

## SCHEDULES

### SCHEDULE 8

Section 26

#### ABOLITION OF THE QCDA: CONSEQUENTIAL AMENDMENTS

##### *Public Records Act 1958 (c. 51)*

- 1 In paragraph 3 of Schedule 1 to the Public Records Act 1958, in Part 2 of the Table (definition of public records: other establishments and organisations) omit “Qualifications and Curriculum Development Agency.”

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

- 2 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc subject to investigation) omit “Qualifications and Curriculum Development Agency.”

##### *Superannuation Act 1972 (c. 11)*

- 3 In Schedule 1 to the Superannuation Act 1972 (kinds of employment, etc, referred to in section 1 of that Act) omit “The Qualifications and Curriculum Development Agency.”

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

- 4 In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices) omit the entry relating to members of the Qualifications and Curriculum Development Agency in receipt of remuneration.

##### *EA 1996*

- 5 EA 1996 is amended as follows.
- 6 In section 391 (functions of religious education advisory councils) for subsection (10) substitute—
  - “(10) A council for an area in Wales must send a copy of each report published by them under subsection (6) to the Welsh Ministers.”
- 7 In section 408(1)(a) (provision of information relevant for particular purposes) for “Parts 7 and 8” substitute “Part 7”.

##### *EA 1997*

- 8 Section 35 of EA 1997 (transfer of staff to QCDA) is repealed.

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*Status: This is the original version (as it was originally enacted).*

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### *LSA 2000*

- 9 In section 98 of LSA 2000 (approved qualifications: England), in subsections (7) and (8), omit “the Qualifications and Curriculum Development Agency or”.

### *Freedom of Information Act 2000 (c. 36)*

- 10 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies and offices: general) omit “The Qualifications and Curriculum Development Agency.”

### *EA 2002*

- 11 EA 2002 is amended as follows.
- 12 In section 85(9) (curriculum requirements for the fourth key stage: duty to have regard to guidance) for “Qualifications and Curriculum Development Agency” substitute “Secretary of State”.
- 13 In section 87(7) (establishment of the National Curriculum for England by order: persons on whom assessment arrangements order may confer or impose functions) omit paragraph (c) (but not the “and” immediately after it).
- 14 (1) Section 90 (development work and experiments) is amended as follows.
- (2) In subsection (3)—
- (a) after paragraph (a) insert “or”;
- (b) omit paragraph (c) (and the “or” immediately before it).
- (3) In subsection (4) omit the words after “by the governing body”.
- (4) In subsection (5), for paragraph (b) substitute—
- “(b) a person designated for the purposes of this subsection by the Secretary of State.”
- (5) In subsection (5A) for “the reviewing body” substitute “a person designated for the purposes of this subsection by the Secretary of State”.
- (6) Omit subsection (5B).
- (7) In subsection (5C) for “subsection (5B)” substitute “subsection (5)(b) or (5A)”.
- 15 For section 96 substitute—

#### **“96 Procedure for making certain orders and regulations**

- (1) This section applies where the Secretary of State proposes to make—
- (a) an order under section 82(4), 84(6) or 87(3)(a) or (b), or
- (b) regulations under section 91.
- (2) The Secretary of State must give notice of the proposal to such of the following as appear to the Secretary of State to be concerned with the proposal—
- (a) associations of local authorities,
- (b) bodies representing the interests of school governing bodies, and
- (c) organisations representing school teachers.

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- (3) The Secretary of State must also give notice of the proposal to any other persons with whom consultation appears to the Secretary of State to be desirable.
- (4) The Secretary of State must give the bodies and other persons mentioned in subsections (2) and (3) a reasonable opportunity of submitting evidence and representations as to the issues arising from the proposal.
- (5) After considering any evidence and representations submitted in pursuance of subsection (4), the Secretary of State must publish, in such manner as, in the Secretary of State's opinion, is likely to bring them to the notice of persons with a special interest in education—
  - (a) a draft of the proposed order or regulations and any associated document, and
  - (b) a summary of the views expressed during the consultation.
- (6) The Secretary of State must allow a period of at least one month beginning with the publication of the draft of the proposed order or regulations for the submission of any further evidence and representations as to the issues arising.
- (7) When the period allowed has expired, the Secretary of State may make the order or regulations, with or without modifications.”

#### *Childcare Act 2006 (c. 21)*

- 16 The Childcare Act 2006 is amended as follows.
- 17 In section 42(2) (persons on whom order specifying assessment arrangements may confer or impose functions) omit paragraph (d) (but not the “and” immediately after it).
- 18 (1) Section 46 (power to enable exemptions from learning and development requirements to be conferred) is amended as follows.
- (2) In subsection (1B) for “the reviewing body” substitute “a person designated by the Secretary of State for the purposes of this subsection”.
  - (3) Omit subsection (1C).
  - (4) In subsection (1D) for “subsection (1C)” substitute “subsection (1B)”.

#### *EIA 2006*

- 19 EIA 2006 is amended as follows.
- 20 In section 74(1) (curriculum requirements for the fourth key stage)—
  - (a) in the new section 85 to be inserted into EA 2002, in subsection (6) for “Qualifications and Curriculum Authority” substitute “Secretary of State”;
  - (b) in the new section 85A to be inserted into that Act, in subsection (5) omit “or the Qualifications and Curriculum Authority”.

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*Safeguarding Vulnerable Groups Act 2006 (c. 47)*

- 21 In section 21(10) of the Safeguarding Vulnerable Groups Act 2006 (controlled activity relating to children) omit paragraph (d).

*ASCLA 2009*

- 22 ASCLA 2009 is amended as follows.
- 23 In section 129(4) (persons who provide information to which Ofqual required to have regard) omit paragraph (a).
- 24 Section 173 and Schedule 10 (QCDA staff and property transfer schemes) are repealed.
- 25 In paragraph 8 of Schedule 5 (learning aims for persons aged 19 or over: persons who provide advice or information to which Secretary of State may have regard) omit paragraph (b) (but not the “or” immediately after it).
- 26 In consequence of the amendments made by the other provisions of this Schedule, in Schedule 12 (Ofqual and the QCDA: minor and consequential amendments), omit the following provisions: paragraphs 1, 2(3), 3, 4, 5(2), 7, 10, 20, 30, 33, 34, 36(2), 37 and 43.