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## SCHEDULE 5

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### PART 1

##### AMENDMENTS RELATING TO PART 2 (STANDARDS)

###### *Education Reform Act 1988*

- 1 (1) Section 219 of the Education Reform Act 1988 (powers of Welsh Ministers and Secretary of State in relation to certain educational institutions) is amended as follows.
- (2) In subsection (3) after “institution” insert “ in England ”.
- (3) After subsection (3) insert—
- “(3A) Chapter 1 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (“the 2013 Act”) (intervention in conduct of maintained schools) has effect in relation to an institution in Wales to which this section applies as if—
- (a) a reference to the governing body of a maintained school included a reference to the governing body of an institution to which this section applies;
- (b) the only relevant grounds for intervention were grounds 5 and 6 in section 2 of the 2013 Act; and
- (c) sections 3 to 9 and 12 to 16 of the 2013 Act did not apply.”

#### **Commencement Information**

- II** Sch. 5 para. 1 in force at 20.2.2014 by S.I. 2014/178, art. 2(f) (with art. 3)

###### *Education Act 1996*

- 2 (1) The Education Act 1996 is amended as follows.
- (2) In section 409(4) (complaints and enforcement: maintained schools in Wales) for the words from “section 496” to “duties)” substitute “ Chapter 1 or 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in conduct of maintained schools and local authorities) ”.
- (3) In section 484(7) (education standards grants) for “sections 495 to 497” substitute “ section 495 or in Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 ”.
- (4) In section 496(2) (power to prevent unreasonable exercise of functions)—
- (a) in paragraph (a), after “local authority” insert “ in England ”;
- (b) in paragraph (b), after “school” in each place it appears insert “ in England ”.
- (5) In section 497(2) (general default powers for failure to discharge duty)—
- (a) in paragraph (a), after “local authority” insert “ in England ”;

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- (b) in paragraph (b), after “school” in each place it appears insert “ in England ”.
- (6) In section 497A(1) (power to secure proper performance of functions) for “a local authority’s education functions” substitute “ the education functions of a local authority in England ”.
- (7) In section 560(6) (work experience in last year of compulsory schooling) after “or 496” insert “ or Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 ”.
- (8) <sup>F1</sup>In paragraph 6(4) of Schedule 1 (pupil referral units) for the words from “section 496” to “powers” substitute “ Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in local authorities) ”.]

#### Textual Amendments

- F1** Sch. 5 para. 2(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. 14(3)**

#### Commencement Information

- I2** Sch. 5 para. 2 in force at 20.2.2014 by [S.I. 2014/178](#), **art. 2(f)** (with art. 3)

#### *Teaching and Higher Education Act 1998*

- 3 In section 19 of the Teaching and Higher Education Act 1998 (requirement to serve induction period) for subsection (12) substitute—
- “(12) Chapter 1 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (“the 2013 Act”) (intervention in conduct of maintained schools) has effect in relation to duties imposed and powers conferred by virtue of this section as if—
- (a) references to functions under the Education Acts included duties imposed and powers conferred by virtue of this section;
  - (b) references to the governing body of a maintained school included—
    - (i) the governing body of a special school not maintained by a local authority,
    - (ii) the governing body (within the meaning given by section 90(1) of the Further and Higher Education Act 1992) of a further education institution, and
    - (iii) an appropriate body for the purposes of subsection (2);
  - (c) the only relevant grounds for intervention were grounds 5 and 6 in section 2 of the 2013 Act; and
  - (d) sections 3 to 9 and 12 to 16 of that Act did not apply.
- (13) Chapter 2 of Part 2 of the 2013 Act (intervention in local authorities) has effect in relation to duties imposed and powers conferred by virtue of this section as if references to education functions included duties imposed and powers conferred on a local authority by virtue of this section.”

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#### Commencement Information

**I3** Sch. 5 para. 3 in force at 20.2.2014 by S.I. 2014/178, art. 2(f) (with art. 3)

#### *School Standards and Framework Act 1998*

- 4 (1) The School Standards and Framework Act 1998 is amended as follows.
- (2) Chapter 4 of Part 1 (intervention in schools in Wales causing concern) is repealed.
- (3) In section 51A (expenditure incurred for community purposes)—
- (a) omit “section 17 or”;
  - (b) after “15” insert “ or section 8 of the School Standards and Organisation (Wales) Act 2013 ”.
- (4) In section 62 (reserve power to prevent breakdown of discipline)—
- (a) in subsection (1)—
    - (i) after “local authority” insert “ in England ”;
    - (ii) omit “or (3)”;
  - (b) omit subsection (3).
- (5) In section 89C(2) (further provision about schemes for co-ordinating admission arrangements) for “, sections 496” to the end substitute—
- “(a) Chapter 1 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (“the 2013 Act”) (intervention in conduct of maintained schools) is to apply as if any obligations imposed on a governing body under the scheme were duties imposed by the Education Acts.
  - (b) Chapter 2 of Part 2 of the 2013 Act (intervention in local authorities) is to apply as if any obligation imposed on a local authority were an education function.”
- (6) In section 142(4)(b) (general interpretation) omit “of section 16(6) or (8)”.
- (7) In section 143 (index) in the entry for “maintained school”, omit the entry beginning “(in Chapter 4 of Part 1)”.
- (8) Omit Schedule 1A (governing bodies consisting of interim executive members).
- (9) In Schedule 22 (disposal of land), in paragraph 5(1)(b)(i) for “section 19(1)” substitute “ section 16 of the School Standards and Organisation (Wales) Act 2013 ”.

#### Commencement Information

**I4** Sch. 5 para. 4 in force at 20.2.2014 by S.I. 2014/178, art. 2(f) (with art. 3)

#### *Local Government Act 2000*

- 5 (1) Schedule 1 to the Local Government Act 2000 (executive arrangements in Wales) is amended as follows.
- (2) For paragraph 10 substitute—

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- “10 Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in local authorities) applies to the performance of any duty imposed on a local authority by virtue of paragraph 8 or 9 as it applies to the performance by a local authority of a duty that is an education function but as if—
- (a) the only relevant grounds for intervention were grounds 1 and 2 in section 21 of that Act; an
  - (b) sections 24 to 27 of that Act did not apply.”

(3) In paragraph 11A for “9” substitute “ 10 ”.

**Commencement Information**

**I5** Sch. 5 para. 5 in force at 20.2.2014 by S.I. 2014/178, art. 2(f) (with art. 3)

*Education Act 2002*

- 6 (1) The Education Act 2002 is amended as follows.
- (2) In section 34(7) (arrangements for government of new schools) after “State)” insert “ and Chapter 1 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in conduct of maintained schools in Wales) ”.
  - (3) In section 35(7) (staffing of community, voluntary controlled, community special and maintained nursery schools)—
    - (a) omit “section 17 of, or”;
    - (b) after “2006” insert “ , or section 8 of the School Standards and Organisation (Wales) Act 2013 ”.
  - (4) In section 36(7) (staffing of foundation, voluntary aided and foundation special schools) —
    - (a) omit “section 17 of, or”;
    - (b) after “2006” insert “ , or section 8 of the School Standards and Organisation (Wales) Act 2013 ”.
  - (5) In section 37(11) (payments in respect of dismissal, etc)—
    - (a) omit “section 17 of, or”;
    - (b) after “1998 (c 31)” insert “ or section 8 of the School Standards and Organisation (Wales) Act 2013 ”.
  - (6) Omit sections 55 to 59 and section 63 (powers of intervention).
  - (7) In section 64 (provisions supplementary to powers to require local authorities to obtain advisory services)—
    - (a) in subsection (1)—
      - (i) omit “or 63”;
      - (ii) omit “or the National Assembly for Wales”;
      - (iii) omit “or it”;
      - (iv) omit “or the Assembly” (in both places);
    - (b) in subsection (2) omit “or 63”;
    - (c) in subsection (7) omit “or 63” and “or 63(2)”.

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- (8) Omit Schedules 5 and 6 (amendments relating to schools causing concern and governing bodies consisting of interim executive members).
- (9) In Schedule 21 (minor and consequential amendments) omit paragraphs 92 to 94 and 103.
- (10) See also the amendment made by paragraph 21(11) of this Schedule to paragraph 5(2)(b)(iii) of Schedule 1 (which is in part consequential on Part 2 of this Act).

#### Commencement Information

**I6** Sch. 5 para. 6 in force at 20.2.2014 by S.I. 2014/178, art. 2(f) (with art. 3)

#### *Children Act 2004*

- 7 (1) The Children Act 2004 is amended as follows.
- (2) In section 50 (intervention)—
  - (a) in subsection (1) after “local authority” insert “ in England ”;
  - (b) in subsection (2)(c) omit “or under sections 25, 26 and 29 above (in the case of a local authority in Wales)”;
  - (c) in the heading after “Intervention” insert “ - England ”.
- (3) After section 50 insert—

#### **“50A Intervention – Wales**

- (1) Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in local authorities) applies in relation to the functions of a local authority in Wales which are specified in subsection (2) as it applies in relation to a local authority's education functions but as if the only relevant ground for intervention were ground 3 in section 21 of that Act.
- (2) The functions of a local authority are—
  - (a) functions conferred on or exercisable by the authority which are social services functions, so far as those functions relate to children;
  - (b) the functions conferred on the authority under sections 23C to 24D of the Children Act 1989 (so far as not falling within paragraph (a)); and
  - (c) the functions conferred on the authority under sections 25, 26 and 29 above.
- (3) In the application of Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 by virtue of this section, section 27 of that Act (power to direct exercise of other education functions) has effect as if the reference to education functions included (for all purposes) the functions of the local authority which are specified in subsection (2).
- (4) In this section—

“education functions” has the meaning given by section 579(1) of the Education Act 1996;

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“social services functions” has the same meaning as in the Local Authority Social Services Act 1970.”

**Commencement Information**

**I7** Sch. 5 para. 7 in force at 20.2.2014 by S.I. 2014/178, art. 2(f) (with art. 3)

*Education Act 2005*

- 8 (1) The Education Act 2005 is amended as follows.
- (2) Omit section 45 (power to direct closure of school).
- (3) In section 114(8) (supply of information about school workforce)—
- (a) omit “and” at the end of paragraph (a);
  - (b) in paragraph (b) at the beginning insert “ in relation to England, ”;
  - (c) after paragraph (b) insert—
 

“and

    - (c) in relation to Wales, provide that Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in local authorities) is to have effect as if—
      - (i) references to a local authority included a reference to a prescribed person,
      - (ii) duties imposed by virtue of this section were education functions,
      - (iii) the only relevant ground for intervention were ground 1 in section 21, and
      - (iv) sections 24 to 27 did not apply.”
- (4) In Schedule 9 (amendments relating to school inspection) omit paragraphs 14 to 20.
- (5) See also the amendment made by paragraph 22(2)(b) of this Schedule to section 28(4) (c) of the Education Act 2005 (which is in part consequential on Part 2 of this Act).

**Commencement Information**

**I8** Sch. 5 para. 8 in force at 20.2.2014 by S.I. 2014/178, art. 2(f) (with art. 3)

*Education and Inspections Act 2006*

- 9 (1) The Education and Inspections Act 2006 is amended as follows.
- (2) In Schedule 7 (amendments relating to schools causing concern) omit paragraphs 3 to 14, 16, 17, 18, 19(b) and 21.
- (3) In Schedule 17 (miscellaneous amendments) omit paragraphs 1, 2 and 6.

**Commencement Information**

**I9** Sch. 5 para. 9 in force at 20.2.2014 by S.I. 2014/178, art. 2(f) (with art. 3)

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### *Childcare Act 2006*

- 10 For section 29 of the Childcare Act 2006 (powers of Welsh Ministers to secure proper performance etc) substitute—

#### **“29 Powers of intervention of Welsh Ministers**

- (1) Chapter 2 of Part 2 the School Standards and Organisation (Wales) Act 2013 (intervention in local authorities) applies in relation to a Welsh local authority and the powers conferred or the duties imposed on it by, under or for the purposes of this Part as it applies in relation to the education functions (as defined by section 579(1) of the Education Act 1996) of such an authority.
- (2) In the application of Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 by virtue of this section, section 27 of that Act (power to direct exercise of other education functions) has effect as if the reference to education functions included (for all purposes) functions of a Welsh local authority under this Part.”

#### **Commencement Information**

**I10** Sch. 5 para. 10 in force at 20.2.2014 by S.I. 2014/178, art. 2(f) (with art. 3)

### *Equality Act 2010*

- 11 (1) Section 87 of the Equality Act 2010 (application of certain powers under Education Act 1996) is amended as follows.
- (2) At the beginning insert—

“(A1) Subsections (1) and (2) do not apply in the case of a school in Wales.”
  - (3) After subsection (2) insert—

“(3) In the case of a school in Wales—

    - (a) Chapter 1 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (“the 2013 Act”) (intervention in conduct of maintained schools) applies to the performance of a duty under section 85, but as if—
      - (i) the only relevant grounds for intervention were grounds 5 and 6 in section 2 of that Act, and
      - (ii) sections 3 to 9 and 12 to 16 of that Act did not apply;
    - (b) Chapter 2 of Part 2 of the 2013 Act (intervention in local authorities) applies to the performance of a duty under section 85, but as if—
      - (i) the only relevant grounds for intervention were grounds 1 and 2 in section 21 of that Act, and
      - (ii) sections 24 to 27 of that Act did not apply.
  - (4) But neither of Chapters 1 and 2 of Part 2 of the 2013 Act applies to the performance of a duty under section 85 by the proprietor of an independent educational institution (other than a special school).”

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**I11** Sch. 5 para. 11 in force at 20.2.2014 by S.I. 2014/178, art. 2(f) (with art. 3)

*Apprenticeships, Skills, Children and Learning Act 2009*

- 12 In the Apprenticeships, Skills, Children and Learning Act 2009 omit section 205 and Schedule 14 (powers in relation to schools causing concern).

**Commencement Information**

**I12** Sch. 5 para. 12 in force at 20.2.2014 by S.I. 2014/178, art. 2(f) (with art. 3)

*Education (Wales) Measure 2011*

- 13 (1) The Education (Wales) Measure 2011 is amended as follows.
- (2) Omit section 16 (federation of schools causing concern by direction of the Welsh Ministers).
- (3) In section 18(1) (federations: supplementary provisions)—
- (a) for paragraph (a) substitute—
- “(a) Chapter 1 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in conduct of maintained schools), or”;
- (b) in paragraph (b) for “that Act” substitute “ the School Standards and Framework Act 1998 ”.

**Commencement Information**

**I13** Sch. 5 para. 13 in force at 20.2.2014 by S.I. 2014/178, art. 2(f) (with art. 3)



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