



# Education Act 2002

## 2002 CHAPTER 32

### PART 11 **E+W**

#### MISCELLANEOUS AND GENERAL

##### *Education and training outside schools*

#### 177 **Meaning of “secondary education” **E+W****

- (1) Section 2 of the Education Act 1996 (c. 56) (definition of primary, secondary and further education) is amended as follows.
- (2) In subsection (2B) (which extends “secondary education” to include education received partly at a school and partly at another institution)—
  - (a) in paragraph (b), after “another institution” there is inserted “ or any other establishment ”, and
  - (b) after “other institution” there is inserted “ or establishment ”.
- (3) After subsection (6) there is inserted—

“(6A) In the context of the definitions of secondary education and further education, references in this section to education include vocational, social, physical and recreational training.”
- (4) The Education Acts shall have effect in their application to persons receiving secondary education within section 2(2B) of the Education Act 1996 (c. 56) with such modifications as may be specified in an order under this subsection.
- (5) The power to make an order under subsection (4) is exercisable—
  - (a) in relation to England, by the Secretary of State, and
  - (b) in relation to Wales, by the National Assembly for Wales.

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#### Commencement Information

- I1** S. 177 not in force at Royal Assent, see s. 216; s. 177 in force for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), [Sch.](#))
- I2** S. 177 in force at 1.8.2004 for W. by [S.I. 2004/912](#), [art. 5](#), [Sch. Pt. 2](#)

### 178 Training and education provided in the workplace for 14 to 16 year olds **E+W**

(1) The Learning and Skills Act 2000 (c. 21) is amended as follows.

<sup>F1</sup>(2) .....

<sup>F2</sup>(3) .....

(4) In section 83 (area inspections in Wales)—

- (a) in subsection (1)(a) for “16” there is substituted “ 15 ”, and
- (b) after subsection (10) there is inserted—

“(11) In subsection (1)(a) “persons who are aged 15” includes persons for whom education is being provided at a school who will attain that age in the current school year; and for this purpose “school” and “school year” have the same meaning as in the Education Act 1996.”

#### Textual Amendments

- F1** S. 178(2) repealed (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\)](#) (England and Wales) Order 2010 (S.I. 2010/1080), [art. 1\(2\)\(a\)\(b\)](#), [Sch. 1 para. 47](#), [Sch. 2 Pt. 1](#) (with [art. 2\(3\)](#))
- F2** S. 178(3) repealed (1.4.2007) by [Education and Inspections Act 2006](#) (c. 40), s. 188(3), [Sch. 18 Pt. 5](#); [S.I. 2007/935](#), [art. 5\(ii\)](#)

#### Commencement Information

- I3** S. 178(1)(2) in force for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), [Sch.](#))
- I4** S. 178(1)(4) in force at 1.8.2003 for W. by [S.I. 2003/1718](#), [art. 4](#), [Sch. Pt. 1](#)
- I5** S. 178(2) in force at 2.1.2008 for W. by [S.I. 2007/3611](#), [art. 4\(1\)](#), [Sch. Pt. 1](#)
- I6** S. 178(3) in force at 20.1.2003 except in relation to W. by [S.I. 2002/2952](#), [art. 2](#) (with savings and transitional provisions in [Sch.](#))
- I7** S. 178(4) in force at 6.11.2006 except in relation to W. by [S.I. 2006/2895](#), [art. 2](#)

### <sup>F3</sup>179 Rights of entry in relation to inspections **E+W**

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#### Textual Amendments

- F3** S. 179 repealed (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005](#) (c. 18), s. 125(4), [Sch. 19 Pt. 1](#); [S.I. 2005/2034](#), [art. 4](#); [S.I. 2006/1338](#), [art. 3](#), [Sch. 1](#) (with [Sch. 4 para. 6](#))

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## 180 Inspections of [F<sup>4</sup>local authorities]: rights of entry etc. **E+W**

For section 40 of the Education Act 1997 (c. 44) (inspector’s rights of entry etc.) there is substituted—

### “40 Inspector’s rights of entry etc.

- (1) This section applies where a [F<sup>5</sup>local authority] are inspected under section 38.
- (2) The inspector, and any person assisting him, shall have at all reasonable times a right of entry to—
  - (a) the premises of the [F<sup>5</sup>local authority],
  - (b) the premises of any school maintained by the authority, and
  - (c) any other premises at which relevant section 19 education is provided, other than premises which are or form part of a private dwelling house but are not a school.
- (3) The inspector, and any person assisting him, shall also have at all reasonable times a right to inspect and take copies of—
  - (a) any records kept by, and any other documents containing information relating to, the [F<sup>5</sup>local authority] or any school maintained by the authority, and
  - (b) any records kept by a person who provides relevant section 19 education that relate to the provision of that education, and any other documents containing information that so relates;which he considers relevant to the exercise of his functions.
- (4) Section 42 of the School Inspections Act 1996 (inspection of computer records) shall apply for the purposes of subsection (3) as it applies for the purposes of Part 1 of that Act.
- (5) Without prejudice to subsections (2) and (3), the [F<sup>5</sup>local authority] and the governing body of any school maintained by the authority—
  - (a) shall give the inspector and any person assisting him, all assistance in connection with the exercise of his functions which they are reasonably able to give, and
  - (b) shall secure that all such assistance is also given by persons who work at the school.
- (6) It shall be an offence wilfully to obstruct the inspector or any person assisting him in the exercise of his functions in relation to the inspection.
- (7) A person guilty of an offence under subsection (6) shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (8) In this section—

“document” and “records” each include information recorded in any form; and

“relevant section 19 education” means education provided to a child by virtue of arrangements made by the [F<sup>5</sup>local authority] under section 19 of the Education Act 1996 (exceptional provision of education at schools or otherwise).”

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#### 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 \(S.I. 2010/1158\)](#), [art. 1](#), [Sch. 2 para. 11\(3\)](#)
- F5** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [art. 1](#), [Sch. 2 para. 11\(2\)](#)
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#### Commencement Information

- I8** S. 180 wholly in force at 19.12.2002; s. 180 not in force at Royal Assent, see s. 216; s. 180 in force for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), [Sch.](#)); s. 180 in force for W. at 19.12.2002 by [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. I](#)

**Changes to legislation:**

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

- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1 by [S.I. 2004/571 Sch.](#)
- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1A and 2 by [S.I. 2005/2570 art. 2](#)

**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. 27(1A) inserted by [2010 c. 26 s. 4\(1\)](#)
- s. 29(2A)-(2D) inserted by [2009 c. 22 s. 260\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 250 omitted (1.9.2012) by virtue of 2011 c. 21, s. 29(9)(d); S.I. 2012/1087, art. 3)
- s. 29B inserted by [2008 c. 25 s. 157](#)
- s. 8585A substituted for s. 85 by [2006 c. 40 s. 74\(1\)](#)
- s. 85A amendment to earlier affecting provision 2006 c. 40 s. 74(1) by [2011 c. 21 s. 31\(2\)](#)
- s. 85A(5) words substituted by [2009 c. 22 Sch. 12 para. 34](#)
- s. 86(1) s. 86 renumbered as s. 86(1) by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 86(2) inserted by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 88(2)-(7) inserted by [2006 c. 40 s. 74\(3\)](#)
- s. 88(7) repealed by [S.I. 2010/1080 Sch. 1 para. 45Sch. 2 Pt. 1](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 88(2)-(7) by 2006 c. 40, s 74(3) was repealed without ever being brought into force.)
- s. 142(9)(b) words substituted by [S.I. 2010/1158 Sch. 2 para. 11\(10\)\(b\)](#)
- s. 210A inserted by [2008 c. 25 Sch. 1 para. 79](#)