

*These notes refer to the Education Act 2011 (c.21)
which received Royal Assent on 15 November 2011*

EDUCATION ACT 2011

EXPLANATORY NOTES

TERRITORIAL EXTENT AND APPLICATION

44. Except where stated otherwise below, the Education Act extends to England and Wales only and applies to and affects England only. The significant exceptions are explained in the text below, and a section by section summary is provided in the table at Annex A.

Scotland

45. [Section 65](#) deals with consequential amendments arising from AA 2010 to UK-wide legislation that refers to “Academy arrangements” (the Finance Act 2003 and the Equality Act 2010), but as Academies only exist in England, it has no effect elsewhere.
46. [Sections 66, 67](#) and [68](#) deal with the abolition of the YPLA. Although this is an England only body, it has power to deliver services in Scotland, both to the Scottish Ministers and to other persons specified by them by order. Section 66 repeals this power along with the other provisions that established the YPLA. The Scottish Parliament has passed a legislative consent motion to cover this change.

Northern Ireland

47. [Sections 21 to 23](#) deal with changes to Ofqual, which affect Northern Ireland in that Ofqual regulates vocational qualifications in Northern Ireland. Section 21 strengthens Ofqual’s governance arrangements, section 22 ensures that international comparisons play a key role in Ofqual’s objectives and section 3 makes provision in respect of Ofqual’s enforcement powers. The Northern Ireland Assembly has passed a legislative consent motion to cover these changes.
48. [Section 65](#) deals with consequential amendments arising from AA 2010 to UK-wide legislation that refers to “Academy arrangements” (the Finance Act 2003 and the Equality Act 2010), but as Academies only exist in England, it has no effect elsewhere.
49. [Sections 66, 67](#) and [68](#) deal with the abolition of the YPLA. Although this is an England only body, it has power to deliver services in Northern Ireland, both to the relevant departments and to other persons specified by the Assembly by order. Section 66 repeals this power along with the other provisions that established the YPLA.

Wales

50. [Section 13](#), which imposes reporting restrictions in relation to allegations by a pupil that a teacher has committed a criminal offence, is concerned with criminal justice and so applies to and affects England and Wales in the same way.
51. [Section 76](#) gives the Welsh Ministers the same powers in relation to interest rates on student loans as it gives to the Secretary of State.
52. [Section 77](#) gives the Welsh Ministers the same powers in relation to course fees for part-time students at higher education institutions as it gives to Secretary of State.

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53. The Welsh Assembly passed a legislative consent motion in relation to the following sections:
- a) Section 4, which makes new provision in respect of exclusion of pupils in England, and makes the necessary amendments to section 52 of EA 2002 (exclusion of pupils) because it will now only apply to Wales.
 - b) Sections 14 to 17, dealing with the abolition of Training and Development Agency for Schools (TDA), ensure that, in relation to Wales, the Welsh Ministers have the same powers, subject to the same constraints, as they previously exercised through the TDA.
 - c) Schedule 2 which widens the powers that the Welsh Ministers have to share information with the General Teaching Council for Wales.
 - d) Section 43 which makes the same change to the definition of boarding provision in Wales as in England, but makes further particular provision in relation to Wales. It enables the Welsh Ministers to take steps to determine whether a child's welfare is being adequately safeguarded and promoted whilst accommodated by a school or college in Wales, in circumstances where their duty to do so has been suspended by virtue of section 87A of CA 1989.
 - e) Section 45 which deals with repeal of the power to complain to the Local Commissioner. Section 409 of EA 1996 applies to England and Wales and provides for local authorities to consider complaints about the curriculum. This section was repealed in error for both England and Wales by ASCLA 2009. The repeal has only been commenced in fourteen local authority areas in England as part of the new Local Government Ombudsman complaints service, and section 45 of this Act has the effect that section 409 is repealed in England and restored in respect of Wales.
 - f) Section 48 (determination of permitted charges) which has the same effect in Wales as in England.
 - g) Section 66, concerning the abolition of the YPLA, as this section repeals sections 68 and 69 of ASCLA 2009 which enable the YPLA to make arrangements with the Welsh Ministers for the provision of certain services in Wales.
54. On 14 June the National Assembly for Wales passed a legislative consent motion in relation to section 61, which was inserted by Government amendment during the House of Commons Report stage. It concerns the remission of fees at Academy boarding schools.
55. On 1 November 2011 the National Assembly for Wales passed a legislative consent motion in relation to section 24 which is concerned with the functions of the Welsh Ministers in relation to qualifications.
56. The table at Annex A sets out the application of the individual provisions.