



# Education Act 2002

## 2002 CHAPTER 32

### PART 11

#### MISCELLANEOUS AND GENERAL

##### *General*

#### **210 Orders and regulations**

- (1) Subject to subsection (2), any power of the Secretary of State or [<sup>F1</sup>the Welsh Ministers] to make an order or regulations under this Act is exercisable by statutory instrument.
- (2) Subsection (1) does not apply to any order under—
  - (a) section 165 or 192, or
  - (b) paragraph 3(6) or 5 of Schedule 1.
- (3) No order shall be made by the Secretary of State under—
  - (a) section 80(3),
  - (b) section 82(4)(b),
  - <sup>F2</sup>(c) .....
  - (d) section 84(6),
  - (e) section 86, or
  - (f) section 125(4),unless a draft of the instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.
- (4) Subject to subsections (5) and (6), a statutory instrument which contains any order or regulations made under this Act by the Secretary of State and is not subject to the requirement in subsection (3) that a draft of the instrument be laid before and approved by a resolution of each House of Parliament, is subject to annulment in pursuance of a resolution of either House of Parliament.

*Changes to legislation: Education Act 2002, Section 210 is up to date with all changes known to be in force on or before 19 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*

- (5) Subsection (4) does not apply to an order under—
- (a) section 7(2),
  - (b) section [F3]87(3)(c)],
  - (c) section 128(2), or
  - (d) section 216.
- (6) If an order under section 122 contains only provisions which in the opinion of the Secretary of State give effect without significant modification to recommendations of the School Teachers' Review Body—
- (a) the order shall contain a statement to that effect, and
  - (b) subsection (4) shall not apply.
- [F4](6A) Any statutory instrument containing regulations [F5[F6 or an order]] made under section [F7]32C(5)[F8... F9... by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales F10....
- F11(6AB) .....
- (6B) Paragraphs 33 to 35 of Schedule 11 to the Government of Wales Act 2006 make provision about the National Assembly for Wales procedures that apply to any statutory instrument containing regulations or an order made in exercise of functions conferred upon the National Assembly for Wales by this Act that have been transferred to the Welsh Ministers by virtue of paragraph 30 of that Schedule.]
- (7) Any power of the Secretary of State or [F12the Welsh Ministers] to make an order or regulations under this Act includes power—
- (a) to make different provisions for different cases or areas,
  - (b) to make provision generally or only in relation to specific cases, and
  - (c) to make such incidental, supplemental, saving or transitional provisions as the Secretary of State or [F13the Welsh Ministers think] fit.
- (8) Nothing in this Act shall be regarded as affecting the generality of subsection (7).

#### Textual Amendments

- F1** Words in s. 210(1) substituted (6.3.2009) by [Learner Travel \(Wales\) Measure 2008 \(nawm 2\)](#), **ss. 21(3)(a)**, 28(2); S.I. 2009/371, art. 2(1), Sch. Pt. 1
- F2** S. 210(3)(c) repealed (1.9.2008) by [Childcare Act 2006 \(c. 21\)](#), s. 109(2), Sch. 1 para. 16(a), **Sch. 3 Pt. 1**; S.I. 2008/2261, art. 2 (with Sch. 1)
- F3** Words in s. 210(5)(b) substituted (1.9.2008) by [Childcare Act 2006 \(c. 21\)](#), s. 109(2), **Sch. 1 para. 16(b)**; S.I. 2008/2261, art. 2 (with Sch. 1)
- F4** S. 210(6A)(6B) inserted (6.3.2009) by [Learner Travel \(Wales\) Measure 2008 \(nawm 2\)](#), **ss. 21(3)(b)**, 28(2); S.I. 2009/371, art. 2(1), Sch. Pt. 1
- F5** Words in s. 210(6A) inserted (7.12.2009) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), **ss. 20(2)(a)**, 49(2); S.I. 2009/3174, art. 2(1)(j)
- F6** Words in s. 210(6A) omitted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by virtue of [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Primary Legislation\) Regulations 2022 \(S.I. 2022/744\)](#), reg. 1(3), **Sch. 2 para. 6(5)**
- F7** Word in s. 210(6A) substituted (14.7.2014) by [Education \(Wales\) Act 2014 \(anaw 5\)](#), s. 50(4), **Sch. 3 para. 1(6)**; S.I. 2014/1605, art. 2(d)
- F8** Words in s. 210(6A) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 16 para. 21**; S.I. 2012/924, art. 2

---

**Changes to legislation:** Education Act 2002, Section 210 is up to date with all changes known to be in force on or before 19 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](#)

---

- F9** Words in s. 210(6A) omitted (30.4.2021) by virtue of [Curriculum and Assessment \(Wales\) Act 2021](#) (asc 4), s. 84(1), **Sch. 2 para. 46(2)(a)** (with savings and transitional provisions in S.I. 2022/111, regs. 1, 3)
- F10** Words in s. 210(6A) omitted (30.4.2021) by virtue of [Curriculum and Assessment \(Wales\) Act 2021](#) (asc 4), s. 84(1), **Sch. 2 para. 46(2)(b)** (with savings and transitional provisions in S.I. 2022/111, regs. 1, 3)
- F11** S. 210(6AB) omitted (30.4.2021) by virtue of [Curriculum and Assessment \(Wales\) Act 2021](#) (asc 4), s. 84(1), **Sch. 2 para. 46(3)** (with savings and transitional provisions in S.I. 2022/111, regs. 1, 3)
- F12** Words in s. 210(7) substituted (6.3.2009) by [Learner Travel \(Wales\) Measure 2008](#) (nawm 2), **ss. 21(3)(c)(i)**, 28(2); S.I. 2009/371, art. 2(1), Sch. Pt. 1
- F13** Words in s. 210(7)(c) substituted (6.3.2009) by [Learner Travel \(Wales\) Measure 2008](#) (nawm 2), **ss. 21(3)(c)(ii)**, 28(2); S.I. 2009/371, art. 2(1), Sch. Pt. 1

**Changes to legislation:**

Education Act 2002, Section 210 is up to date with all changes known to be in force on or before 19 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.

[View outstanding changes](#)

**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](#)