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**Changes to legislation:** Education Act 2005, SCHEDULE 9 is up to date with all changes known to be in force on or before 07 April 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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## SCHEDULES

### SCHEDULE 9

Section 61

#### FURTHER AMENDMENTS RELATING TO SCHOOL INSPECTION

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

- 1 In Schedule 4 to the Parliamentary Commissioner Act 1967, omit the entry beginning “Registered Inspectors of Schools Appeal Tribunals”.

##### *Employment and Training Act 1973 (c. 50)*

- 2 (1) Section 10B of the Employment and Training Act 1973 (inspection) is amended as follows.
- (2) For subsection (6) substitute—
- “(6) A person carrying out or participating in the inspection shall have the same powers as the Chief Inspector has under the following provisions of the Education Act 2005—
- (a) section 10(1)(a) and (d) (right of access), and
- (b) section 58 (computer records).”
- (3) In subsection (7), for “Section 42A of the 1996 Act” substitute “Section 11 of the Education Act 2005”.

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

- 3 Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 is to continue to include the following entries (originally inserted by paragraph 9 of Schedule 1 to the Education (Schools) Act 1992, continued in force by paragraph 2 of Schedule 6 to the School Inspections Act 1996 and amended by virtue of section 73(3)(a) of the Learning and Skills Act 2000)—
- “Her Majesty's Chief Inspector of Schools in England. Her Majesty's Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru.”

##### *Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

- 4 Part 3 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 is to continue to include the same entries as those specified in paragraph 3 of this Schedule (originally inserted by paragraph 9 of Schedule 1 to the Education (Schools) Act 1992, continued in force by paragraph 3 of Schedule 6 to the School Inspections Act 1996 and amended by virtue of section 73(3)(a) of the Learning and Skills Act 2000).

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*Education Reform Act 1988 (c. 40)*

5 F1 .....

**Textual Amendments**  
F1 Sch. 9 para. 5 repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 184, 188, [Sch. 18 Pt. 5](#); S.I. 2007/935, [art. 5\(z\)\(ii\)](#)

*Tribunals and Inquiries Act 1992 (c. 53)*

6 In Part 1 of Schedule 1 to the Tribunals and Inquiries Act 1992 (tribunals under direct supervision of Council on Tribunals), in paragraph 15(d) for “Schedule 2 to the School Inspections Act 1996 (c. 57)” substitute “ Schedule 3 to the Education Act 2005 ”.

*Judicial Pensions and Retirement Act 1993 (c. 8)*

7 In section 26 of the Judicial Pensions and Retirement Act 1993 (retirement date for holders of certain judicial offices etc.) in subsection (8)(h), for “Schedule 2 to the School Inspections Act 1996” substitute “ Schedule 3 to the Education Act 2005 ”.

F2 ...

**Textual Amendments**  
F2 Sch. 9 para. 8 Crossheading repealed (1.10.2010) by [The Equality Act 2010 \(c. 15\)](#), [Sch. 27, Pt. 1](#) (as substituted by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), [art. 1\(2\)](#), [Sch. 2](#)

F3g .....

**Textual Amendments**  
F3 Sch. 9 para. 8 repealed (1.10.2010) by [The Equality Act 2010 \(c. 15\)](#), [Sch. 27, Pt. 1](#) (as substituted by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), [art. 1\(2\)](#), [Sch. 2](#); S.I. 2010/2317, [art. 2](#))  
**Commencement Information**  
I1 Sch. 9 para. 8 wholly in force at 1.9.2006; Sch. 9 para. 8 not in force at Royal Assent see s. 125; Sch. 9 para. 8 in force for E. at 1. 9. 2005 by [S.I. 2005/2034](#), [art. 4](#); Sch. 9 para. 8 in force for W. at 1.9.2006 by [S. I. 2006/1338](#), [art. 3](#), [Sch. 1](#)

*Education Act 1996 (c. 56)*

9 In section 578(1) (meaning of “the Education Acts”) omit “the School Inspections Act 1996”.

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#### Commencement Information

- I2** Sch. 9 para. 9 wholly in force at 1.9.2006; Sch. 9 para. 9 not in force at Royal Assent see s. 125; Sch. 9 para. 9 in force for E. at 1. 9. 2005 by [S.I. 2005/2034](#), [art. 4](#); Sch. 9 para. 9 in force for W. at 1.9.2006 by [S. I. 2006/1338](#), [art. 3](#), [Sch. 1](#)

- 10 In Schedule 36 to the Education Act 1996 (uniform statutory trusts for educational endowments), in paragraph 2(b) for “Part I of the School Inspections Act 1996” substitute “ Part 1 of the Education Act 2005 ”.

#### Commencement Information

- I3** Sch. 9 para. 10 wholly in force at 1.9.2006; Sch. 9 para. 10 not in force at Royal Assent see s. 125; Sch. 9 para. 10 in force for E. at 1. 9. 2005 by [S.I. 2005/2034](#), [art. 4](#); Sch. 9 para. 10 in force for W. at 1.9.2006 by [S. I. 2006/1338](#), [art. 3](#), [Sch. 1](#)

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

- 11 In section 38 of the Education Act 1997 (inspection of [<sup>F4</sup>local authorities]) in subsection (5)(b) for “paragraph 2 of Schedule 1 to the School Inspections Act 1996” substitute “ paragraph 2 of Schedule 1 to the Education Act 2005 or (as the case requires) paragraph 2 of Schedule 2 to that Act ”.

#### Textual Amendments

- F4** 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. 13\(3\)](#)

#### Commencement Information

- I4** Sch. 9 para. 11 wholly in force at 1.9.2006; Sch. 9 para. 11 not in force at Royal Assent see s. 125; Sch. 9 para. 11 in force for E. at 1. 9. 2005 by [S.I. 2005/2034](#), [art. 4](#); Sch. 9 para. 11 in force for W. at 1.9.2006 by [S. I. 2006/1338](#), [art. 3](#), [Sch. 1](#)

- 12 In section 39 of the Education Act 1997 (reports of inspections under section 38 and action plan by [<sup>F5</sup>local authority]), in subsection (4)—
- (a) for “section 42A(2) to (4) of the School Inspections Act 1996” substitute “ section 11(2) to (4) of the Education Act 2005 or, in relation to Wales, section 29(2) to (4) of that Act ”, and
  - (b) for “section 42A(2)” substitute “ section 11(2) or, as the case may be, section 29(2) ”.

#### Textual Amendments

- F5** 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. 13\(2\)](#)

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#### Commencement Information

- I5** Sch. 9 para. 12 wholly in force at 1.9.2006; Sch. 9 para. 12 not in force at Royal Assent see s. 125; Sch. 9 para. 12 in force for E. at 1. 9. 2005 by [S.I. 2005/2034](#), [art. 4](#); Sch. 9 para. 12 in force for W. at 1.9.2006 by [S. I. 2006/1338](#), [art. 3](#), [Sch. 1](#)

- 13** In section 40 (inspector's right of entry etc.), in subsection (4) for “Section 42 of the School Inspections Act 1996” substitute “ Section 58 of the Education Act 2005 ”.

#### Commencement Information

- I6** Sch. 9 para. 13 wholly in force at 1.9.2006; Sch. 9 para. 13 not in force at Royal Assent see s. 125; Sch. 9 para. 13 in force for E. at 1. 9. 2005 by [S.I. 2005/2034](#), [art. 4](#); Sch. 9 para. 13 in force for W. at 1.9.2006 by [S. I. 2006/1338](#), [art. 3](#), [Sch. 1](#)

### *School Standards and Framework Act 1998 (c. 31)*

**F6**<sup>14</sup> .....

#### Textual Amendments

- F6** Sch. 9 paras. 14-20 omitted (20.2.2014) by virtue of [School Standards and Organisation \(Wales\) Act 2013](#) (anaw 1), s. 100(4), [Sch. 5 para. 8\(4\)](#); [S.I. 2014/178](#), art. 2(f) (with art. 3)

#### Commencement Information

- I7** Sch. 9 para. 14 wholly in force at 1.9.2006; Sch. 9 para. 14 not in force at Royal Assent see s. 125; Sch. 9 para. 14 in force for E. at 1. 9. 2005 by [S.I. 2005/2034](#), [art. 4](#); Sch. 9 para. 14 in force for W. at 1.9.2006 by [S. I. 2006/1338](#), [art. 3](#), [Sch. 1](#)

**F6**<sup>15</sup> .....

#### Textual Amendments

- F6** Sch. 9 paras. 14-20 omitted (20.2.2014) by virtue of [School Standards and Organisation \(Wales\) Act 2013](#) (anaw 1), s. 100(4), [Sch. 5 para. 8\(4\)](#); [S.I. 2014/178](#), art. 2(f) (with art. 3)

#### Commencement Information

- I8** Sch. 9 para. 15 partly in force; Sch. 9 para. 15 not in force at Royal Assent see s. 125; Sch. 9 para. 15(1) (3) in force at 1. 9. 2005 for E. and Sch. 9 para. 15(2)(4) in force at 1.9.2005 for E. for certain purposes by [S.I. 2005/2034](#), [art. 4](#); Sch. 9 para. 15 in force at 1. 9. 2006 for W. by [S.I. 2006/1338](#), [art. 3](#), [Sch. 1](#)

**F6**<sup>16</sup> .....

#### Textual Amendments

- F6** Sch. 9 paras. 14-20 omitted (20.2.2014) by virtue of [School Standards and Organisation \(Wales\) Act 2013](#) (anaw 1), s. 100(4), [Sch. 5 para. 8\(4\)](#); [S.I. 2014/178](#), art. 2(f) (with art. 3)

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**Commencement Information**

**I9** Sch. 9 para. 16 wholly in force at 1.9.2006; Sch. 9 para. 16 not in force at Royal Assent see s. 125; Sch. 9 para. 16 in force for E. at 1. 9. 2005 by S.I. 2005/2034, **art. 4**; Sch. 9 para. 16 in force for W. at 1.9.2006 by S. I. 2006/1338, **art. 3**, Sch. 1

F<sup>6</sup>17 .....

**Textual Amendments**

**F6** Sch. 9 paras. 14-20 omitted (20.2.2014) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 8(4)**; S.I. 2014/178, art. 2(f) (with art. 3)

**Commencement Information**

**I10** Sch. 9 para. 17 wholly in force at 1.9.2006; Sch. 9 para. 17 not in force at Royal Assent see s. 125; Sch. 9 para. 17 in force for E. at 1. 9. 2005 by S.I. 2005/2034, **art. 4**; Sch. 9 para. 17 in force for W. at 1.9.2006 by S. I. 2006/1338, **art. 3**, Sch. 1

F<sup>6</sup>18 .....

**Textual Amendments**

**F6** Sch. 9 paras. 14-20 omitted (20.2.2014) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 8(4)**; S.I. 2014/178, art. 2(f) (with art. 3)

**Commencement Information**

**I11** Sch. 9 para. 18 wholly in force at 1.9.2006; Sch. 9 para. 18 not in force at Royal Assent see s. 125; Sch. 9 para. 18 in force for E. at 1. 9. 2005 by S.I. 2005/2034, **art. 4**; Sch. 9 para. 18 in force for W. at 1.9.2006 by S. I. 2006/1338, **art. 3**, Sch. 1

F<sup>6</sup>19 .....

**Textual Amendments**

**F6** Sch. 9 paras. 14-20 omitted (20.2.2014) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 8(4)**; S.I. 2014/178, art. 2(f) (with art. 3)

**Commencement Information**

**I12** Sch. 9 para. 19 wholly in force at 1.9.2006; Sch. 9 para. 19 not in force at Royal Assent see s. 125; Sch. 9 para. 19 in force for E. at 1. 9. 2005 by S.I. 2005/2034, **art. 4**; Sch. 9 para. 19 in force for W. at 1.9.2006 by S. I. 2006/1338, **art. 3**, Sch. 1

F<sup>6</sup>20 .....

**Textual Amendments**

**F6** Sch. 9 paras. 14-20 omitted (20.2.2014) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 8(4)**; S.I. 2014/178, art. 2(f) (with art. 3)

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### Commencement Information

- I13** Sch. 9 para. 20 wholly in force at 1.9.2006; Sch. 9 para. 20 not in force at Royal Assent see s. 125; Sch. 9 para. 20 in force for E. at 1. 9. 2005 by [S.I. 2005/2034](#), [art. 4](#); Sch. 9 para. 20 in force for W. at 1.9.2006 by [S. I. 2006/1338](#), [art. 3](#), [Sch. 1](#)

21 **F7** .....

### Textual Amendments

- F7** Sch. 9 para. 21 repealed (8.1.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 184, 188(2), [Sch. 18 Pt. 2](#)

### Commencement Information

- I14** Sch. 9 para. 21 wholly in force at 1.9.2006; Sch. 9 para. 21 not in force at Royal Assent see s. 125; Sch. 9 para. 21 in force for E. at 1. 9. 2005 by [S.I. 2005/2034](#), [art. 4](#); Sch. 9 para. 21 in force for W. at 1.9.2006 by [S. I. 2006/1338](#), [art. 3](#), [Sch. 1](#)

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

- 22 In Schedule 6 to the Government of Wales Act 1998 (Her Majesty's Chief Inspector of Education and Training in Wales), in the definition of “the Office of the Chief Inspector” in paragraph 1, for “(in accordance with section 4(3) of, and Schedule 1 to, the School Inspections Act 1996)” substitute “(in accordance with section 19(3) of, and Schedule 2 to, the Education Act 2005)”.

### *Protection of Children Act 1999 (c. 14)*

- 23 In section 9 of the Protection of Children Act 1999 (tribunal to hear certain appeals) omit subsection (2)(ca).

### *Learning and Skills Act 2000 (c. 21)*

- 24 In section 75 of the Learning and Skills Act 2000 (extended remit of Chief Inspector for Wales), in subsection (2)(a), for “the Schools Inspections Act 1996” substitute “Part 1 of the Education Act 2005”.
- 25 In section 86 of the Learning and Skills Act 2000 (annual reports), in subsection (1), for “section 5(7)(a) of the School Inspections Act 1996” substitute “section 21(1)(a) of the Education Act 2005”.
- 26 (1) Section 118 of the Learning and Skills Act 2000 (inspection) is amended as follows.
- (2) For subsection (5) substitute—
- “(5) A person carrying out or participating in the inspection shall have the same powers as the Chief Inspector has under the following provisions of the Education Act 2005—
- (a) section 10(1)(a) and (d) (right of access), and
- (b) section 58 (computer records).”
- (3) In subsection (6), for “Section 42A of the 1996 Act” substitute “Section 11 of the Education Act 2005”.

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27 (1) Section 128 of the Learning and Skills Act 2000 (conduct and effect of inspections) is amended as follows.

(2) For subsection (2) substitute—

“(2) A person carrying out or participating in the inspection shall have the same powers as an Inspector has under the following provisions of the Education Act 2005—

- (a) section 24(3)(a) and (d) (right of access), and
- (b) section 58 (computer records).”

(3) In subsection (3), for “Section 42A” substitute “Section 29”.

*Education Act 2002 (c. 32)*

28 In section 63 of the Education Act 2002 (power to require [<sup>F5</sup>local authority] to obtain advisory services) in subsection (1)(a)(i) for “with serious weaknesses” substitute “requiring significant improvement”.

**Textual Amendments**

**F5** 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. 13\(2\)](#)

**Commencement Information**

**I15** Sch. 9 para. 28 wholly in force at 1.9.2006; Sch. 9 para. 28 not in force at Royal Assent see s. 125; Sch. 9 para. 28 in force for E. at 1. 9. 2005 by [S.I. 2005/2034](#), [art. 4](#); Sch. 9 para. 28 in force for W. at 1.9.2006 by [S. I. 2006/1338](#), [art. 3](#), [Sch. 1](#)

29 In section 159 of the Education Act 2002 (unregistered independent schools), in subsection (5), for “Section 42 of the School Inspections Act 1996” substitute “Section 58 of the Education Act 2005”.

**Commencement Information**

**I16** Sch. 9 para. 29 wholly in force at 1.9.2006; Sch. 9 para. 29 not in force at Royal Assent see s. 125; Sch. 9 para. 29 in force for E. at 1. 9. 2005 by [S.I. 2005/2034](#), [art. 4](#); Sch. 9 para. 29 in force for W. at 1.9.2006 by [S. I. 2006/1338](#), [art. 3](#), [Sch. 1](#)

*Nationality, Immigration and Asylum Act 2002 (c. 41)*

30 In section 36 of the Nationality, Immigration and Asylum Act 2002 (education: general), in subsection (9)(a), for “the School Inspections Act 1996 (c. 57)” substitute “Part 1 of the Education Act 2005 (school inspections)”.

**Commencement Information**

**I17** Sch. 9 para. 30 wholly in force at 1.9.2006; Sch. 9 para. 30 not in force at Royal Assent see s. 125; Sch. 9 para. 30 in force for E. at 1. 9. 2005 by [S.I. 2005/2034](#), [art. 4](#); Sch. 9 para. 30 in force for W. at 1.9.2006 by [S. I. 2006/1338](#), [art. 3](#), [Sch. 1](#)

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**Changes and effects yet to be applied to :**

- Sch. 9 para. 24 omitted by [2022 asc 1 Sch. 4 para. 18\(14\)](#)
- Sch. 9 para. 25 omitted by [2022 asc 1 Sch. 4 para. 18\(14\)](#)
- Sch. 9 para. 26 repealed by [2008 c. 25 Sch. 2](#)