
Status: This version of this cross heading contains provisions that are prospective.
Changes to legislation: Education and Skills Act 2008, Cross Heading: Education Act 2002 (c. 32) is up to date with all changes known to be in force on or before 11 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

SCHEDULES

SCHEDULE 1

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

REGULATION AND INSPECTION

Education Act 2002 (c. 32)

13 The Education Act 2002 is amended as follows.

Commencement Information

II Sch. 1 para. 13 in force at 1.9.2009 for specified purposes by [S.I. 2009/1606](#), [art. 3](#) (with [art. 6](#))

PROSPECTIVE

14 In the definition of “qualifying body” in section 1(3) (interpretation) for paragraph (g) substitute—

“(g) the proprietor of a school approved under section 342 of the Education Act 1996 (non-maintained special schools).”

15 Before section 157 insert—

Application of Chapter to schools in Wales only

“156A(1) References in this Chapter to an independent school are to an independent school in Wales.

(2) For provision regulating independent schools in England, see Chapter 1 of Part 4 of the Education and Skills Act 2008.”

Commencement Information

I2 Sch. 1 para. 15 in force at 5.1.2015 by [S.I. 2014/3364](#), [art. 2\(z\)](#) (with [art. 4](#))

16 In section 157 (independent school standards) omit subsections (1A) and (2)(b).

Commencement Information

I3 Sch. 1 para. 16 in force at 5.1.2015 by [S.I. 2014/3364](#), [art. 2\(z\)](#) (with [art. 4](#))

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- 17 In section 158 (the registers)—
- (a) omit subsections (1)(a) and (2);
 - (b) in subsection (3), for “the National Assembly for Wales” substitute “ the Welsh Ministers ”.

Commencement Information

I4 Sch. 1 para. 17 in force at 5.1.2015 by S.I. 2014/3364, art. 2(z) (with art. 4)

- 18 Omit sections 162A and 162B (inspection of registered schools in England).

Commencement Information

I5 Sch. 1 para. 18 in force at 1.9.2009 for specified purposes by S.I. 2009/1606, art. 3 (with art. 6)

I6 Sch. 1 para. 18 in force at 5.1.2015 by S.I. 2014/3364, art. 2(z) (with art. 4)

- 19 In section 163 (power to inspect registered schools in Wales)—
- (a) in the title, omit “in Wales”;
 - (b) in subsection (1)(a), omit “for Wales” and “in Wales”;
 - (c) in subsection (5), omit the definition of “the Chief Inspector for Wales”.

Commencement Information

I7 Sch. 1 para. 19 in force at 5.1.2015 by S.I. 2014/3364, art. 2(z) (with art. 4)

- 20 In section 164 (inspections under section 163: supplementary) omit “for Wales” in subsections (1), (2)(a) (in both places), (3), (4), (9), (11) and (12).

Commencement Information

I8 Sch. 1 para. 20 in force at 5.1.2015 by S.I. 2014/3364, art. 2(z) (with art. 4)

- 21 In section 165(1)(a) (failure to meet standards) omit “162A or”.

Commencement Information

I9 Sch. 1 para. 21 in force at 5.1.2015 by S.I. 2014/3364, art. 2(z) (with art. 4)

- 22 In section 167A (prohibition on participation in management of independent schools)—
- (a) omit subsection (6)(a);
 - (b) in subsection (6)(b) omit “in relation to Wales”.

Commencement Information

I10 Sch. 1 para. 22 in force at 5.1.2015 by S.I. 2014/3364, art. 2(z) (with art. 4)

- 23 For sections 167C and 167D (information and notification in relation to directions under section 167A) substitute—

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“167C Directions under section 167A: information

- (1) Where the appropriate authority is a public authority other than the Welsh Ministers, the Welsh Ministers may provide to that authority any information relating to a person which is held by the Welsh Ministers in connection with the Welsh Ministers' functions under this Chapter.
- (2) The Secretary of State may provide to the appropriate authority any information relating to a person which is held by the Secretary of State and which appears to the Secretary of State to be relevant to the exercise of the appropriate authority's functions under section 167A or by virtue of section 167B.
- (3) The Chief Inspector may provide to the appropriate authority any information relating to a person which appears to the Chief Inspector to be relevant to the exercise of the appropriate authority's functions under section 167A or by virtue of section 167B.
- (4) The Independent Barring Board may provide to the appropriate authority any information relating to a person which is held by the Board in connection with its functions and which appears to it to be relevant to the exercise of the appropriate authority's functions under section 167A or by virtue of section 167B.
- (5) The appropriate authority may provide to the Independent Barring Board, ^{F1}... the General Teaching Council for Wales, the Chief Inspector, the Secretary of State or, where the appropriate authority is a public authority other than the Welsh Ministers, the Welsh Ministers, any information relating to a person which is held by the appropriate authority in connection with its functions under section 167A.

167D Directions under section 167A: notification

Where the appropriate authority gives a direction under section 167A(1), or varies or revokes any such direction, it must notify—

- (a) the registration authority (unless the appropriate authority is the registration authority), and
- (b) the Secretary of State and (if different) the appropriate authority for the purposes of sections 128 to 131 of the Education and Skills Act 2008 (prohibition on participation in management of independent educational institutions in England).”

Textual Amendments

- F1** Words in Sch. 1 para. 23 omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 2 para. 20\(b\)](#); [S.I. 2012/924](#), art. 2

Commencement Information

- I11** [Sch. 1 para. 23](#) in force at 5.1.2015 by [S.I. 2014/3364](#), art. 2(z) (with art. 4)

- 24 (1) Section 171 is amended as follows.
- (2) In the definition of “Chief Inspector”—

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- (a) omit paragraph (a);
 - (b) in paragraph (b) omit “in relation to a school in Wales,”.
- (3) Omit the definition of “early years provision”.
- (4) In the definition of “the register”—
- (a) omit paragraph (a);
 - (b) in paragraph (b) omit “in relation to a school in Wales,”.
- (5) In the definition of “registration authority” for paragraphs (a) and (b) substitute “ the Welsh Ministers ”.

Commencement Information

I12 Sch. 1 para. 24 in force at 5.1.2015 by S.I. 2014/3364, art. 2(z) (with art. 4)

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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. 91(3)(c) inserted by [2022 asc 1 Sch. 4 para. 22\(3\)](#)