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SCHEDULES

SCHEDULE 1 **E+W**

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1 **E+W**

REGULATION AND INSPECTION

.....
F1₁

Textual Amendments

F1 Sch. 1 paras. 1-4 and cross-heading repealed (1.10.2010) by Equality Act 2010 (c. 15), s. 211(2), **Sch. 27 Pt. 1** (as substituted by S.I. 2010/2279, arts. 2, 13, **Sch. 2**); S.I. 2010/2317, **art. 1(2)**, 2(1)(15)(c)(f)

F2₂

Textual Amendments

F2 Sch. 1 paras. 1-4 and cross-heading repealed (1.10.2010) by Equality Act 2010 (c. 15), s. 211(2), **Sch. 27 Pt. 1** (as substituted by S.I. 2010/2279, arts. 2, 13, **Sch. 2**); S.I. 2010/2317, **art. 1(2)**, 2(1)(15)(c)(f)

F3₃

Textual Amendments

F3 Sch. 1 paras. 1-4 and cross-heading repealed (1.10.2010) by Equality Act 2010 (c. 15), s. 211(2), **Sch. 27 Pt. 1** (as substituted by S.I. 2010/2279, arts. 2, 13, **Sch. 2**); S.I. 2010/2317, **art. 1(2)**, 2(1)(15)(c)(f)

F4₄

Textual Amendments

F4 Sch. 1 paras. 1-4 and cross-heading repealed (1.10.2010) by Equality Act 2010 (c. 15), s. 211(2), **Sch. 27 Pt. 1** (as substituted by S.I. 2010/2279, arts. 2, 13, **Sch. 2**); S.I. 2010/2317, **art. 1(2)**, 2(1)(15)(c)(f)

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PROSPECTIVE

Education Act 1996 (c. 56)

5 The Education Act 1996 is amended as follows.

6 For section 6(2) (reference to definition of special school) substitute—

“(2) A school is a special school if—

(a) it is specially organised, and

(b) in the case of a school that is not maintained by a [^{F5}local authority], it is approved,

as mentioned in section 337.”

Textual Amendments

F5 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 15(2)**

7 In section 313(5) (codes of practice) for “Part” substitute “ Chapter ”.

8 After section 537A insert—

“537AA Application of sections 537 and 537A to certain part-time educational institutions in England

(1) Sections 537 and 537A (powers of the Secretary of State to require information from governing bodies etc) apply in relation to a relevant part-time educational institution as they apply in relation to an independent school.

(2) In the application of sections 537 and 537A by virtue of this section—

(a) references to a pupil at an independent school are to be read as references to a student at a relevant part-time educational institution;

(b) references to the proprietor of an independent school are to be read as references to the person or body of persons responsible for the management of a relevant part-time educational institution.

(3) In this section—

(a) “relevant part-time educational institution” means an independent educational institution in England that is not an independent school;

(b) “independent educational institution” has the same meaning as in Chapter 1 of Part 4 of the Education and Skills Act 2008 (see section 92 of that Act);

(c) “student” has the same meaning as in that Chapter (see section 138 of that Act).”

9 (1) Section 548 (no right to give corporal punishment) is amended as follows.

(2) In subsection (1)—

(a) in paragraph (a), for “school” substitute “ relevant educational institution ”;

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(b) in paragraphs (b) and (c), for “school” substitute “ a relevant educational institution ”.

(3) In subsection (2) for “school” substitute “ relevant educational institution ”.

(4) In subsection (6)—

(a) in paragraph (a) for “school” substitute “ relevant educational institution ”;

(b) in paragraph (b)(i) for “school” substitute “ institution ”.

(5) After subsection (7) insert—

“(7A) “Relevant educational institution” means—

(a) a school, or

(b) an independent educational institution in England other than a school.

(7B) In subsection (7A)(b) “independent educational institution” has the same meaning as in Chapter 1 of Part 4 of the Education and Skills Act 2008 (see section 92 of that Act).”

10 In the table in section 580 (index), in the entry for “the Tribunal” for “(in Part IV)” substitute “(in Chapter 1 of Part 4).

11 In that table insert the following entries at the appropriate places—

F6

F6

“ . . .

. . . ”

“a non-maintained special school (in section 337A.”
Chapter 2 of Part 4).

Textual Amendments

F6 Sch. 1 para. 11 entry omitted (1.9.2021) by virtue of [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), s. 100(3), [Sch. 1 para. 6\(1\)\(iii\)](#); S.I. 2021/373, art. 8(j)(xviii)

Police Act 1997 (c. 50)

12 In section 113BA of the Police Act 1997 (suitability information relating to children), in subsection (2)(e)—

(a) after “under” insert “ section 128 of the Education and Skills Act 2008 (prohibition on participation in management of independent educational institution in England) or ”;

(b) after “school” insert “ in Wales ”.

Commencement Information

II [Sch. 1 para. 12](#) in force at 8.9.2014 by [S.I. 2014/2379](#), [art. 2\(h\)](#)

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Education Act 2002 (c. 32)

13 The Education Act 2002 is amended as follows.

Commencement Information

I2 Sch. 1 para. 13 in force at 1.9.2009 for specified purposes by [S.I. 2009/1606](#), **art. 3** (with **art. 6**)

PROSPECTIVE

14 In the definition of “qualifying body” in section 1(3) (interpretation) for paragraph (g) substitute—
“(g) the proprietor of a school approved under section 342 of the Education Act 1996 (non-maintained special schools).”

15 Before section 157 insert—

Application of Chapter to schools in Wales only

“156A) References in this Chapter to an independent school are to an independent school in Wales.

(2) For provision regulating independent schools in England, see Chapter 1 of Part 4 of the Education and Skills Act 2008.”

Commencement Information

I3 Sch. 1 para. 15 in force at 5.1.2015 by [S.I. 2014/3364](#), **art. 2(z)** (with **art. 4**)

16 In section 157 (independent school standards) omit subsections (1A) and (2)(b).

Commencement Information

I4 Sch. 1 para. 16 in force at 5.1.2015 by [S.I. 2014/3364](#), **art. 2(z)** (with **art. 4**)

17 In section 158 (the registers)—
(a) omit subsections (1)(a) and (2);
(b) in subsection (3), for “the National Assembly for Wales” substitute “ the Welsh Ministers ”.

Commencement Information

I5 Sch. 1 para. 17 in force at 5.1.2015 by [S.I. 2014/3364](#), **art. 2(z)** (with **art. 4**)

18 Omit sections 162A and 162B (inspection of registered schools in England).

Commencement Information

I6 Sch. 1 para. 18 in force at 1.9.2009 for specified purposes by [S.I. 2009/1606](#), **art. 3** (with **art. 6**)

I7 Sch. 1 para. 18 in force at 5.1.2015 by [S.I. 2014/3364](#), **art. 2(z)** (with **art. 4**)

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- 19 In section 163 (power to inspect registered schools in Wales)—
- (a) in the title, omit “in Wales”;
 - (b) in subsection (1)(a), omit “for Wales” and “in Wales”;
 - (c) in subsection (5), omit the definition of “the Chief Inspector for Wales”.

Commencement Information

I8 Sch. 1 para. 19 in force at 5.1.2015 by S.I. 2014/3364, art. 2(z) (with art. 4)

- 20 In section 164 (inspections under section 163: supplementary) omit “for Wales” in subsections (1), (2)(a) (in both places), (3), (4), (9), (11) and (12).

Commencement Information

I9 Sch. 1 para. 20 in force at 5.1.2015 by S.I. 2014/3364, art. 2(z) (with art. 4)

- 21 In section 165(1)(a) (failure to meet standards) omit “162A or”.

Commencement Information

I10 Sch. 1 para. 21 in force at 5.1.2015 by S.I. 2014/3364, art. 2(z) (with art. 4)

- 22 In section 167A (prohibition on participation in management of independent schools)—
- (a) omit subsection (6)(a);
 - (b) in subsection (6)(b) omit “in relation to Wales”.

Commencement Information

I11 Sch. 1 para. 22 in force at 5.1.2015 by S.I. 2014/3364, art. 2(z) (with art. 4)

- 23 For sections 167C and 167D (information and notification in relation to directions under section 167A) substitute—

“167C Directions under section 167A: information

- (1) Where the appropriate authority is a public authority other than the Welsh Ministers, the Welsh Ministers may provide to that authority any information relating to a person which is held by the Welsh Ministers in connection with the Welsh Ministers' functions under this Chapter.
- (2) The Secretary of State may provide to the appropriate authority any information relating to a person which is held by the Secretary of State and which appears to the Secretary of State to be relevant to the exercise of the appropriate authority's functions under section 167A or by virtue of section 167B.
- (3) The Chief Inspector may provide to the appropriate authority any information relating to a person which appears to the Chief Inspector to be relevant to the exercise of the appropriate authority's functions under section 167A or by virtue of section 167B.

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- (4) The Independent Barring Board may provide to the appropriate authority any information relating to a person which is held by the Board in connection with its functions and which appears to it to be relevant to the exercise of the appropriate authority's functions under section 167A or by virtue of section 167B.
- (5) The appropriate authority may provide to the Independent Barring Board,^{F7} ... the General Teaching Council for Wales, the Chief Inspector, the Secretary of State or, where the appropriate authority is a public authority other than the Welsh Ministers, the Welsh Ministers, any information relating to a person which is held by the appropriate authority in connection with its functions under section 167A.

167D Directions under section 167A: notification

Where the appropriate authority gives a direction under section 167A(1), or varies or revokes any such direction, it must notify—

- (a) the registration authority (unless the appropriate authority is the registration authority), and
- (b) the Secretary of State and (if different) the appropriate authority for the purposes of sections 128 to 131 of the Education and Skills Act 2008 (prohibition on participation in management of independent educational institutions in England)."

Textual Amendments

F7 Words in Sch. 1 para. 23 omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 2 para. 20\(b\)](#); [S.I. 2012/924](#), art. 2

Commencement Information

I12 [Sch. 1 para. 23](#) in force at 5.1.2015 by [S.I. 2014/3364](#), [art. 2\(z\)](#) (with art. 4)

- 24 (1) Section 171 is amended as follows.
- (2) In the definition of "Chief Inspector"—
 - (a) omit paragraph (a);
 - (b) in paragraph (b) omit "in relation to a school in Wales,".
 - (3) Omit the definition of "early years provision".
 - (4) In the definition of "the register"—
 - (a) omit paragraph (a);
 - (b) in paragraph (b) omit "in relation to a school in Wales,".
 - (5) In the definition of "registration authority" for paragraphs (a) and (b) substitute "the Welsh Ministers".

Commencement Information

I13 [Sch. 1 para. 24](#) in force at 5.1.2015 by [S.I. 2014/3364](#), [art. 2\(z\)](#) (with art. 4)

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Education Act 2005 (c. 18)

25 The Education Act 2005 is amended as follows.

Commencement Information

I14 Sch. 1 para. 25 in force at 5.1.2015 by S.I. 2014/3364, art. 2(z)

PROSPECTIVE

26 For section 5(2)(g) (duty to inspect certain schools) substitute—
“(g) schools approved under section 342 of the Education Act 1996 (non-maintained special schools).”

PROSPECTIVE

27 For section 28(2)(d) (duty to arrange inspections of certain schools) substitute—
“(d) schools approved under section 342 of the Education Act 1996 (non-maintained special schools).”

28 (1) Section 59 (combined reports) is amended as follows.
(2) In subsection (1)(d), after “independent schools” insert “ in Wales ”.
(3) After subsection (1)(e) (inserted by paragraph 44(d) of Schedule 2 to the Childcare Act 2006 (c. 21)) insert “, and
(f) Chapter 1 of Part 4 of the Education and Skills Act 2008 (regulation of independent educational provision in England).”

Commencement Information

I15 Sch. 1 para. 28 in force at 5.1.2015 by S.I. 2014/3364, art. 2(z)

29 In section 62(4)(a) (power of Welsh Ministers to change inspection framework for Wales) for sub-paragraph (iv) substitute—
“(iv) sections 106 to 113 of the Education and Skills Act 2008 (independent educational institutions in England).”

Commencement Information

I16 Sch. 1 para. 29 in force at 5.1.2015 by S.I. 2014/3364, art. 2(z)

Childcare Act 2006 (c. 21)

30 The Childcare Act 2006 is amended as follows.

Commencement Information

I17 Sch. 1 para. 30 in force at 5.1.2015 by S.I. 2014/3364, art. 2(z)

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- 31 (1) Section 13 (duty to provide information, advice and training to childcare providers) is amended as follows.
- (2) In subsection (1)(c)—
- (a) in the opening words, for “schools” substitute “institutions”;
 - (b) in sub-paragraph (ii), for “approved by the Secretary of State” substitute “approved”;
 - (c) in sub-paragraph (iii), for “an independent school” substitute “an independent educational institution”.
- (3) In subsection (1)(d) for “school” substitute “institution”.

Commencement Information

I18 Sch. 1 para. 31 in force at 5.1.2015 by S.I. 2014/3364, art. 2(z)

- 32 (1) Section 34(2) (requirement to register: other early years providers) is amended as follows.
- (2) In paragraph (a)—
- (a) in the opening words for “schools” substitute “institutions” and for “school’s” substitute “institution’s”;
 - (b) in sub-paragraph (ii) for “approved by the Secretary of State” substitute “approved”;
 - (c) in sub-paragraph (iii) for “an independent school” substitute “an independent educational institution”.
- (3) In paragraph (b) for “school” in both places substitute “institution”.
- (4) For paragraph (c) substitute—
- “(c) where the provision is made at a school (including a school that is an independent educational institution)—
 - (i) the child is a registered pupil at the school, or
 - (ii) if the provision is made for more than one child, at least one of the children is a registered pupil at the school.”

Commencement Information

I19 Sch. 1 para. 32 in force at 5.1.2015 by S.I. 2014/3364, art. 2(z)

- 33 In section 49 (inspections) in subsection (4) for “independent school” substitute “independent educational institution”.

Commencement Information

I20 Sch. 1 para. 33 in force at 5.1.2015 by S.I. 2014/3364, art. 2(z)

- 34 (1) Section 53(2) (requirement to register: other later years providers for children under eight) is amended as follows.
- (2) In paragraph (a)—

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- (a) in the opening words for “schools” substitute “ institutions ” and for “school's” substitute “ institution's ”;
- (b) in sub-paragraph (ii) for “approved by the Secretary of State” substitute “ approved ”;
- (c) in sub-paragraph (iii) for “an independent school” substitute “ an independent educational institution ”.

(3) In paragraph (b) for “school” in both places substitute “ institution ”.

(4) For paragraph (c) substitute—

- “(c) where the provision is made at a school (including a school that is an independent educational institution)—
 - (i) the child is a registered pupil at the school, or
 - (ii) if the provision is made for more than one child, at least one of the children is a registered pupil at the school.”

Commencement Information

I21 Sch. 1 para. 34 in force at 5.1.2015 by S.I. 2014/3364, art. 2(z)

35 (1) Section 63(3) (applications for registration on the general register: other childcare providers) is amended as follows.

(2) In paragraph (a)—

- (a) in the opening words for “schools” substitute “ institutions ” and for “school's” substitute “ institution's ”;
- (b) in sub-paragraph (ii) for “approved by the Secretary of State” substitute “ approved ”;
- (c) in sub-paragraph (iii) for “an independent school” substitute “ an independent educational institution ”.

(3) In paragraph (b) for “school” in both places substitute “ institution ”.

(4) For paragraph (c) substitute—

- “(c) where the provision is made at a school (including a school that is an independent educational institution)—
 - (i) the child is a registered pupil at the school, or
 - (ii) if the provision is made for more than one child, at least one of the children is a registered pupil at the school.”

Commencement Information

I22 Sch. 1 para. 35 in force at 5.1.2015 by S.I. 2014/3364, art. 2(z)

36 In section 106 (general interpretation) for the definition of “independent school” substitute—

““independent educational institution” has the same meaning as in Chapter 1 of Part 4 of the Education and Skills Act 2008;”.

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Commencement Information

I23 Sch. 1 para. 36 in force at 5.1.2015 by S.I. 2014/3364, art. 2(z)

Education and Inspections Act 2006 (c. 40)

37 The Education and Inspections Act 2006 is amended as follows.

Commencement Information

I24 Sch. 1 para. 37 in force at 5.1.2015 by S.I. 2014/3364, art. 2(z)

- 38 (1) Section 11 (publication of proposals to establish maintained schools: special cases) is amended as follows.
- (2) In subsection (3)(a) for “Chapter 1 of Part 10 of EA 2002 (regulation of independent schools)” substitute “ Chapter 1 of Part 4 of the Education and Skills Act 2008 (regulation of independent educational institutions in England) ”.
- (3) In subsection (9) for “approved by the Secretary of State” substitute “ approved ”.

Commencement Information

I25 Sch. 1 para. 38 in force at 5.1.2015 by S.I. 2014/3364, art. 2(z)

PROSPECTIVE

- 39 In the following provisions for “approved by the Secretary of State or the Assembly” substitute “ approved ”
- (a) paragraph (e) of the definition of “relevant school” in section 88(5);
- (b) the definition of “governing body” in that provision.
- 40 (1) Section 171 (prohibition on participation in management: transitional provision) is amended as follows.
- (2) In subsection (5), in the definition of “regulations”, for paragraphs (a) and (b) substitute “ by the Welsh Ministers; ”.

Commencement Information

I26 Sch. 1 para. 40 in force at 5.1.2015 by S.I. 2014/3364, art. 2(z)

Safeguarding Vulnerable Groups Act 2006 (c. 47)

- 41 (1) The Safeguarding Vulnerable Groups Act 2006 is amended as follows.
- (2) In Schedule 4 (regulated activity), paragraph 1(10) is amended as follows.
- ^{F8}(3)
- (4) In paragraph (c) after “school” insert “ in Wales ”.

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Textual Amendments

- F8** Sch. 1 para. 41(3) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, [Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(bb)
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Commencement Information

- I27** Sch. 1 para. 41 in force at 5.1.2015 by S.I. 2014/3364, [art. 2\(z\)](#)

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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. 91(3)(c) inserted by [2022 asc 1 Sch. 4 para. 22\(3\)](#)