18(a)(iii) (with art. 7)
- **F58** Words in s. 32(1)(c)(i) substituted (19.12.2002 for W., 1.3.2003 for E.) by Education Act 2002 (c. 32), s. 216(4), Sch. 21 para. 70 (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 4, Sch. Pt. 1; S.I. 2003/124, art 2.
- **F59** Word in s. 32(1)(c)(ii) inserted (1.11.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(3), **Sch. 12 para. 16(2)(a)**; S.I. 2010/2413, art. 2(a) (with arts. 3-5)
- **F60** S. 32(1)(c)(iii) substituted (1.11.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(3), Sch. 12 para. 16(2)(b); S.I. 2010/2413, art. 2(a) (with arts. 3-5)
- **F61** Words in s. 32(2) substituted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 18(b)(i)** (with art. 7)
- F62 Words in s. 32(2) substituted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), Sch. 1 para. 18(b)(ii) (with art. 7)
- **F63** Words in s. 32(2) substituted (1.1.2001) by 2000 c. 21, s. 73(a); S.I. 2000/3230, art. 2, Sch.
- F64 S. 32(3) omitted (21.9.2015) by virtue of Qualifications Wales Act 2015 (anaw 5), s. 60(2), Sch. 4 para. 2(3)(b); S.I. 2015/1687, art. 2 (with arts. 3-12)
- F65 S. 32(3A) omitted (21.9.2015) by virtue of Qualifications Wales Act 2015 (anaw 5), s. 60(2), Sch. 4 para. 2(3)(b); S.I. 2015/1687, art. 2 (with arts. 3-12)
- F66 S. 32(4) omitted (21.9.2015) by virtue of Qualifications Wales Act 2015 (anaw 5), s. 60(2), Sch. 4 para. 2(3)(b); S.I. 2015/1687, art. 2 (with arts. 3-12)
- **F67** S. 32(4A) repealed (1.11.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(3), Sch. 12 para. 16(4), **Sch. 16 Pt. 4**; S.I. 2010/2413, art. 2(a)(b) (with arts. 3-5)
- **F68** S. 32(5) omitted (1.4.2006) by virtue of Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 18(g)** (with art. 7)
- **F69** S. 32(6)(7) substituted for s. 32(6) (1.11.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(3), **Sch. 12 para. 16(5)**; S.I. 2010/2413, art. 2(a) (with arts. 3-5)
- F70 Words in s. 32(6)(a) substituted (1.9.2021) by The Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Consequential Amendments) Regulations 2021 (S.I. 2021/861), regs. 1, 3(2)

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Education Act 1997 (c. 44)

Part V – Supervision of curriculum for schools and external qualifications

Chapter II – Functions of the National Assembly for Wales

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Textual Amendments

F72 Ss. 32ZA-32C omitted (21.9.2015) by virtue of Qualifications Wales Act 2015 (anaw 5), s. 60(2), Sch. 4 para. 2(3)(c); S.I. 2015/1687, art. 2 (with arts. 3-12)

F74 Ss. 32AA-32AD inserted (1.5.2012) by Education Act 2011 (c. 21), **ss. 24(4)**, 82(3); S.I. 2012/924, art. 3

F7232AD Monetary penalties: interest and recovery

Textual Amendments

F72 Ss. 32ZA-32C omitted (21.9.2015) by virtue of Qualifications Wales Act 2015 (anaw 5), s. 60(2), Sch. 4 para. 2(3)(c); S.I. 2015/1687, art. 2 (with arts. 3-12)

F74 Ss. 32AA-32AD inserted (1.5.2012) by Education Act 2011 (c. 21), ss. 24(4), 82(3); S.I. 2012/924, art. 3

F72 F7532 Plower of Welsh Ministers to withdraw recognition

......

Textual Amendments

F72 Ss. 32ZA-32C omitted (21.9.2015) by virtue of Qualifications Wales Act 2015 (anaw 5), s. 60(2), Sch. 4 para. 2(3)(c); S.I. 2015/1687, art. 2 (with arts. 3-12)

F75 Ss. 32B, 32C inserted (1.11.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(3), Sch. 12 para. 19; S.I. 2010/2413, art. 2(a) (with arts. 3-5)

F72 F7632 K2 sts recovery

......

Textual Amendments

F72 Ss. 32ZA-32C omitted (21.9.2015) by virtue of Qualifications Wales Act 2015 (anaw 5), s. 60(2), Sch. 4 para. 2(3)(c); S.I. 2015/1687, art. 2 (with arts. 3-12)

F76 Ss. 32BA-32BC inserted (1.5.2012) by Education Act 2011 (c. 21), ss. 24(6), 82(3); S.I. 2012/924, art. 3

F7232BB Costs recovery: appeals

Textual Amendments

F72 Ss. 32ZA-32C omitted (21.9.2015) by virtue of Qualifications Wales Act 2015 (anaw 5), s. 60(2), Sch. 4 para. 2(3)(c); S.I. 2015/1687, art. 2 (with arts. 3-12)

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F76 Ss. 32BA-32BC inserted (1.5.2012) by Education Act 2011 (c. 21), **ss. 24(6)**, 82(3); S.I. 2012/924, art. 3

F7232BC|Costs: interest and recovery

.....

Textual Amendments

- F72 Ss. 32ZA-32C omitted (21.9.2015) by virtue of Qualifications Wales Act 2015 (anaw 5), s. 60(2), Sch. 4 para. 2(3)(c); S.I. 2015/1687, art. 2 (with arts. 3-12)
- **F76** Ss. 32BA-32BC inserted (1.5.2012) by Education Act 2011 (c. 21), **ss. 24(6)**, 82(3); S.I. 2012/924, art. 3

F72 F7532 Surrender of recognition

.....

Textual Amendments

- F72 Ss. 32ZA-32C omitted (21.9.2015) by virtue of Qualifications Wales Act 2015 (anaw 5), s. 60(2), Sch. 4 para. 2(3)(c); S.I. 2015/1687, art. 2 (with arts. 3-12)
- F75 Ss. 32B, 32C inserted (1.11.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(3), Sch. 12 para. 19; S.I. 2010/2413, art. 2(a) (with arts. 3-5)

CHAPTER III

PROVISIONS SUPPLEMENTARY TO CHAPTERS I AND II

Dissolution of existing bodies

33		Dissolution of existing bodies.
	Textu	al Amendments
	F77	S. 33 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 7

Transfer of property and staff

F7834	Transfer of property.	

Education Act 1997 (c. 44)

Part VI – Inspection of local authorities and school inspections Chapter IV – Control of certain courses leading to external qualifications

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Textual Amendments

F78 S. 34 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 7

F7935 Transfer of staff.

.....

Textual Amendments

F79 S. 35 repealed (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), Sch. 8 para. 8; S.I. 2012/924, art. 2

Levy on bodies awarding accredited qualifications

^{F80}36 Levy on bodies awarding qualifications accredited by relevant body.

.....

Textual Amendments

F80 S. 36 repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 12 para. 21, **Sch. 16 Pt. 4**; S.I. 2010/1151, art. 2, Sch. 1

CHAPTER IV

CONTROL OF CERTAIN COURSES LEADING TO EXTERNAL QUALIFICATIONS

Requirement for approval of certain publicly-funded and school courses leading to external qualifications.

..........

Textual Amendments

F81 S. 37 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 7

PART VI

INSPECTION OF [F82LOCAL AUTHORITIES] AND SCHOOL INSPECTIONS

Textual Amendments

F82 Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), Sch. 2 para. 8(3)

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CHAPTER I

INSPECTION OF [F82LOCAL AUTHORITIES]

38 Insp	ection of [F82 local authorities] .
(1) The	e Chief Inspector—
(a) may, and
(b) if requested to do so by the Secretary of State, shall,
arra	ange for any [F21 local authority] to be inspected under this section.
^{F83} (2)	
rev: [^{F85} (inspection of a [F21]local authority] in Wales under this section shall consist of a few of the way in which the authority are performing— a) any education function of theirs;] b) the functions conferred on them under [F86] section 25][F87] of the Children Act 2004] so far as relating to education, training or youth support services (within the meaning of section 123 of the Learning and Skills Act 2000).]
autl (equest by the Secretary of State under this section may relate to one or more [F82] local norities], and shall specify both— a) the [F21] local authority] or authorities concerned, and b) the functions of theirs to which the inspection is to relate.
	Fore making any such request the Secretary of State shall consult the Chief Inspector of the matters to be specified in the request in accordance with subsection (3).
(5) An	y inspection under this section shall be conducted—
`	 a) by one of Her Majesty's Inspectors of Schools in ^{F88} Wales, or b) by any additional inspector authorised under ^{F89} [F90 paragraph 2 of Schedule 2 to [F91 the Education Act 2005]];
	he may be assisted by such other persons (whether or not members of the Chief pector's staff) as the Chief Inspector thinks fit.
wit	the purposes of this section a [F21]local authority] shall provide the Chief Inspector h such information as may be prescribed, and shall do so in such form and—a) within such period following a request made by the Chief Inspector in any prescribed circumstances, or
(b) at such other times,
as r	egulations may provide.
(7) In t	his section and sections 39 to [F9241A] "the Chief Inspector" means— a)
	b) in relation to a [F21 local authority] in Wales, [F94 Her Majesty's Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru];

and in those sections references to "the inspector" in relation to an inspection under

this section are references to the person conducting the inspection.

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Textual Amendments

- Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), Sch. 2 para. 8(2)
- F83 S. 38(2) repealed (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 14 para. 22(2), Sch. 18 Pt. 5; S.I. 2007/935, art. 5(gg)(ii)
- S. 38(2)(2A) substituted for s. 38(2) (1.4.2005 for E., 31.7.2008 for W.) by Children Act 2004 (c. 31), F84 ss. 51, 67(7)(e); S.I. 2005/394, art. 2(2)(e); S.I. 2008/1904, art. 2
- S. 38(2A)(a) substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, Sch. 2 para. 8(4)
- F86 Words in s. 38(2A)(b) substituted (1.4.2016) by Well-being of Future Generations (Wales) Act 2015 (anaw 2), s. 56(2), Sch. 4 para. 1; S.I. 2016/86, art. 3
- Words in s. 38(2A)(b) inserted (1.4.2008) by Childcare Act 2006 (c. 21), s. 109(2), Sch. 2 para. 28; S.I. 2008/17, art. 3(b)
- F88 Words in s. 38(5)(a) repealed (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 14 para. 22(3)(a), Sch. 18 Pt. 5; S.I. 2007/935, art. 5(gg)(ii)
- Words in s. 38(5)(b) repealed (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 14 para. 22(3)(b), Sch. 18 Pt. 5; S.I. 2007/935, art. 5(gg)(ii)
- Words in s. 38(5)(b) substituted (1.9.2005 for E., 1.9.2006 for W.) by Education Act 2005 (c. 18), s. F90 125(4), Sch. 9 para. 11; S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1
- Words in s. 38(5)(b) substituted (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 14 para. 22(3)(b)**; S.I. 2007/935, art. 5(gg)
- F92 Word in s. 38(7) substituted (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. **14 para. 22(4)(a)**; S.I. 2007/935, art. 5(gg)
- F93 S. 38(7)(a) repealed (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 14 para. 22(4)(b), Sch. 18 Pt. 5; S.I. 2007/935, art. 5(gg)(ii)
- F94 Words in s. 38(7)(a) substituted (1.1.2001) by 2000 c. 21, s. 73(a); S.I. 2000/3230, art. 2, Sch.

Modifications etc. (not altering text)

- S. 38 modified (31.8.2008) by Childcare Act 2006 (c. 21), ss. 28, 109(2); S.I. 2008/17, art. 2(a)
- S. 38(5) applied (E.) (1.9.2005) by Children Act 2004 (Joint Area Reviews) Regulations 2005 (S.I. **C8** 2005/1973), reg. 1(1), Sch. para. 2(a)

39 Reports of inspections under s. 38 and action plan by [F21]local authority]

- (1) Where an inspection under section 38 has been completed, the inspector shall make a written report on the matters reviewed in the course of the inspection, and shall send copies of the report to
 - any [F21]local authority] to which the inspection relates; and
 - the Secretary of State.
- (2) Where a [F21 local authority] receive a copy of a report under this section, they shall prepare a written statement of the action which they propose to take in the light of the report and the period within which they propose to take it.
- (3) The authority shall publish
 - the report, and (a)
 - the statement prepared under subsection (2), within such period, and in such manner, as may be prescribed.

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(4) The Chief Inspector may arrange for any report under this section to be published in such manner as he considers appropriate [F95; and F96... [F97 section 29(2) to (4) of [F98 the Education Act 2005]] shall apply in relation to the publication of any such report as they apply in relation to the publication of a report under any of the provisions mentioned in F99... [F100 section 29(2)].]

Textual Amendments

- **F21** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), **Sch. 2 para. 8(2)**
- F95 Words in s. 39(4) inserted (1.10.1998) by 1998 c. 31, s. 134(3) (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, Sch.1 Pt. I
- **F96** Words in s. 39(4) repealed (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 14 para. 23(a), Sch. 18 Pt. 5; S.I. 2007/935, art. 5(gg)(ii)
- **F97** Words in s. 39(4) substituted (1.9.2005 for E., 1.9.2006 for W.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 9 para. 12(a)**; S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1
- F98 Words in s. 39(4) substituted (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 14 para. 23(b); S.I. 2007/935, art. 5(gg)
- **F99** Words in s. 39(4) repealed (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 14 para. 23(c), **Sch. 18 Pt. 5**; S.I. 2007/935, art. 5(gg)(ii)
- **F100** Words in s. 39(4) substituted (1.9.2005 for E., 1.9.2006 for W.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 9 para. 12(b)**; S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1

Modifications etc. (not altering text)

C9 S. 39: functions of a local education authority made exercisable (E.) (1.4.2002) by authorised persons by Contracting Out (Local Education Authority Functions) (England) Order 2002 (S.I. 2002/928), art. 3, Sch. 3(j)

[F10140 Inspector's rights of entry etc.

- (1) This section applies where a [F21]local authority] are inspected under section 38.
- (2) The inspector, and any person assisting him, shall have at all reasonable times a right of entry to—
 - (a) the premises of the [F21 local authority],
 - (b) the premises of any school maintained by the authority, and
 - (c) any other premises at which relevant section 19 [F102 or 19A] education is provided, other than premises which are or form part of a private dwelling house but are not a school.
- (3) The inspector, and any person assisting him, shall also have at all reasonable times a right to inspect and take copies of—
 - (a) any records kept by, and any other documents containing information relating to, the [F21]local authority] or any school maintained by the authority, and
 - (b) any records kept by a person who provides relevant section 19 [F103] or 19A] education that relate to the provision of that education, and any other documents containing information that so relates;

which he considers relevant to the exercise of his functions.

(4) [F104] Section 58 of the Education Act 2005] (inspection of computer records) shall apply for the purposes of subsection (3) as it applies for the purposes of Part 1 of that Act.

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- (5) Without prejudice to subsections (2) and (3), the [F21] local authority] and the governing body of any school maintained by the authority—
 - (a) shall give the inspector and any person assisting him, all assistance in connection with the exercise of his functions which they are reasonably able to give, and
 - (b) shall secure that all such assistance is also given by persons who work at the school.
- (6) It shall be an offence wilfully to obstruct the inspector or any person assisting him in the exercise of his functions in relation to the inspection.
- (7) A person guilty of an offence under subsection (6) shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (8) In this section—

"document" and "records" each include information recorded in any form; and

"relevant section 19 [F105 or 19A] education" means education provided to a child by virtue of arrangements made by the [F21]local authority] under section 19 [F105 or 19A] of the Education Act 1996 (exceptional provision of education at schools or otherwise).]

Textual Amendments

- **F21** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), **Sch. 2 para. 8(2)**
- F101 S. 40 substituted (1.10.2002 except in relation to W. and 19.12.2002 otherwise) by Education Act 2002 (c. 32), ss. 180, 216, (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2002/3185, art. 4
- F102 Words in s. 40(2)(c) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), Sch. 2 para. 3(6)(a)
- F103 Words in s. 40(3)(b) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), Sch. 2 para. 3(6)(b)
- **F104** Words in s. 40(4) substituted (1.9.2005 for E., 1.9.2006 for W.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 9 para. 13**; S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1
- **F105** Words in s. 40(8) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), **Sch. 2 para. 3(6)(c)**

Modifications etc. (not altering text)

C10 S. 40(2)(3)(5)-(7) applied (E.) (1.9.2005) by Children Act 2004 (Joint Area Reviews) Regulations 2005 (S.I. 2005/1973), reg. 1(1), Sch. para. 2(a)

F106 41	Inspections involving collaboration of Audit Commission.

Changes to legislation: Education Act 1997 is up to date with all changes known to be in force on or before 19 May 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

Textual Amendments

F106 S. 41 repealed (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 14 para. 24, **Sch. 18 Pt. 5**; S.I. 2007/935, art. 5(gg)(ii)

[F10741A Inspections involving collaboration of Auditor General for Wales

- (1) If requested to do so by the Chief Inspector, the Auditor General for Wales may assist with any inspection under section 38 of a [F21] local authority] in Wales; and subsections (2) to (5) below have effect where the Auditor General for Wales assists with any such inspection.
- (2) Section 40 shall apply to the Auditor General for Wales and to any authorised person as it applies to the inspector.
- (3) Any information obtained by virtue of section 40 by a person falling within one of the categories mentioned in subsection (4) may be disclosed for the purposes of the inspection, or the preparation or making of the report under section 39(1), to a person falling within the other category.
- (4) Those categories are—
 - (a) the Auditor General for Wales and any authorised person; and
 - (b) the inspector and any person assisting him.
- (5) Any report prepared under section 39(1) shall be prepared by the inspector acting in conjunction with the Auditor General for Wales.
- (6) The Auditor General for Wales shall not provide assistance under this section unless, before he does so, the Chief Inspector has agreed to pay [F108] the Wales Audit Office a fee, in accordance with a scheme for charging fees prepared under section 24 of the Public Audit (Wales) Act 2013 (which may not exceed the full cost incurred by the Auditor General in providing the assistance)].
- (7) In this section "authorised person" means a person authorised by the Auditor General for Wales for the purposes of this section.]

- **F21** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), **Sch. 2 para. 8(2)**
- **F107** S. 41A inserted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), s. 73, **Sch. 2 para. 19**; S.I. 2005/558, art. 2, Sch. 1
- **F108** Words in s. 41A(6) substituted (1.4.2014) by Public Audit (Wales) Act 2013 (anaw 3), s. 35(2), **Sch. 4** para. 4 (with Sch. 3 para. 3); S.I. 2013/1466, art. 3(1)

Education Act 1997 (c. 44)
Part VII – Careers education and guidance
Chapter II – School Inspections
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Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Education Act 1997 is up to date with all changes known to be in force on or before 19 May 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

CHAPTER II

SCHOOL INSPECTIONS

Textual Amendments

F109 S. 42 repealed (1.9.2005 for E., 1.9.2006 for W.) by Education Act 2005 (c. 18), s. 125(4), Sch. 19 Pt.

1; S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1 (with Sch. 4 para. 6)

PART VII

CAREERS EDUCATION AND GUIDANCE

[F11042A Provision of careers guidance in schools in England

- (1) The responsible authorities for a school in England within subsection (2) must secure that all registered pupils at the school are provided with independent careers guidance during [FIII] their secondary education].
- (2) A school is within this subsection if it provides secondary education and is one of the following—
 - (a) a community, foundation or voluntary school;
 - (b) a community or foundation special school (other than one established in a hospital);
 - (c) a pupil referral unit;
 - [an Academy school;

F112(d)

- (e) an alternative provision Academy.]
- (3) The responsible authorities for a school within subsection (2) are—
 - (a) in the case of a school within subsection (2)(a) or (b), its governing body;
 - (b) in the case of a pupil referral unit, the local authority that maintain it;
 - [in the case of an Academy school or an alternative provision Academy, the $^{\text{F113}}(c)$ proprietor.]
- (4) The responsible authorities must secure that careers guidance provided under subsection (1)—
 - (a) is presented in an impartial manner,
 - (b) includes information on options available in respect of 16 to 18 education or training, including apprenticeships, and
 - (c) is guidance that the person giving it considers will promote the best interests of the pupils to whom it is given.

[Subsection (4)(b) does not apply in relation to pupils over compulsory school age.]

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- (5) Careers guidance provided to pupils at a school is independent for the purposes of this section if it is provided other than by—
 - (a) a teacher employed or engaged at the school, or
 - (b) any other person employed at the school.

F115(6)			
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(7) In this section—

"career" includes undertaking any training, education, employment or occupation;

"careers guidance" means guidance about careers;

"16 to 18 education or training" means education or training suitable to the requirements of persons who have ceased to be of compulsory school age but have not attained the age of 18;

"training" includes a voluntary or other placement apt to enable the development of any skill or competency (whether or not taking place at a time when the person concerned is still a registered pupil at a school in England).]

Textual Amendments

- **F110** S. 42A inserted (1.2.2012 for specified purposes, 1.9.2012 in so far as not already in force) by Education Act 2011 (c. 21), ss. 29(2), 82(3); S.I. 2012/84, art. 3; S.I. 2012/1087, art. 3
- **F111** Words in s. 42A(1) substituted (1.9.2022) by Education (Careers Guidance in Schools) Act 2022 (c. 13), **ss. 1(2)**, 3(2); S.I. 2022/724, reg. 2
- **F112** S. 42A(2)(d)(e) inserted (1.9.2022) by Education (Careers Guidance in Schools) Act 2022 (c. 13), ss. 1(3), 3(2); S.I. 2022/724, reg. 2
- **F113** S. 42A(3)(c) inserted (1.9.2022) by Education (Careers Guidance in Schools) Act 2022 (c. 13), ss. 1(4), 3(2); S.I. 2022/724, reg. 2
- **F114** S. 42A(4A) inserted (1.9.2022) by Education (Careers Guidance in Schools) Act 2022 (c. 13), **ss. 1(5)**, 3(2); S.I. 2022/724, reg. 2
- F115 S. 42A(6) omitted (1.9.2022) by virtue of Education (Careers Guidance in Schools) Act 2022 (c. 13), ss. 1(6), 3(2); S.I. 2022/724, reg. 2
- **F116** Words in s. 42A(7) omitted (2.1.2018) by virtue of Technical and Further Education Act 2017 (c. 19), ss. 2(3), 47(2); S.I. 2017/1055, reg. 3(c)
- **F117** Words in s. 42A(7) omitted (1.9.2022) by virtue of Education (Careers Guidance in Schools) Act 2022 (c. 13), **ss. 1**(7), 3(2); S.I. 2022/724, reg. 2

Modifications etc. (not altering text)

- C11 S. 42A applied (with modifications) (E.) (1.9.2013) by The Careers Guidance in Schools Regulations 2013 (S.I. 2013/709), regs. 1, 2
- C12 S. 42A(4)(b) excluded (E.) (1.9.2013) by The Careers Guidance in Schools Regulations 2013 (S.I. 2013/709), regs. 1, 3

[F11842B Information about technical education: access to English schools

(1) The proprietor of a school in England within subsection (2) must ensure that there [F119] are opportunities] for a range of education and training providers to access

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registered pupils during the relevant phase of their education for the purpose of informing them about approved technical education qualifications or apprenticeships.

[In complying with subsection (1), the proprietor must give access to registered pupils F120(1A) on at least two occasions during each of the first, second and third key phase of their education.]

- (2) A school is within this subsection if it provides secondary education and is one of the following—
 - (a) an Academy;
 - (b) an alternative provision Academy;
 - (c) a community, foundation or voluntary school;
 - (d) a community or foundation special school (other than one established in a hospital);
 - (e) a pupil referral unit.

[The proprietor of a school in England within subsection (2) must—

- ensure that, during each of the first and second key phases of the education of each registered pupil—
 - (i) on at least two occasions the pupil meets at least one provider to whom access is given (or any other number of such providers that may be specified for the purposes of that key phase by regulations under subsection (8)), and
 - (ii) the pupil does not meet exactly the same provider or providers on each of those occasions, and
 - (b) ask providers to whom access is given to provide information that includes the following—
 - (i) information about the provider and the approved technical education qualifications or apprenticeships that the provider offers,
 - (ii) information about the careers to which those technical education qualifications or apprenticeships might lead,
 - (iii) a description of what learning or training with the provider is like, and
 - (iv) responses to questions from the pupils about the provider or approved technical education qualifications and apprenticeships.
 - (2B) Access given under subsection (1) must be for a reasonable period of time during the standard school day.]
 - (3) The proprietor of a school in England within subsection (2) must prepare a policy statement setting out the circumstances in which education and training providers will be given access to registered pupils for the purpose of informing them about approved technical education qualifications or apprenticeships.
 - (4) The proprietor must ensure that the policy statement is followed.
 - (5) The policy statement must include—
 - (a) any procedural requirements in relation to requests for access;
 - (b) grounds for granting and refusing requests for access;
 - (c) details of premises or facilities to be provided to a person who is given access [F122] and the times at which the access is to be given;]
 - [an explanation of how the proprietor proposes to comply with the obligations imposed under subsection (2A).]

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- (6) The proprietor may revise the policy statement from time to time.
- (7) The proprietor must publish the policy statement and any revised statement.
- (8) The Secretary of State may by regulations make provision supplementing subsection (1) [F124 or (2A)], for example provision about who is to be given access to pupils, to which pupils they are to be given access and how and when.
- (9) For the purposes of this section the relevant phase of a pupil's education is the period—
 - (a) beginning at the same time as the school year in which the majority of pupils in the pupil's class attain the age of 13, and
 - (b) ending with the expiry of the school year in which the majority of pupils in the pupil's class attain the age of 18.

[For the purposes of this section—

- (9A) (a) the first key phase of a pupil's education is the period—
 - (i) beginning at the same time as the school year in which the majority of pupils in the pupil's class attain the age of 13, and
 - (ii) ending with 28 February in the following school year;
 - (b) the second key phase of a pupil's education is the period—
 - (i) beginning at the same time as the school year in which the majority of pupils in the pupil's class attain the age of 15, and
 - (ii) ending with 28 February in the following school year;
 - (c) the third key phase of a pupil's education is the period—
 - (i) beginning at the same time as the school year in which the majority of pupils in the pupil's class attain the age of 17, and
 - (ii) ending with 28 February in the following school year.]
 - (10) In this section "approved technical education qualification" means a qualification approved under section [F126A2D3 or A2D5] of the Apprenticeships, Skills, Children and Learning Act 2009.]

- **F118** S. 42B inserted (2.1.2018) by Technical and Further Education Act 2017 (c. 19), **ss. 2(2)**, 47(2); S.I. 2017/1055, reg. 3(c)
- **F119** Words in s. 42B(1) substituted (1.1.2023) by Skills and Post-16 Education Act 2022 (c. 21), **ss. 14(2)**, 36(3); S.I. 2022/1349, reg. 2
- **F120** S. 42B(1A) inserted (1.1.2023) by Skills and Post-16 Education Act 2022 (c. 21), **ss. 14(3)**, 36(3); S.I. 2022/1349, reg. 2
- **F121** S. 42B(2A)(2B) inserted (1.1.2023) by Skills and Post-16 Education Act 2022 (c. 21), **ss. 14(4)**, 36(3); S.I. 2022/1349, reg. 2
- **F122** Words in s. 42B(5)(c) inserted (1.1.2023) by Skills and Post-16 Education Act 2022 (c. 21), **ss. 14(5)** (a), 36(3); S.I. 2022/1349, reg. 2
- **F123** S. 42B(5)(d) inserted (1.1.2023) by Skills and Post-16 Education Act 2022 (c. 21), **ss. 14(5)(b)**, 36(3); S.I. 2022/1349, reg. 2
- **F124** Words in s. 42B(8) inserted (1.1.2023) by Skills and Post-16 Education Act 2022 (c. 21), **ss. 14(6)**, 36(3); S.I. 2022/1349, reg. 2
- **F125** S. 42B(9A) inserted (1.1.2023) by Skills and Post-16 Education Act 2022 (c. 21), **ss. 14(7)**, 36(3); S.I. 2022/1349, reg. 2

Education Act 1997 (c. 44)
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F126 Words in s. 42B(10) substituted (30.9.2022) by Skills and Post-16 Education Act 2022 (c. 21), ss. 12(10), 36(3); S.I. 2022/965, reg. 3(7) (with regs. 4, 5)

43 [F127 Provision of careers education in schools [F128 in Wales]][F127 Provision of careers education for certain persons: Wales]

[F127(1)] A programme of careers education must be provided for—

- (a) each pupil who—
 - (i) is a registered pupil at a school in Wales listed in subsection (2), and
 - (ii) is of compulsory school age, or over compulsory school age, but under the age of 19;
- (b) each person who—
 - (i) is attending an institution in Wales within the further education sector (whether full or part time), and
 - (ii) is of compulsory school age, or over compulsory school age but under the age of 19;
- (c) each child or young person for whom arrangements are made under section 19A of the Education Act 1996 (exceptional provision of education in pupil referral units or elsewhere: Wales).
- (2) The schools are—
 - (a) community, foundation and voluntary schools;
 - (b) community special schools (other than those established in hospitals).
- (3) The following persons must secure that subsection (1) is complied with—
 - (a) in the case of a pupil falling within subsection (1)(a), the head teacher of the school:
 - (b) in the case of a person falling within subsection (1)(b), the principal or other head of the institution;
 - (c) in the case of a child or young person falling within subsection (1)(c)—
 - (i) the local authority that makes the arrangements, and
 - (ii) where the arrangements include the provision of education at a pupil referral unit maintained by a local authority in Wales, the teacher in charge of the unit.
- (4) In this section—

"career" includes the undertaking of any training, employment or occupation or any course of education;

"careers education" means education designed to prepare persons for taking decisions about their careers and to help them implement such decisions.]

- **F21** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), **Sch. 2 para. 8(2)**
- F127 S. 43 substituted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), Sch. 2 para. 3(7)

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- F128 Words in s. 43 heading inserted (1.9.2012) by Education Act 2011 (c. 21), ss. 29(3)(g), 82(3); S.I. 2012/1087, art. 3
 F129 Words in s. 43(1) inserted (1.9.2012) by Education Act 2011 (c. 21), ss. 29(3)(a), 82(3); S.I.
- **F129** Words in s. 43(1) inserted (1.9.2012) by Education Act 2011 (c. 21), ss. 29(3)(a), 82(3); S.I. 2012/1087, art. 3
- **F130** S. 43(2)(a) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 217(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- **F131** S. 43(2)(b) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 217(b), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- **F132** S. 43(2)(c) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 217(c)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- **F133** Words in s. 43(2)(c) omitted (W.) (1.10.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 18(3)**; S.I. 2013/1800, art. 3(j)
- **F134** S. 43(2)(d) omitted (1.9.2012) by virtue of Education Act 2011 (c. 21), **ss. 29(3)(b)**, 82(3); S.I. 2012/1087, art. 3
- **F135** S. 43(2A)(2B) omitted (1.9.2012) by virtue of Education Act 2011 (c. 21), **ss. 29(3)(c)**, 82(3); S.I. 2012/1087, art. 3
- **F136** Words in s. 43(3) omitted (1.9.2012) by virtue of Education Act 2011 (c. 21), **ss. 29(3)(d)(i)**, 82(3); S.I. 2012/1087, art. 3
- **F137** S. 43(3)(b) omitted (1.9.2012) by virtue of Education Act 2011 (c. 21), **ss. 29(3)(d)(ii)**, 82(3); S.I. 2012/1087, art. 3
- **F138** S. 43(4) omitted (1.9.2012) by virtue of Education Act 2011 (c. 21), **ss. 29(3)(e)**, 82(3); S.I. 2012/1087, art. 3
- **F139** Words in s. 43(6) substituted (1.9.2022) by Education (Careers Guidance in Schools) Act 2022 (c. 13), ss. 2(1), 3(2); S.I. 2022/724, reg. 2
- **F140** Words in s. 43(6) omitted (1.9.2012) by virtue of Education Act 2011 (c. 21), ss. 29(3)(f)(ii), 82(3); S.I. 2012/1087, art. 3

Modifications etc. (not altering text)

- C13 Ss. 43, 44 modified (1.8.2001) by S.I. 2001/1987, reg. 2
- C14 S. 43: functions of a local education authority made exercisable (E.) (1.4.2002) by authorised persons by Contracting Out (Local Education Authority Functions) (England) Order 2002 (S.I. 2002/928) art. 3, {Sch. 3(k)}
- C15 S. 43 extended (E.) (1.9.2004) by Education (Extension of Careers Education) (England) Regulations 2003 (S.I. 2003/2645), regs. 1(1), 2
- C16 S. 43: power to modify conferred (temp.) (W.) by Coronavirus Act 2020 (c. 7), Sch. 17 para. 7 (as amended (26.8.2020) by The Curriculum Requirements (Amendment of paragraph 7(6) of Schedule 17 to the Coronavirus Act 2020) (Wales) Regulations 2020 (S.I. 2020/891), regs. 1(2), 2(2))

Schools and other institutions [F141 in Wales] to co-operate with careers advisers.

- (1) Where a careers adviser has responsibilities in relation to persons attending an educational institution to which this section applies, he shall on request be provided with—
 - (a) the name and address of every relevant pupil or student at the institution; and
 - (b) any information in the institution's possession about any such pupil or student which the careers adviser needs in order to be able to provide him with advice and guidance on decisions about his career or with other information relevant to such decisions.
- (2) If the registered address of a parent of any such pupil is different from the pupil's registered address, subsection (1)(a) requires the parent's address to be provided as well.

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- (3) Paragraph (a) or (as the case may be) paragraph (b) of subsection (1) does not, however, apply to any pupil or student to the extent that—
 - (a) (where he is under [F142the age of 16]) a parent of his, or
 - (b) (where he has attained that age) he himself,

has indicated that any information falling within that paragraph should not be provided to the careers adviser.

- (4) Where a careers adviser has responsibilities in relation to persons attending an educational institution to which this section applies, he shall on request be permitted to have, in the case of any relevant pupil or student specified by him, access to that person—
 - (a) on the institution's premises, and
 - (b) at a reasonable time agreed by or on behalf of the head teacher, principal or other head of the institution,

for the purpose of enabling him to provide that person with advice and guidance on decisions about his career and with any other information relevant to such decisions.

- (5) Such access shall include an opportunity for the careers adviser to interview that person about his career, if he agrees to be so interviewed.
- (6) Where a careers adviser has responsibilities in relation to persons attending an educational institution to which this section applies, he shall on request be permitted to have, in the case of any group of relevant pupils or students specified by him, access—
 - (a) to that group of persons in the manner specified in subsection (4)(a) and (b), and
 - (b) to such of the institution's facilities as can conveniently be made available for his use,

for the purpose of enabling him to provide those persons with group sessions on any matters relating to careers or to advice or guidance about careers.

- (7) Any request made for the purposes of subsection (1), (4) or (6) must be made in writing to the head teacher, principal or other head of the institution in question.
- (8) This section applies to—
 - (a) the schools $[^{F143}$ in Wales listed in section 43(2) $[^{F144}$ (a) and (c)]]; $[^{F145}$ and]
 - [F146(aa) pupil referral units maintained by local authorities in Wales, and]
 - (b) institutions [F147 in Wales] within the further education sector.
- [F148(9)] It is the duty of the each of the following to secure that subsections (1), (4) and (6) are complied with—
 - (a) the governing body of the school or institution;
 - (b) its head teacher, principal or other head.]
 - (10) For the purposes of this section—
 - I^{F149}(a) a pupil at a school in Wales, or at a pupil referral unit maintained by a local authority in Wales, is a relevant pupil if the pupil is receiving secondary education and—
 - (i) in the case of a pupil at a school is under 19, and
 - (ii) in the case of a pupil at a pupil referral unit, is under 18; and
 - (b) a person is a relevant student at an institution [F151 in Wales] within the further education sector if he is receiving at the institution either—

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- (i) full-time education, or
- (ii) part-time education of a description commonly undergone by persons in order to fit them for employment.
- (11) For the purposes of this section—
 - (a) "careers adviser" means a person who is employed by a body providing services in pursuance of arrangements made or directions given under section 10 of the M2 Employment and Training Act 1973 and who is acting, in the course of his employment by that body, for the purposes of the provision of any such services; and
 - (b) a careers adviser has responsibilities for any persons if his employment by that body includes the provision of any such services for them.
- (12) In this section "career" has the same meaning as in section 43.

Textual Amendments

- **F141** Words in s. 44 heading inserted (1.9.2012) by Education Act 2011 (c. 21), **ss. 29(4)(f)**, 82(3); S.I. 2012/1087, art. 3
- **F142** Words in s. 43(3)(a) substituted (in force for specified purposes on 28.7.2000 and 1.4.2001 for E. and W.) by 2000 c. 21, s. 149, **Sch. 9 para. 72**; S.I. 2001/654, art. 2, **Sch. Pt. I**; S.I. 2001/1274, art. 2, **Sch. Pt. I**
- **F143** Words in s. 44(8)(a) substituted (1.9.2012) by Education Act 2011 (c. 21), **ss. 29(4)(a)**, 82(3); S.I. 2012/1087, art. 3
- F144 Words in s. 44(8)(a) omitted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by virtue of The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), Sch. 2 para. 3(8)(a)(i)
- F145 Word in s. 44(8) omitted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by virtue of The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), Sch. 2 para. 3(8)(a)(ii)
- F146 S. 44(8)(aa) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), Sch. 2 para. 3(8)(a)(iii)
- **F147** Words in s. 44(8)(b) inserted (1.9.2012) by Education Act 2011 (c. 21), **ss. 29(4)(b)**, 82(3); S.I. 2012/1087, art. 3
- F148 S. 44(9) substituted (1.9.2012) by Education Act 2011 (c. 21), ss. 29(4)(c), 82(3); S.I. 2012/1087, art. 3
- F149 S. 44(10)(a) substituted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), Sch. 2 para. 3(8)(b)
- **F150** Words in s. 44(10)(a) inserted (1.9.2012) by Education Act 2011 (c. 21), ss. 29(4)(d), 82(3); S.I. 2012/1087, art. 3
- **F151** Words in s. 44(10)(b) inserted (1.9.2012) by Education Act 2011 (c. 21), **ss. 29(4)(e)**, 82(3); S.I. 2012/1087, art. 3

Modifications etc. (not altering text)

C17 Ss. 43, 44 modified (1.8.2001) by S.I. 2001/1987, reg. 2

Marginal Citations

M2 1973 c. 35.

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45 Provision of careers information at schools and other institutions.

- (1) Persons attending an educational institution to which this section applies must be provided with access to both—
 - (a) guidance materials, and
 - (b) a wide range of up-to-date reference materials, relating to careers education and career opportunities.
- (2) This section applies to—
 - (a) the schools [F152 in Wales listed in section 43(2) [F153 (a) and (c)]]; [F154 and]
- [F155(aa) pupil referral units maintained by local authorities in Wales; and]
 - (b) institutions within the further education sector.

F157(2A)																	
F157(2B)																	

- [F158(3) It is the duty of each of the following to secure that subsection (1) is complied with—
 - (a) the governing body of the school or institution;
 - (b) its head teacher, principal or other head.]
- [F159(3A) In the case of children within subsection (1), it is the duty of the local authority concerned to secure that subsection (1) is complied with.]
 - (4) The persons who under subsection (3) above are responsible for discharging that duty in relation to an institution shall seek assistance with discharging it from a body providing services in pursuance of arrangements made or directions given under section 10 of the M3Employment and Training Act 1973.
 - (5) In this section "career" [F160 and "careers education"] have the same meaning as in section 43.
 - (6) Nothing in this section applies to any primary school.

- **F152** Words in s. 45(2)(a) substituted (1.9.2012) by Education Act 2011 (c. 21), **ss. 29(5)(a)**, 82(3); S.I. 2012/1087, art. 3
- F153 Words in s. 45(2)(a) omitted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by virtue of The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), Sch. 2 para. 3(9)(a)(i)
- F154 Word in s. 45(2) omitted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by virtue of The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), Sch. 2 para. 3(9)(a)(ii)
- F155 S. 45(2)(aa) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), Sch. 2 para. 3(9)(a)(iii)
- **F156** Words in s. 45(2) omitted (1.9.2012) by virtue of Education Act 2011 (c. 21), ss. 29(5)(b), 82(3); S.I. 2012/1087, art. 3
- **F157** S. 45(2A)(2B) omitted (1.9.2012) by virtue of Education Act 2011 (c. 21), ss. 29(5)(c), 82(3); S.I. 2012/1087, art. 3
- **F158** S. 45(3) substituted (1.9.2012) by Education Act 2011 (c. 21), ss. 29(5)(d), 82(3); S.I. 2012/1087, art. 3

Part VII - Careers education and guidance Chapter II – School Inspections Document Generated: 2024-05-19

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F159 S. 45(3A) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The
      Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation)
      Regulations 2022 (S.I. 2022/744), reg. 1(3), Sch. 2 para. 3(9)(b)
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F160 Words in s. 45(5) substituted (1.9.2012) by Education Act 2011 (c. 21), ss. 29(5)(e), 82(3); S.I. 2012/1087, art. 3

Modifications etc. (not altering text)

C18 S. 45 modified (1.9.2013) by The Operation of the Local Curriculum (Wales) Regulations 2013 (S.I. 2013/1793), regs. 1(1), 3(d), 7(b)

Marginal Citations

M3 1973 c. 35.

[F16145A Guidance as to discharge of duties[F162]: schools in England]

- (1) The persons responsible for discharging a relevant duty in relation to a school in England falling within section [F16342A(2)] must, in discharging the duty, have regard to any guidance given from time to time by the Secretary of State.
- (2) A "relevant duty" means a duty under [F164] section 42A(1) or (4) or 42B].]

Textual Amendments

- F161 S. 45A inserted (1.9.2009) by Education and Skills Act 2008 (c. 25), ss. 81(4), 173(4); S.I. 2009/1513,
- F162 Words in s. 45A heading inserted (1.9.2012) by Education Act 2011 (c. 21), ss. 29(6)(c), 82(3); S.I. 2012/1087, art. 3
- F163 Word in s. 45A(1) substituted (1.9.2012) by Education Act 2011 (c. 21), ss. 29(6)(a), 82(3); S.I. 2012/1087, art. 3
- F164 Words in s. 45A(2) substituted (2.1.2018) by Technical and Further Education Act 2017 (c. 19), ss. **2(4)**, 47(2); S.I. 2017/1055, reg. 3(c)

[F16545B Provision of curriculum information[F166: Wales]

- (1) Subject to subsections (2) and (3), a service provider may demand from a person mentioned in subsection (6) such curriculum information as is specified in the demand.
- (2) A service provider must not demand any curriculum information unless the provider reasonably considers that the information would assist it in providing its services.
- (3) A service provider must not demand any curriculum information which identifies, or allows to be identified, any pupil or student.
- (4) A person mentioned in subsection (6) must comply with a demand made under subsection (1) by providing the service provider with the information demanded.
- (5) A service provider may publish in whatever form it sees fit any curriculum information provided under subsection (4).
- (6) The persons referred to in subsection (1) are
 - the governing body and head teacher of a school in Wales falling within section 43(2)(a); [F167 and]

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- [the local authority and the teacher in charge of a pupil referral unit maintained by a local authority in Wales; and]
 - (b) the governing body and principal of an institution within the further education sector in Wales.

(7) In this section—

"curriculum information" means—

- (a) in relation to a school mentioned in subsection (6)(a), information about the curriculum for registered pupils at the school [F169] during the relevant phase of their education][F169] who are receiving secondary education]; and
- (aa) [F170 in relation to a pupil referral unit, information about the curriculum for registered pupils at the unit who are receiving secondary education; and]
- (b) in relation to an institution within the further education sector, information about the courses of study and other education and training available at the institution;

"pupil" means, in relation to a school mentioned in subsection (6)(a), a person receiving education at the school;

[F171"relevant phase" has the same meaning as in section 43(5);]

"service provider" means a person providing services in pursuance of arrangements made with, or directions given by, the Welsh Ministers under section 10 of the Employment and Training Act 1973, and "services" shall be construed accordingly; and

"student" means, in relation to an institution within the further education sector, a person receiving education at the institution.]

- **F165** S. 45B inserted (7.12.2009) by Learning and Skills (Wales) Measure 2009 (nawm 1), **ss. 45(2)**, 49(2); S.I. 2009/3174, art. 2(1)(p)
- **F166** Word in s. 45B heading inserted (1.9.2012) by Education Act 2011 (c. 21), **ss. 29(7)**, 82(3); S.I. 2012/1087, art. 3
- F167 Word in s. 45B(6) omitted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by virtue of The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), Sch. 2 para. 3(10)(a)(i)
- F168 S. 45B(6)(aa) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), Sch. 2 para. 3(10)(a)(ii)
- **F169** Words in s. 45B(7) substituted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), **Sch. 2 para. 3(10)(b)(i)(aa)**
- F170 Words in s. 45B(7) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), Sch. 2 para. 3(10)(b)(i)(bb)
- F171 Words in s. 45B(7) omitted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by virtue of The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), Sch. 2 para. 3(10)(b)(ii)

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Extension or modification of provisions of [F172 ss. 43 to 45][F172 sections 42A to 45]

- (1) The Secretary of State may by regulations extend the scope of operation of section F¹⁷³[F¹⁷⁴... [F¹⁷⁵[F¹⁷⁶42B,] 43 or 44][F¹⁷⁵42A or 42B, in relation to England] by substituting for the period specified in section F¹⁷⁷[F¹⁷⁸... [F¹⁷⁹42B(9)] 43(5) or 44(10) (a)(i)[F¹⁷⁸42A(6) or 42B(9)]] such other period as is specified.
- [F180(1A) The Welsh Ministers may by regulations make provision extending the range of pupils, children and young persons to whom section 43 or 44 applies.
 - (1B) The regulations may among other things make provision by reference to a description of school specified in the regulations.]
 - (2) The Secretary of State may by regulations make provision for extending the scope of operation of section [F18143, 44 or] 45 to primary schools or to any specified description of such schools.
- [F182(2A) The Secretary of State may by regulations make provision for requiring—
 - (a) the governing bodies of institutions in England within the further education sector, and
 - (b) the principals or other heads of such institutions,
 - to secure that careers guidance is provided for any specified description of persons attending such institutions.]
 - (3) The Secretary of State may by regulations make provision for requiring—
 - (a) the governing bodies of institutions [F183 in Wales] within the further education sector, and
 - (b) the principals or other heads of such institutions,
 - to secure that a programme of careers education is provided for any specified description of persons attending such institutions.
 - (4) The Secretary of State may by regulations amend the definition of "careers adviser" set out in section 44(11)(a).
 - (5) In this section—

"careers education" has the same meaning as in section 43; [F184"careers guidance" has the same meaning as in section 42A;] "specified" means specified in the regulations in question.

- F172 Words in s. 46 heading substituted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), Sch. 2 para. 3(11)(a)
- **F173** Word in s. 46(1) omitted (1.9.2022) by virtue of Education (Careers Guidance in Schools) Act 2022 (c. 13), **ss. 2(2)(a)**, 3(2); S.I. 2022/724, reg. 2
- F174 Words in s. 46(1) substituted (1.2.2012 for specified purposes) by Education Act 2011 (c. 21), ss. 29(8) (a), 82(3); S.I. 2012/84, art. 3
- F175 Words in s. 46(1) substituted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), Sch. 2 para. 3(11)(b)(i)
- **F176** Word in s. 46(1) inserted (2.1.2018) by Technical and Further Education Act 2017 (c. 19), **ss. 2(5)(a)**, 47(2); S.I. 2017/1055, reg. 3(c)

Education Act 1997 (c. 44)
Part VIII – Miscellaneous and general
Chapter II – School Inspections
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- **F177** Word in s. 46(1) omitted (1.9.2022) by virtue of Education (Careers Guidance in Schools) Act 2022 (c. 13), ss. 2(2)(b), 3(2); S.I. 2022/724, reg. 2
- F178 Words in s. 46(1) substituted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), Sch. 2 para. 3(11)(b)(ii)
- **F179** Word in s. 46(1) inserted (2.1.2018) by Technical and Further Education Act 2017 (c. 19), **ss. 2(5)(b)**, 47(2); S.I. 2017/1055, reg. 3(c)
- F180 S. 46(1A)(1B) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), Sch. 2 para. 3(11)(c)
- F181 Words in s. 46(2) omitted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by virtue of The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), Sch. 2 para. 3(11)(d)
- **F182** S. 46(2A) inserted (1.2.2012 for specified purposes) by Education Act 2011 (c. 21), **ss. 29(8)(b)**, 82(3); S.I. 2012/84, art. 3
- **F183** Words in s. 46(3)(a) inserted (1.2.2012 for specified purposes) by Education Act 2011 (c. 21), ss. 29(8) (c), 82(3); S.I. 2012/84, art. 3
- **F184** Words in s. 46(5) inserted (1.2.2012 for specified purposes) by Education Act 2011 (c. 21), ss. 29(8) (d), 82(3); S.I. 2012/84, art. 3

PART VIII

MISCELLANEOUS AND GENERAL

Exceptional educational provision

47 Functions of [F82] local authorities] as regards exceptional educational provision.

- (1) Section 19 of the M4Education Act 1996 (exceptional provision of education in pupil referral units or elsewhere) shall be amended as follows.
- (2) In subsection (1) (duty of [F21]local authority] to make arrangements for provision of suitable full-time or part-time education, at school or otherwise, for excluded children etc.), the words "full-time or part-time" shall be omitted.
- (3) In subsection (4) (power of [F21] local authority] to make arrangements for provision of suitable full-time or part-time education, otherwise than at school, for excluded young persons etc.), the words "full-time or part-time" shall be omitted.
- (4) After that subsection there shall be inserted—
 - "(4A) In determining what arrangements to make under subsection (1) or (4) in the case of any child or young person a [F21]local authority] shall have regard to any guidance given from time to time by the Secretary of State."

Textual Amendments

- **F21** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), **Sch. 2 para. 8(2)**
- **F82** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), **Sch. 2 para. 8(3)**

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Marginal Citations

M4 1996 c. 56.

Management committees for pupil referral units

48 Management committees for pupil referral units.

At the end of Schedule 1 to the Education Act 1996 (pupil referral units) there shall be added—

Management committees

- "15 (1) Regulations may make provision—
 - (a) for requiring any [F21]local authority] who maintain a pupil referral unit to establish a committee to act as the management committee for the unit; and
 - (b) for that committee to discharge on behalf of the authority such of their functions in connection with the unit as are delegated by them to the committee in accordance with the regulations.
 - (2) Regulations under this paragraph may in particular make provision—
 - (a) for enabling a [F21]local authority] to establish a joint committee to act as the management committee for two or more pupil referral units maintained by the authority;
 - (b) for requiring the approval of the Secretary of State to be obtained before any such joint committee is established;
 - (c) as to the composition of a management committee established under the regulations and—
 - (i) the appointment and removal of its members, and
 - (ii) their terms of office,

and in particular for requiring such a committee to include persons representing schools (including grant-maintained schools) situated in the area from which the unit or units in question may be expected to draw pupils;

- (d) for requiring or (as the case may be) prohibiting the delegation by a [F21 local authority] to a management committee of such functions in connection with pupil referral units as are specified in the regulations;
- (e) for authorising a management committee to establish subcommittees;
- (f) for enabling (subject to any provisions of the regulations) a [F21]local authority] or a management committee to determine to any extent the committee's procedure and that of any sub-committee;
- (g) for limiting the personal liability of members of any such committee or sub-committee in respect of their acts or omissions as such members:
- (h) for applying to any such committee or sub-committee, with or without modification—
 - (i) any provision of the Education Acts, or

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(ii) any provision made by or under any other enactment and relating to committees or (as the case may be) subcommittees of a local authority."

Textual Amendments

F21 Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), **Sch. 2 para. 8(2)**

Teachers not under contract of employment and persons having access to those under 19

Power to make regulations: teachers not under contract of employment and persons having access to those under 19.

Textual Amendments

F185 S. 49 repealed (31.3.2003 for W. for specified purposes, 1.6.2003 for E., 2.1.2008 for W. so far as not already in force) by Education Act 2002 (c. 32), s. 216(4), Sch. 21 para. 71, **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/1115, art. 3; S.I. 2007/3611, art. 4(1), Sch. Pt. 1

Costs of teachers' premature retirement

F186**5**0

Textual Amendments

F186 S. 50 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.218, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch.1**

Definition of "school"

51 Definition of "school".

In section 4 of the Education Act 1996 (definition of "school"), for subsection (1) there shall be substituted—

- "(1) In this Act "school" means an educational institution which is outside the further education sector and the higher education sector and is an institution for providing—
 - (a) primary education,
 - (b) secondary education, or
 - (c) both primary and secondary education,

whether or not the institution also provides part-time education suitable to the requirements of junior pupils or further education."

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Compulsory school age

52 Commencement of compulsory school age.

- (1) Section 8 of the M5 Education Act 1996 (compulsory school age) shall be amended in accordance with subsections (2) and (3).
- (2) For subsection (2) there shall be substituted—
 - "(2) A person begins to be of compulsory school age—
 - (a) when he attains the age of five, if he attains that age on a prescribed day, and
 - (b) otherwise at the beginning of the prescribed day next following his attaining that age."
- (3) For subsection (4) there shall be substituted—
 - "(4) The Secretary of State may by order—
 - (a) provide that such days in the year as are specified in the order shall be, for each calendar year, prescribed days for the purposes of subsection (2);
 - (b) determine the day in any calendar year which is to be the school leaving date for that year."

F18/(4)	•																
F187(5)																	

Textual Amendments

F187 S. 52(4)(5) repealed (1.10.1998) by 1998 c. 31, ss. 140(1)(3), Sch. 30 para.218, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch.1**, Pt. I

Commencement Information

II S. 52, as partially repealed, wholly in force at 1.10.1998; s. 52 not in force at Royal Assent see s. 58(3); s. 52(4) in force at 1.9.1997 by S.I. 1997/1468, art. 2, **Sch. 1 Pt. II**; s. 52(1)-(3) in force at 1.8.1998 by S.I. 1998/386, art. 2, **Sch. 1 Pt. III**

Marginal Citations

M5 1996 c. 56.

General provisions

53 Stamp duty.

- (1) Subject to subsection (2), stamp duty shall not be chargeable in respect of any transfer effected by virtue of section 30 or 34.
- (2) No instrument (other than a statutory instrument) made or executed in pursuance of either of the provisions mentioned in subsection (1) shall be treated as duly stamped unless it is stamped with the duty to which it would, but for this section (and, if applicable, section 129 of the M6Finance Act 1982), be liable or it has, in accordance with the provisions of section 12 of the M7Stamp Act 1891, been stamped with a

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particular stamp denoting that it is not chargeable with any duty or that it has been duly stamped.

Marginal Citations

M6 1982 c. 39.

M7 1891 c. 39.

[F18853A.Stamp duty land tax

- (1) For the purposes of stamp duty land tax, a land transaction effected by virtue of section 30 is exempt from charge.
- (2) Relief under this section must be claimed in a land transaction return or an amendment of such a return.
- (3) In this paragraph—

"land transaction" has the meaning given by section 43(1) of the Finance Act 2003;

"land transaction return" has the meaning given by section 76(1) of that Act.]

Textual Amendments

F188 S. 53A inserted (1.12.2003) by The Stamp Duty Land Tax (Consequential Amendment of Enactments) Regulations 2003 (S.I. 2003/2867), reg. 1, Sch. para. 26

54 Orders and regulations.

- (1) Any power of the Secretary of State to make orders or regulations under this Act ^{F189}... shall be exercised by statutory instrument.
- (2) A statutory instrument containing any order or regulations under this Act, except an order under section ^{F190}... 58, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

- (3) Any order or regulations under this Act may make different provision for different cases, circumstances or areas and may contain such incidental, supplemental, saving or transitional provisions as the Secretary of State thinks fit.
- (4) Without prejudice to the generality of subsection (3), any order or regulations under this Act may make in relation to Wales provision different from that made in relation to England.

Subordinate Legislation Made

- P1 S. 54(3) power partly exercised (3.4.1997): 4.4.1997 appointed for specified provisions by S.I. 1997/1153
 - s. 54(3) power partly exercised (5.6.1997): different dates appointed for specified provisions by S.I. 1997/1468 (with savings and transitional provisions)

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S. 54(3) power partly exercised (24.2.1998): different dates appointed for specified provisions by S.I. 1998/386 (with savings and transitional provisions)

Textual Amendments

- **F189** Words in s. 54(1) repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 12 para. 22, **Sch. 16 Pt. 4**; S.I. 2010/1151, art. 2, Sch. 1
- **F190** Words in s. 54(2) omitted (21.9.2015) by virtue of Qualifications Wales Act 2015 (anaw 5), s. 60(2), **Sch. 4 para. 2(4)(a)**; S.I. 2015/1687, art. 2 (with arts. 3-12)
- **F191** S. 54(2A) omitted (21.9.2015) by virtue of Qualifications Wales Act 2015 (anaw 5), s. 60(2), **Sch. 4** para. 2(4)(b); S.I. 2015/1687, art. 2 (with arts. 3-12)
- F192 S. 54(2A) inserted (1.5.2012) by Education Act 2011 (c. 21), ss. 24(7)(b), 82(3); S.I. 2012/924, art. 3

55 Financial provisions.

There shall be paid out of money provided by Parliament—

- (a) any sums required for the payment by the Secretary of State of grants under this Act;
- (b) any administrative expenses incurred by the Secretary of State in consequence of this Act; and
- (c) any increase attributable to this Act in the sums so payable under any other Act.

56 Construction.

(1) In this Act—

"prescribed" means prescribed by regulations; and

"regulations" means regulations made by the Secretary of State under this Act [F193], except where otherwise stated or where the function of making regulations under this Act has been transferred to the Welsh Ministers in relation to Wales].

- (2) This Act shall be construed as one with the M8Education Act 1996.
- (3) Where, however, an expression is given for the purposes of any provision of this Act a meaning different from that given to it for the purposes of that Act, the meaning given for the purposes of that provision shall apply instead of the one given for the purposes of that Act.

Textual Amendments

F193 Words in s. 56(1) inserted (W.) (30.4.2021) by Curriculum and Assessment (Wales) Act 2021 (asc 4), s. 84(1), Sch. 2 para. 28 (with savings and transitional provisions in S.I. 2022/111, regs. 1, 3)

Marginal Citations

M8 1996 c. 56.

57 Minor and consequential amendments, repeals etc.

(1) The minor	and consequentia	l amendments set o	out in Scl	hedule 7	shall have	effect
	and conscurentia	i amenuments set o	ut III oci	ncuuic / :	Silali Have	CHECL

F194	2)																
'	<i>~</i> ,																

Chapter II – School Inspections
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(4) The enactments specified in Schedule 8 are repealed to the extent specified.

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Textual Amendments
F194 S. 57(2) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.220, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(3), Sch.3
F195 S. 57(3) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.220, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(3), Sch.3

Commencement Information

12 S. 57 partly in force; S. 57(1) partly in force at Royal Assent see s. 58(4); s. 57(4) in force for certain purposes at 4.4.1997 by S.I. 1997/1153, art. 2; s. 57(1)(4) in force for certain purposes at 14.6.1997, 1.9.1997 and 1.10.1997 and s. 57(2)(3) in force at 1.9.1997 by S.I. 1997/1468, art. 2, Sch. 1, Pts. I, II, III; s. 57(1)(4) in force for certain purposes at 1.9.2001 by S.I. 2001/1215, art. 2
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58 Short title, commencement and extent etc.

- (1) This Act may be cited as the Education Act 1997.
- (2) This Act shall be included in the list of Education Acts set out in section 578 of the M9Education Act 1996.
- (3) Subject to subsection (4), this Act shall come into force on such day as the Secretary of State may by order appoint, and different days may be appointed for different provisions and for different purposes.
- (4) The following provisions come into force on the day on which this Act is passed—
 F196
 ...
 section 54,
 paragraph 48(2) of Schedule 7 and section 57(1) so far as relating thereto, and this section.
- (5) Subject to subsections (6) and (7), this Act extends to England and Wales only.
- (6) The following provisions extend to Northern Ireland—

 F197

 F198

 F199

 sections [F20035],
 section 53,
 section 54,
 this section,

(7) The amendment or repeal by this Act of an enactment extending to Scotland or Northern Ireland extends also to Scotland or, as the case may be, Northern Ireland.

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Subordinate Legislation Made

- P2 S. 58(3) power partly exercised (3.4.1997): 4.4.1997 appointed for specified provisions by S.I. 1997/1153
 - S. 58(3) power partly exercised (5.6.1997): different dates appointed for specified provisions by S.I. 1997/1468 (with savings and transitional provisions)
 - S. 58(3) power partly exercised (24.2.1998): different dates appointed for specified provisions by S.I. 1998/386 (with savings and transitional provisions)
- P3 S. 58(3) power partly exercised (26.3.2001): 1.9.2001 appointed for specified provisions by S.I. 2001/1215, art. 2

Textual Amendments

- **F196** Words in s. 58(4) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.221, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**
- **F197** Words in s. 58(6) repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 12 para. 23(a)(i), **Sch. 16 Pt. 4**; S.I. 2010/1151, art. 2, Sch. 1
- **F198** Words in s. 58(6) repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 12 para. 23(a)(ii), **Sch. 16 Pt. 4**; S.I. 2010/1151, art. 2, Sch. 1
- **F199** Words in s. 58(6) repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 12 para. 23(a)(iii), **Sch. 16 Pt. 4**; S.I. 2010/1151, art. 2, Sch. 1
- **F200** Words in s. 58(6) substituted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 12 para. 23(b); S.I. 2010/1151, art. 2, Sch. 1
- **F201** Words in s. 58(6) repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 12 para. 23(a)(iv), **Sch. 16 Pt. 4**; S.I. 2010/1151, art. 2, Sch. 1

Marginal Citations

M9 1996 c. 56.

SCHEDULE 1

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SCHEDULES

F202SCHEDULE 1

Textual Amendments

F202 Sch. 1 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 222(a), **Sch. 31** (with ss. 138(9), 144(6); S.I. 1999/2323, art. 2(1), **Sch.1**

F203SCHEDULE 2

Textual Amendments

F203 Sch. 2 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 222(a), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

F204SCHEDULE 3

Textual Amendments

F204 Sch. 3 repealed (1.2.1999 to the extent that it relates to the repeal of paragraphs 1 and 2 of the Schedule inserted as Schedule 33B to the 1996 Act set out in Sch. 3, and wholly repealed (1.9.1999)) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 222(a), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch.1 Pt. III** and S.I. 1999/2323, art. 2(1), **Sch.1**

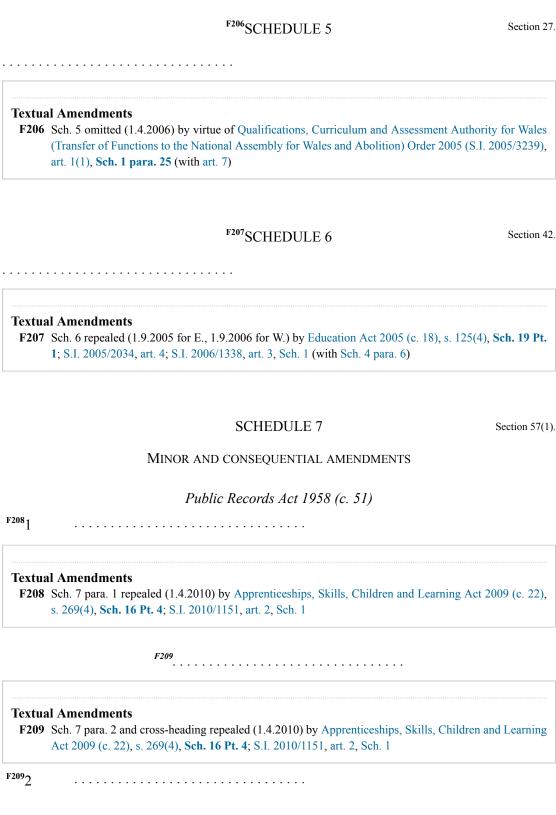
F205SCHEDULE 4

Section 21.

Textual Amendments

F205 Sch. 4 repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 12 para. 24, **Sch. 16 Pt. 4**; S.I. 2010/1151, art. 2, Sch. 1

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Superannuation Act 1972 (c. 11)

3 (1) In Schedule 1 to the Superannuation Act 1972, in the list of Other Bodies (bodies in respect of which there are superannuation schemes)—

SCHEDULE 7 – Minor and consequential amendments

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(a)	omit the entries relating to the Curriculum and Assessment Authority for
	Wales and the School Curriculum and Assessment Authority; F210
¹⁰ (h)	

(2) Section 1 of that Act (persons to or in respect of whom benefits may be provided by schemes under that section) shall apply to persons who at any time before the coming into force of section 21 of this Act have ceased to serve in employment with the National Council for Vocational Qualifications.

Textual Amendments

F210 Sch. 7 para. 3(1)(b) and preceding word repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 16 Pt. 4**; S.I. 2010/1151, art. 2, Sch. 1

Commencement Information

Sch 7 para. 3 wholly in force at 1.3.1998; Sch. 7 para. 3 not in force at Royal Assent see s. 58(3); Sch. 7 para. 3(1) in force at 1.10.1997 except so far as it omits the entry relating to SCAA by S.I. 1997/1468, art. 2 Sch. 1 Pt. III; Sch. 7 para. 3(1) in force at 1.3.1998 insofar as not already in force and Sch. 7 para. 3(2) in force at 1.3.1998 by S.I. 1998/386, art. 2, Sch. 1 Pt. I

House of Commons Disqualification Act 1975 (c. 24)

- 4 (1) Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (disqualifying offices) shall be amended as follows.
 - (2) Omit the entries relating to the Curriculum and Assessment Authority for Wales and the School Curriculum and Assessment Authority.

F211(3) ·																													
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(4) Omit the entry relating to the National Council for Vocational Qualifications.

Textual Amendments

F211 Sch. 7 para. 4(3) repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 16 Pt. 4**; S.I. 2010/1151, art. 2, Sch. 1

Commencement Information

Sch 7 para. 4 wholly in force at 1.3.1998; Sch. 7 para. 4 not in force at Royal Assent see s. 58(3); Sch. 7 para. 4 in force at 1.10.1997 except so far as it omits the entry relating to SCAA by S.I. 1997/1468, art. 2 Sch. 1 Pt. III; Sch. 7 para. 4 in force at 1.3.1998 insofar as not already in force by S.I. 1998/386, art. 2, Sch. 1 Pt. I

Local Government Finance Act	1982	(c.	32))
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F²¹²5

Textual Amendments

F212 Sch. 7 para. 5 repealed (11.9.1998) by 1998 c. 18, ss. 54(3), 55(2), Sch.5

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Finance Act 1991 (c. 31)
F2136
Textual Amendments F213 Sch. 7 para. 6 repealed (27.7.1999 with effect as mentioned in s. 59(3)(b) of the repealing Act) by 1999 c. 16, s. 139, Sch. 20 Pt. III(15)
Charities Act 1993 (c. 10)
F2147
Textual Amendments F214 Sch. 7 para. 7 repealed (14.3.2012) by Charities Act 2011 (c. 25), s. 355, Sch. 10 (with s. 20(2), Sch. 8
Nursery Education and Grant-Maintained Schools Act 1996 (c. 50) F2158
Textual Amendments F215 Sch. 7 para. 8 repealed (1.4.2003 for E.) by Education Act 2002 (c. 32), s. 216(4), Sch. 22 Pt. 3 (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4
Education Act 1996 (c. 56)
9 (1) Section 3 of the Education Act 1996 (definition of pupil etc.) shall be amended follows.
(2) At the end of subsection (1) insert—
"and references to pupils in the context of the admission of pupils to, or t exclusion of pupils from, a school are references to persons who following the admission will be, or (as the case may be) before their exclusion were, pupils defined by this subsection."
(3) F216

Textual Amendments

F216 Sch. 7 para. 9(3) repealed (1.10.2002 for E., 1.9.2003 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2003/1718, art. 5, Sch. Pt. II

- In section 4(2) of that Act (schools: general)—
 - (a) for "For" substitute "Nothing in subsection (1) shall be taken to preclude the making of arrangements under section 19(1) (exceptional educational provision) under which part-time education is to be provided at a school; and for "; and

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- (b) omit "(pupil referral units)".
- In section 6(1) of that Act (nursery schools), for "the age of five" substitute "compulsory school age".
- In section 14(4) of that Act (functions of [F21]local authority] in respect of provision of primary and secondary schools), for "the age of five" substitute "compulsory school age".

Textual Amendments

- Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), Sch. 2 para. 8(2)
- In section 17(2) of that Act (powers of [F21]local authority] in respect of nursery education), for "the age of five", in both places, substitute "compulsory school age".

Textual Amendments

F21 Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), Sch. 2 para. 8(2)

F21714

Textual Amendments

F217 Sch. 7 para. 14 repealed (1.9.2003 for E.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4

F218₁₅

Textual Amendments

F218 Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

F21916

Textual Amendments

F219 Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

F220₁₇

Textual Amendments

F220 Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

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F221 18	
	al Amendments Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch.1
F22219	
	al Amendments 2 Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch.1
F22320	
	al Amendments Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch.1
F22421	
	al Amendments Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch.1
F22522	
	al Amendments 5 Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch.1
23	In section 312(2)(c) of that Act (meaning of "learning difficulty" for the purposes of the Act)— (a) for "the age of five" substitute "compulsory school age", and (b) omit "or over".
24	In section 332(1) of that Act (duty of Health Authority or National Health Service Trust to notify parent where child has special educational needs), for "the age of five" substitute "compulsory school age".
F22625	
Textu	al Amendments

F226 Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223,

Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch.1

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Omit sections 358 to 361 of that Act (provisions about Curriculum Authorities).

Commencement Information

Sch. 7 para. 26 wholly in force at 11.3.1998; Sch. 7 para. 26 not in force at Royal Assent see s. 58(3);
Sch. 7 para. 26 in force at 1.10.1997 insofar as it omits ss. 360, 361 by S.I. 1997/1468, art. 2, Sch. 1 Pt. III and in force at 1.3.1998 insofar as not already in force by S.I. 1998/386, art. 2, Sch. 1 Pt. I

27

[F227] In section 362(7) of that Act (development work and experiments)—

- (a) for "the School Curriculum and Assessment Authority" substitute "the Qualifications and Curriculum Authority"; and
- (b) for "the Curriculum and Assessment Authority for Wales" substitute "the Qualifications, Curriculum and Assessment Authority for Wales".]

Textual Amendments

F227 Sch. 7 paras. 27, 28 repealed (1.10.2002 for E. for specified purposes, 20.1.2003 for E in so far as not already in force) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2002/2952, art. 2

Commencement Information

I6 Sch. 7 paras. 27, 28 wholly in force at 1.10.1997 see s. 58(3) and S.I. 1997/1468, arts. 2, 4, Sch. 1 Pt. III, Sch. 2 Pt. II (subject to transitional provisions in Sch. 2 Pt. II)

28

[F228In section 368(10) of that Act (procedure for making certain orders and regulations)—

- (a) for "the School Curriculum and Assessment Authority" substitute "the Qualifications and Curriculum Authority"; and
- (b) for "the Curriculum and Assessment Authority for Wales" substitute "the Qualifications, Curriculum and Assessment Authority for Wales".]

Textual Amendments

F228 Sch. 7 paras. 27, 28 repealed (1.10.2002 for E. for specified purposes, 20.1.2003 for E in so far as not already in force) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2002/2952, art. 2

Commencement Information

- I7 Sch. 7 paras. 27, 28 wholly in force at 1.10.1997 see s. 58(3) and S.I. 1997/1468, arts. 2, 4, Sch. 1 Pt. III, Sch. 2 Pt. II (subject to transitional provisions in Sch. 2 Pt. II)
- In section 391(10) of that Act (functions of advisory councils)—

 F229(a)
 - (b) for "the Curriculum and Assessment Authority for Wales" substitute "the Qualifications, Curriculum and Assessment Authority for Wales".

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Textual Amendments

F229 Sch. 7 para. 29(a) repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 16 Pt. 4**; S.I. 2010/1151, art. 2, Sch. 1

In section 408 of that Act (provision of information)—

- (a) in subsection (1)(a), after "this Part" insert " or Part V of the Education Act 1997"; and
- (b) in subsection (4)(f), omit ", 400, 401".

Commencement Information

18 Sch. 7 para. 30 wholly in force; Sch. 7 para. 30 not in force at Royal Assent see s. 58(3); Sch. 7 para. 30(a) in force at 1.10.1997 by S.I. 1997/1468, art. 2, Sch. 1 Pt. III; Sch. 7 para. 30(b) in force at 1.9.2001 by S.I. 2001/1215, art. 2

F23031

Textual Amendments

F230 Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

F23132

Textual Amendments

F231 Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

F23233

Textual Amendments

F232 Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

F23334

Textual Amendments

F233 Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F23435

SCHEDULE 7 - Minor and consequential amendments

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Textual Amendments

F234 Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch.1

F23536

Textual Amendments

F235 Sch. 7 para. 36 repealed (1.4.2003 for E., 9.1.2004 for W.) by Education Act 2002 (c. 32), s. 216(4), Sch. 22 Pt. 3 (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4; S.I. 2003/2961, art. 7, Sch. Pt. IV

- 37 In section 537(4) of that Act (power of Secretary of State to require information from governing bodies etc.), at the end add "; and regulations under this section may provide that, in such circumstances as may be prescribed, the provision of information to a person other than the Secretary of State is to be treated, for the purposes of any provision of such regulations or this section, as compliance with any requirement of such regulations relating to the provision of information to the Secretary of State."
- 38 For the cross-heading "CORPORAL PUNISHMENT" preceding section 548 of that Act substitute-

"PUNISHMENT AND RESTRAINT OF PUPILS

Corporal punishment".

- 39 In section 551 of that Act (regulations as to the duration of the school day, etc.), after subsection (1) insert—
 - "(1A) In subsection (1) the reference to the duration of the school year at any such schools is a reference to the number of school sessions that must be held during any such year."

F23640

Textual Amendments

F236 Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch.1

- 41 In section 571 of that Act (publication of guidance)
 - in subsection (1) for "of the provisions mentioned in subsection (2) below" substitute "provision of this Act"; and
 - omit subsection (2).
- 42 At the end of section 578 of that Act ("the Education Acts") add—

"the Education Act 1997."

43 In section 579(1) of that Act (general interpretation), after the definition of "school day" insert-

F24048

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Education Act 1997 is up to date with all changes known to be in force on or before 19 May 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

"school year", in relation to a school, means the period beginning with the first school term to begin after July and ending with the beginning of the first such term to begin after the following July;".

44 In section 580 of that Act (the index) at the appropriate places insert— (in the entry relating to "child") "(in Chapter I of Part VI except sections section 411(8)". 431 to 433) section 579(1)". "school year "wholly based on selection by reference section 411(9)". to ability or aptitude (in Chapter I of Part VI) **Commencement Information** Sch. 7 para. 44 wholly in force at 1.9.1997; Sch. 7 para. 44 not in force at Royal Assent see s. 58(3); Sch. 7 para. 44 in force at 14.6.1997 to the extent that it inserts the reference to "school year" into section 580 of the 1996 Act and in force at 1.9.1997 insofar as not already in force by S.I. 1997/1468, art. 2, Sch.1 Pts. I, II F23745 **Textual Amendments** F237 Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch.1 F23846 **Textual Amendments** F238 Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 223, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch.1 F23947 **Textual Amendments F239** Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 223, Sch.31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch.1

Changes to legislation: Education Act 1997 is up to date with all changes known to be in force on or before 19 May 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

Textual Amendments

F240 Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

F24149

Textual Amendments

F241 Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

F24250

Textual Amendments

F242 Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

School Inspections Act 1996 (c. 57)

F24351

Textual Amendments

F243 Sch. 7 paras. 15-22, 25, 31-35, 40, 45-51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.223, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

SCHEDULE 8

Section 57(4).

REPEALS

Commencement Information

I10 Sch. 8 in force for specified repeals; at 4.4.1997 by S.I. 1997/1153, art. 2; at 14.6.1997, 1.9.1997 and 1.10.1997 by S.I. 1997/1468, art. 2, Sch. 1 Pts. I, II; at 1.3.1998, 1.8.1998 and 1.9.1998 by S.I. 1998/386, art. 2, Sch. 1 Pts. I, III, IV; at 1.9.2001 by S.I. 2001/1215, art. 2

Chapter

Short title

Extent of repeal

1972 c.11.

Superannuation Act 1972.

In Schedule 1, in the list of Other Bodies, the entries relating to the Curriculum and Assessment Authority for Wales and the School Curriculum and Assessment Authority.

Changes to legislation: Education Act 1997 is up to date with all changes known to be in force on or before 19 May 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

1975 c.24.

House of Commons Disqualification Act 1975.

In Part III of Schedule 1, the entries relating to the Curriculum and Assessment Authority for Wales, the National Council for Vocational Qualifications and the School Curriculum and Assessment Authority.

1996 c.56.

Education Act 1996.

In section 4(2), the words "(pupil referral units)".

In section 19(1) and (4), the words "full-time or part-time".

In section 312(2)(c), the words "or over".

In section 355(5), the definition of "school year" and the "and" preceding it.

Sections 358 to 361.

Sections 400 and 401.

In section 408(4)(f), ", 400, 401".

Section 423(6).

In section 479(2), the words "providing secondary education".

Section 571(2).

In Schedule 16, in paragraph 15(1), the words from ",including" to "brought,".

In Schedule 23, in paragraph 4(1) ", 400".

Schedules 29 and 30.

In Schedule 37, paragraph 17, in paragraph 21 the words in sub-paragraph (1)(a) from "the entry" to "1993) and" and sub-paragraph (1)(b) and the "and" preceding it and sub-paragraph (2), in paragraph 30 sub-paragraphs (1)(a), (2) and (3), and paragraph 120.

Status:

This version of this Act contains provisions that are prospective.

Changes to legislation:

Education Act 1997 is up to date with all changes known to be in force on or before 19 May 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.

View outstanding changes

Changes and effects yet to be applied to:

- Pt. 6 Ch. 1 heading words inserted by 2022 asc 1 Sch. 4 para. 9(2)
- s. 24(4) word substituted by 2008 c. 25 s. 161(4) (This amendment not applied to legislation.gov.uk. S. 161(3)(4)(11)-(13) repealed (1.4.2010 for E., 1.11.2010 for W.) without ever being in force by 2009 c. 22, Sch. 16 Pt. 4; S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2)
- s. 24(4) words substituted by 2008 c. 25 s. 163(1) (This amendment not applied to legislation.gov.uk. S. 163 repealed (1.4.2010 for E., 1.11.2010 for W.) without ever being in force by 2009 c. 22, Sch. 16 Pt. 4; S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2)
- s. 26A(2) words substituted by 2008 c. 25 s. 161(12) (This amendment not applied to legislation.gov.uk. S. 161(3)(4)(11)-(13) repealed (1.4.2010 for E., 1.11.2010 for W.) without ever being in force by 2009 c. 22, Sch. 16 Pt. 4; S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2)
- s. 38 modified by 2006 c. 21 s. 14 (This amendment not applied to legislation.gov.uk. S. 14 repealed (25.5.2007) by 2006 c. 40, Sch. 14 para. 9, Sch. 18; S.I. 2007/935 art. 7)
- s. 38 heading words inserted by 2022 asc 1 Sch. 4 para. 9(3)(f)
- s. 38(1) words inserted by 2022 asc 1 Sch. 4 para. 9(3)(a)(ii)
- s. 38(1)(b) words substituted by 2022 asc 1 Sch. 4 para. 9(3)(a)(i)
- s. 38(3) words substituted by 2022 asc 1 Sch. 4 para. 9(3)(c)
- s. 38(4) words substituted by 2022 asc 1 Sch. 4 para. 9(3)(d)
- s. 38(6) words inserted by 2022 asc 1 Sch. 4 para. 9(3)(e)
- s. 39(1)(a) word omitted by 2022 asc 1 Sch. 4 para. 9(4)(a)
- s. 43(3) words substituted by 2009 c. 22 s. 250(3) (This amendment not applied to legislation.gov.uk. S. 250 omitted (1.9.2012) by virtue of 2011 c. 21, s. 29(9)(d); S.I. 2012/1087, art. 3)
- s. 43(6) words inserted by 2009 c. 22 s. 250(4) (This amendment not applied to legislation.gov.uk. S. 250 omitted (1.9.2012) by virtue of 2011 c. 21, s. 29(9)(d); S.I. 2012/1087, art. 3)
- s. 58(6) words substituted by 2008 c. 25 s. 163(2) (This amendment not applied to legislation.gov.uk. S. 163 repealed (1.4.2010 for E., 1.11.2010 for W.) without ever being in force by 2009 c. 22, Sch. 16 Pt. 4; S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2)
- Sch. 7 para. 23 omitted by 2018 anaw 2 Sch. 1 para. 6(a)
- Sch. 7 para. 24 omitted by 2018 anaw 2 Sch. 1 para. 6(a)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters: Whole provisions yet to be inserted into this Act (including any effects on those provisions):

s. 24(2)(ga) inserted by 2008 c. 25 s. 161(3)(b) (This amendment not applied to legislation.gov.uk. S. 161(3)(4)(11)-(13) repealed (1.4.2010 for E., 1.11.2010 for W.) without ever being in force by 2009 c. 22, Sch. 16 Pt. 4; S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2)

- s. 24(2B)-(2D) inserted by 2008 c. 25 s. 9 (This amendment not applied to legislation.gov.uk. S. 9 repealed (31.5.2013) without ever being in force by 2009 c. 22 Sch. 16 Pt. 4; S.I. 2013/975, art. 2(c))
- s. 26A(1)(1A) substituted for s. 26A(1) by 2008 c. 25 s. 161(11) (This amendment not applied to legislation.gov.uk. S. 161(3)(4)(11)-(13) repealed (1.4.2010 for E., 1.11.2010 for W.) without ever being in force by 2009 c. 22, Sch. 16 Pt. 4; S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2)
- s. 26A(4)(5) inserted by 2008 c. 25 s. 161(13) (This amendment not applied to legislation.gov.uk. S. 161(3)(4)(11)-(13) repealed (1.4.2010 for E., 1.11.2010 for W.) without ever being in force by 2009 c. 22, Sch. 16 Pt. 4; S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2)
- s. 38(2B) inserted by 2022 asc 1 Sch. 4 para. 9(3)(b)
- s. 39(1)(b)(c) substituted for s. 39(1)(b) by 2022 asc 1 Sch. 4 para. 9(4)(b)
- s. 43(2ZA)(2ZB) inserted by 2009 c. 22 s. 250(2) (This amendment not applied to legislation.gov.uk. S. 250 omitted (1.9.2012) by virtue of 2011 c. 21, s. 29(9)(d); S.I. 2012/1087, art. 3)