

Changes to legislation: Education Act 2002, SCHEDULE 11A is up to date with all changes known to be in force on or before 10 April 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

[^{F1}SCHEDULE 11A

Section 141B

REGULATIONS ABOUT DECISIONS UNDER SECTION 141B

Textual Amendments

F1 Sch. 11A inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), ss. **8(2)**, 82(3); S.I. 2012/924, art. 2

Regulations: general

- 1 The Secretary of State must make regulations in accordance with the following provisions of this Schedule.

Procedure for decisions under section 141B(2)

- 2 (1) Regulations under paragraph 1 must make provision about the procedure to be followed by the Secretary of State in reaching a decision under section 141B(2).
- (2) The regulations must not require a person to give evidence or produce any document or other material evidence which the person could not be compelled to give or produce in civil proceedings in any court in England and Wales.
- (3) The regulations may make provision for any functions of the Secretary of State under section 141B to be excluded or restricted in such circumstances as may be specified in or determined under the regulations.
- (4) The circumstances include, in particular, where the Secretary of State considers this to be appropriate taking into account the powers of the [^{F2}Disclosure and Barring Service] under the Safeguarding Vulnerable Groups Act 2006.

Textual Amendments

F2 Words in Sch. 11A para. 2(4) substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **13(1)(2)** (e) (with Pt. 4)

Interim prohibition orders

- 3 (1) Regulations under paragraph 1 may make provision for the Secretary of State to make an interim prohibition order, pending the Secretary of State's final decision under section 141B (2).
- (2) Regulations about interim prohibition orders must provide that an interim prohibition order may be made only if the Secretary of State considers that it is necessary in the public interest to do so.

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- (3) Regulations about interim prohibition orders must provide that the Secretary of State must review an interim prohibition order—
- (a) within six months of the order being made, and
 - (b) within each subsequent six month period,
- if the person to whom the order relates makes an application to the Secretary of State for such a review.

Prohibition orders

- 4 (1) Regulations under paragraph 1 may make provision—
- (a) about the service on a person to whom a prohibition order relates of notice of the order and of the right to appeal against the order under paragraph 5;
 - (b) about the publication of information relating to the case of a person to whom a prohibition order relates;
 - (c) prescribing circumstances in which a person to whom a prohibition order relates may nevertheless carry out teaching work (within the meaning of section 141A).
- (2) Regulations under paragraph 1 may also make provision—
- (a) as to the time when a prohibition order takes effect;
 - (b) allowing a person to whom a prohibition order relates to apply to the Secretary of State for the order to be set aside;
 - (c) as to the minimum period for which a prohibition order must be in effect before such an application may be made;
 - (d) as to the procedure relating to such an application.

Appeals against prohibition orders

- 5 (1) Regulations under paragraph 1 must make provision conferring on a person to whom a prohibition order relates a right to appeal against the order to the High Court.
- (2) The regulations must provide that an appeal must be brought within 28 days of the person being served with notice of the prohibition order.
- (3) No appeal is to lie from any decision of the Court on such an appeal.
- (4) In this paragraph, “prohibition order” does not include an interim prohibition order made by virtue of paragraph 3.

Supplementary provisions

- 6 (1) Regulations under paragraph 1 may make incidental and supplementary provision, including provision—
- (a) where a prohibition order has effect in relation to a person, for the Secretary of State to serve notice of the order on the person's employer;
 - (b) requiring the employer of such a person to take such steps in consequence of the order (which may include dismissing the person) as may be prescribed;
 - (c) authorising the delegation of functions conferred by virtue of this Schedule and the determination of matters by any person or persons specified in the regulations.
- (2) Regulations under paragraph 1 may also make provision—

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- (a) for the Secretary of State to make a decision in a particular case about the effect in England of an order prohibiting a person from teaching in schools in Wales, Scotland or Northern Ireland;
- (b) about the effect in general in England of orders prohibiting a person from teaching in schools in Wales, Scotland or Northern Ireland.]

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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](#)