



# Education Act 2002

## 2002 CHAPTER 32

### PART 6

#### THE CURRICULUM IN ENGLAND

##### *Supplementary provisions*

#### **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), <sup>F1</sup>..., 84(6), [<sup>F2</sup>87(3)(a) or (b)] , or
  - (b) regulations under section 91.
- (2) The Secretary of State shall refer the proposal to the [<sup>F3</sup>Qualifications and Curriculum Development Agency (in this section referred to as “the Agency”)] and shall give [<sup>F4</sup>it] directions as to the time within which [<sup>F5</sup>it is] to report to him.
- <sup>F6</sup>(3) The Agency shall give notice of the proposal to such of the following as appear to it to be concerned with the proposal—
  - (a) associations of local education authorities,
  - (b) bodies representing the interests of school governing bodies, and
  - (c) organisations representing school teachers.
- (3A) The Agency shall also publish the proposal in such manner as, in its opinion, is likely to bring the proposal to the notice of any other persons who may be concerned with the proposal.
- (3B) The Agency shall give the bodies and other persons mentioned in subsections (3) and (3A) a reasonable opportunity of submitting evidence and representations as to the issues arising from the proposal.]
- (4) The report of the [<sup>F7</sup>Agency] to the Secretary of State shall contain—
  - (a) a summary of the views expressed during the consultations,
  - (b) the [<sup>F7</sup>Agency’s] recommendations as to the proposal, and

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- (c) such other advice relating to the proposal as the [<sup>F7</sup>Agency][<sup>F8</sup>thinks] fit.
- (5) The [<sup>F9</sup>Agency] shall, after submitting [<sup>F10</sup>its] report to the Secretary of State, arrange for the report to be published.
- (6) Where the [<sup>F11</sup>Agency has] reported to the Secretary of State, he shall publish in such manner as, in his opinion, is likely to bring them to the notice of persons having a special interest in education—
- (a) a draft of the proposed order or regulations and any associated document, and
  - (b) a statement explaining his reasons for any failure to give effect to the recommendations of the [<sup>F12</sup>Agency],
- <sup>F13</sup>  
...
- [<sup>F14</sup>(6A) The Secretary of State shall take such steps as in his opinion are likely to bring the documents mentioned in subsection (6)(a) and (b) to the notice of any person who submitted evidence or representations to the Agency.
- (6B) The Secretary of State shall send copies of those documents to the Agency.]
- (7) The Secretary of State shall allow a period of not less than one month for the submission of evidence and representations as to the issues arising.
- (8) When the period so allowed has expired, the Secretary of State may make the order or regulations, with or without modifications.

#### Textual Amendments

- F1** Word in s. 96(1)(a) repealed (1.9.2008) by Childcare Act 2006 (c. 21), s. 109(2), Sch. 1 para. 15(a), **Sch. 3 Pt. 1**; S.I. 2008/2261, art. 2 (with Sch. 1)
- F2** Words in s. 96(1)(a) substituted (1.9.2008) by Childcare Act 2006 (c. 21), s. 109(2), **Sch. 1 para. 15(b)**; S.I. 2008/2261, art. 2 (with Sch. 1)
- F3** Words in s. 96(2) substituted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 12 para. 37(2)(a)**; S.I. 2010/1151, art. 2, Sch. 1
- F4** Word in s. 96(2) substituted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 12 para. 37(2)(b)**; S.I. 2010/1151, art. 2, Sch. 1
- F5** Words in s. 96(2) substituted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 12 para. 37(2)(c)**; S.I. 2010/1151, art. 2, Sch. 1
- F6** S. 96(3)-(3B) substituted for s. 96(3) (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 12 para. 37(3)**; S.I. 2010/1151, art. 2, Sch. 1
- F7** Word in s. 96(4) substituted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 12 para. 37(4)(a)**; S.I. 2010/1151, art. 2, Sch. 1
- F8** Word in s. 96(4)(c) substituted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 12 para. 37(4)(b)**; S.I. 2010/1151, art. 2, Sch. 1
- F9** Word in s. 96(5) substituted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 12 para. 37(5)(a)**; S.I. 2010/1151, art. 2, Sch. 1
- F10** Word in s. 96(5) substituted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 12 para. 37(5)(b)**; S.I. 2010/1151, art. 2, Sch. 1
- F11** Words in s. 96(6) substituted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 12 para. 37(6)(a)**; S.I. 2010/1151, art. 2, Sch. 1
- F12** Word in s. 96(6)(b) substituted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 12 para. 37(6)(b)**; S.I. 2010/1151, art. 2, Sch. 1
- F13** Words in s. 96(6) repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 12 para. 37(6)(c), **Sch. 16 Pt. 4**; S.I. 2010/1151, art. 2, Sch. 1

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**F14** S. 96(6A)(6B) inserted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 12 para. 37(7)**; S.I. 2010/1151, art. 2, Sch. 1

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