

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Schedule 12 is up to date with all changes known to be in force on or before 11 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

SCHEDULE 12 **E+W+N.I.**

Sections 174 and 192

OFQUAL AND THE QCDA: MINOR AND CONSEQUENTIAL AMENDMENTS

Public Records Act 1958 (c. 51)

^{F1}1

Textual Amendments

F1 Sch. 12 para. 1 omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 8 para. 26](#); [S.I. 2012/924](#), art. 2

Parliamentary Commissioner Act 1967 (c. 13)

- 2 (1) Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc. subject to investigation) is amended as follows.
- (2) At the appropriate place insert— “ Office of Qualifications and Examinations Regulation. ”

^{F2}(3)

Textual Amendments

F2 Sch. 12 para. 2(3) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 8 para. 26](#); [S.I. 2012/924](#), art. 2

Commencement Information

I1 Sch. 12 para. 2 in force at 1.4.2010 by [S.I. 2010/1151](#), art. 2, [Sch. 1](#)

Local Authorities (Goods and Services) Act 1970 (c. 39)

^{F3}3

Textual Amendments

F3 Sch. 12 para. 3 omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 8 para. 26](#); [S.I. 2012/924](#), art. 2

Superannuation Act 1972 (c. 11)

^{F4}4

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Textual Amendments

F4 Sch. 12 para. 4 omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 8 para. 26**; [S.I. 2012/924](#), art. 2

House of Commons Disqualification Act 1975 (c. 24)

5 (1) Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices) is amended as follows.

^{F5}(2)

(3) At the appropriate place insert— “ The Chief Regulator of Qualifications and Examinations and any member of the Office of Qualifications and Examinations Regulation in receipt of remuneration. ”

Textual Amendments

F5 Sch. 12 para. 5(2) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 8 para. 26**; [S.I. 2012/924](#), art. 2

Commencement Information

I2 Sch. 12 para. 5 in force at 1.4.2010 by [S.I. 2010/1151](#), art. 2, **Sch. 1**

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

6 In Part 3 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (other disqualifying offices) at the appropriate place insert— “ The Chief Regulator of Qualifications and Examinations and any member of the Office of Qualifications and Examinations Regulation in receipt of remuneration. ”

Commencement Information

I3 Sch. 12 para. 6 in force at 1.4.2010 by [S.I. 2010/1151](#), art. 2, **Sch. 1**

Race Relations Act 1976 (c. 74)

^{F67}

Textual Amendments

F6 Sch. 12 para. 7 repealed (4.4.2011) by [The Equality Act 2010 \(Public Authorities and Consequential and Supplementary Amendments\) Order 2011 \(S.I. 2011/1060\)](#), arts. 1(2), 3(3)(a), **Sch. 3**

Commencement Information

I4 Sch. 12 para. 7 in force at 1.4.2010 by [S.I. 2010/1151](#), art. 2, **Sch. 1**

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Schedule 12 is up to date with all changes known to be in force on or before 11 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

Charities Act 1993 (c. 10)

F78

Textual Amendments

F7 Sch. 12 para. 8 repealed (14.3.2012) by [Charities Act 2011 \(c. 25\)](#), s. 355, **Sch. 10** (with s. 20(2), **Sch. 8**)

Education Act 1996 (c. 56)

9 The Education Act 1996 is amended as follows.

Commencement Information

I5 Sch. 12 para. 9 in force at 1.4.2010 by [S.I. 2010/1151](#), art. 2, **Sch. 1**

F810

Textual Amendments

F8 Sch. 12 para. 10 omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 8 para. 26**; [S.I. 2012/924](#), art. 2

- 11 (1) Section 408 (provision of information) is amended as follows.
- (2) In subsection (1)(a) after “2002” insert “ or the provisions of Parts 7 and 8 of the Apprenticeships, Skills, Children and Learning Act 2009 ”.
- (3) In subsection (2)(e)—
- (a) for “external” substitute “ relevant ”;
 - (b) after “2000” insert “ which are approved under section 98 or 99 of that Act ”.

Commencement Information

I6 Sch. 12 para. 11 in force at 1.4.2010 for E. by [S.I. 2010/1151](#), art. 2, **Sch. 1**
I7 Sch. 12 para. 11 in force at 1.11.2010 for W. by [S.I. 2010/2413](#), **art. 2(a)** (with arts. 3-5)

Education Act 1997 (c. 44)

12 The Education Act 1997 is amended as follows.

Commencement Information

I8 Sch. 12 para. 12 in force at 1.4.2010 by [S.I. 2010/1151](#), art. 2, **Sch. 1**

13 Sections 21 to 26A (the Qualifications and Curriculum Authority) cease to have effect.

Changes to legislation: *Apprenticeships, Skills, Children and Learning Act 2009, Schedule 12 is up to date with all changes known to be in force on or before 11 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*

Commencement Information

- I9** Sch. 12 para. 13 in force at 1.4.2010 for E. by [S.I. 2010/1151](#), [art. 2](#), [Sch. 1](#)
I10 Sch. 12 para. 13 in force at 1.11.2010 for W. by [S.I. 2010/2413](#), [art. 2\(a\)](#) (with [arts. 3-5](#))

- 14 In section 29 (functions of the Welsh Ministers in relation to curriculum and assessment) for subsection (5) substitute—

“(5) In this section—

“assessment” includes examination and test;

“funded nursery education” has the meaning given by section 98 of the Education Act 2002;

“maintained school” means—

- (a) any community, foundation or voluntary school, and
- (b) any community or foundation special school.

(6) In the definition of “maintained school”, the reference to a community, foundation or voluntary school or to a community or foundation special school, is a reference to such a school within the meaning of the School Standards and Framework Act 1998.”

Commencement Information

- I11** Sch. 12 para. 14 in force at 1.11.2010 by [S.I. 2010/2413](#), [art. 2\(a\)](#) (with [arts. 3-5](#))

^{F9}15

Textual Amendments

- F9** Sch. 12 para. 15 omitted (21.9.2015) by virtue of [Qualifications Wales Act 2015 \(anaw 5\)](#), s. 60(2), [Sch. 4 para. 9\(4\)](#); [S.I. 2015/1687](#), [art. 2](#) (with [arts. 3-12](#))

- 16 (1) Section 32 (supplementary provisions relating to discharge by the Welsh Ministers of their functions) is amended as follows.

(2) In subsection (1)(c)—

(a) in sub-paragraph (ii) before “requirements” insert “reasonable”;

(b) for sub-paragraph (iii) substitute—

“(iii) the reasonable requirements of persons with learning difficulties.”

^{F10}(3)

(4) Omit subsection (4A).

(5) For subsection (6) substitute—

“(6) In this section “persons with learning difficulties” means—

- (a) children with special educational needs (as defined in section 312 of the Education Act 1996), and
- (b) other persons who—

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- (i) have a significantly greater difficulty in learning than the majority of persons of their age, or
- (ii) have a disability which either prevents or hinders them from making use of educational facilities of a kind generally provided for persons of their age.

(7) But a person is not to be taken to have a learning difficulty solely because the language (or form of language) in which the person is or will be taught is different from a language (or form of language) which has at any time been spoken in the person's home.”

Textual Amendments

F10 Sch. 12 para. 16(3) omitted (21.9.2015) by virtue of [Qualifications Wales Act 2015 \(anaw 5\)](#), s. 60(2), [Sch. 4 para. 9\(4\)](#); S.I. 2015/1687, art. 2 (with arts. 3-12)

Commencement Information

I12 Sch. 12 para. 16 in force at 1.11.2010 by [S.I. 2010/2413](#), art. 2(a) (with arts. 3-5)

^{F11}17

Textual Amendments

F11 Sch. 12 paras. 17-19 omitted (21.9.2015) by virtue of [Qualifications Wales Act 2015 \(anaw 5\)](#), s. 60(2), [Sch. 4 para. 9\(4\)](#); S.I. 2015/1687, art. 2 (with arts. 3-12)

^{F11}18

Textual Amendments

F11 Sch. 12 paras. 17-19 omitted (21.9.2015) by virtue of [Qualifications Wales Act 2015 \(anaw 5\)](#), s. 60(2), [Sch. 4 para. 9\(4\)](#); S.I. 2015/1687, art. 2 (with arts. 3-12)

^{F11}19

Textual Amendments

F11 Sch. 12 paras. 17-19 omitted (21.9.2015) by virtue of [Qualifications Wales Act 2015 \(anaw 5\)](#), s. 60(2), [Sch. 4 para. 9\(4\)](#); S.I. 2015/1687, art. 2 (with arts. 3-12)

^{F12}20

Textual Amendments

F12 Sch. 12 para. 20 omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 8 para. 26](#); S.I. 2012/924, art. 2

21 Section 36 (levy on bodies awarding qualifications accredited by relevant body) ceases to have effect.

Changes to legislation: *Apprenticeships, Skills, Children and Learning Act 2009, Schedule 12 is up to date with all changes known to be in force on or before 11 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*

Commencement Information

I13 Sch. 12 para. 21 in force at 1.4.2010 by [S.I. 2010/1151](#), [art. 2](#), [Sch. 1](#)

22 In section 54(1) (orders and regulations) omit “, except an order under section 25 or 31,”.

Commencement Information

I14 Sch. 12 para. 22 in force at 1.4.2010 by [S.I. 2010/1151](#), [art. 2](#), [Sch. 1](#)

23 In section 58(6) (short title, commencement and extent etc)—

- (a) omit the entries for—
 - (i) sections 21 and 22,
 - (ii) section 24(4), (6) and (7),
 - (iii) sections 26 and 26A, and
 - (iv) Schedule 4;
- (b) for “34 to 36” substitute “ 35 ”.

Commencement Information

I15 Sch. 12 para. 23 in force at 1.4.2010 by [S.I. 2010/1151](#), [art. 2](#), [Sch. 1](#)

24 Schedule 4 (the Qualifications and Curriculum Authority) ceases to have effect.

Commencement Information

I16 Sch. 12 para. 24 in force at 1.4.2010 by [S.I. 2010/1151](#), [art. 2](#), [Sch. 1](#)

25 In Schedule 7 (minor and consequential amendments) omit paragraph 2.

Commencement Information

I17 Sch. 12 para. 25 in force at 1.4.2010 by [S.I. 2010/1151](#), [art. 2](#), [Sch. 1](#)

Learning and Skills Act 2000 (c. 21)

26 The Learning and Skills Act 2000 is amended as follows.

Commencement Information

I18 Sch. 12 para. 26 in force at 1.4.2010 by [S.I. 2010/1151](#), [art. 2](#), [Sch. 1](#)

27 (1) Section 96 (external qualifications: persons under 19) is amended as follows.

- (2) In subsection (1)(b) for “an external qualification” substitute “ a relevant qualification ”.
- (3) In subsection (2) for “external” substitute “ relevant ”.

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(4) For subsections (5) to (7) substitute—

“(5) In this section “a relevant qualification”—

- (a) in relation to England, means a qualification to which Part 7 of the Apprenticeships, Skills, Children and Learning Act 2009 applies;
- (b) in relation to Wales, has the same meaning as in section 30 of the Education Act 1997.”

Commencement Information

I19 Sch. 12 para. 27 in force at 1.4.2010 for E. by [S.I. 2010/1151](#), [art. 2](#), [Sch. 1](#)

I20 Sch. 12 para. 27 in force at 1.11.2010 for W. by [S.I. 2010/2413](#), [art. 2\(a\)](#) (with [arts. 3-5](#))

28 (1) Section 98 (approved qualifications: England) is amended as follows.

(2) Before subsection (3) insert—

“(2B) A qualification may be approved only if—

- (a) the conditions mentioned in subsection (2C) are satisfied in relation to the qualification, or
- (b) the Office of Qualifications and Examinations Regulation is consulted before the approval is given.

(2C) The conditions are that—

- (a) the qualification is a regulated qualification within the meaning of Part 7 of the Apprenticeships, Skills, Children and Learning Act 2009, and
- (b) if the qualification is subject to the accreditation requirement (within the meaning of Chapter 2 of that Part), it is accredited under section 139 of that Act.”

^{F13}(3)

Textual Amendments

F13 Sch. 12 para. 28(3) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 16 para. 50](#); [S.I. 2012/924](#), [art. 2](#)

Commencement Information

I21 Sch. 12 para. 28 in force at 1.4.2010 by [S.I. 2010/1151](#), [art. 2](#), [Sch. 1](#)

^{F14}29

Textual Amendments

F14 Sch. 12 para. 29 omitted (21.9.2015) by virtue of [Qualifications Wales Act 2015 \(anaw 5\)](#), s. 60(2), [Sch. 4 para. 9\(4\)](#); [S.I. 2015/1687](#), [art. 2](#) (with [arts. 3-12](#))

Freedom of Information Act 2000 (c. 36)

^{F15}30

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Schedule 12 is up to date with all changes known to be in force on or before 11 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

Textual Amendments

F15 Sch. 12 para. 30 omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 8 para. 26**; [S.I. 2012/924](#), art. 2

Education Act 2002 (c. 32)

31 The Education Act 2002 is amended as follows.

Commencement Information

I22 Sch. 12 para. 31 in force at 1.4.2010 by [S.I. 2010/1151](#), art. 2, **Sch. 1**

32 (1) Section 76 (interpretation of Part 6) is amended as follows.

(2) At the beginning insert “ (1) ”.

(3) In the definition of “assess” omit “examine and”.

(4) In the definition of “assessment arrangements” for the words from “for the purpose” to the end substitute “ for the specified purposes ”.

(5) At the end insert—

“(2) In subsection (1) “the specified purposes”, in relation to assessment arrangements for a key stage, means—

(a) the purpose of ascertaining what pupils have achieved in relation to the attainment targets for that stage, and

(b) such other purposes as the Secretary of State may by order specify.”

Commencement Information

I23 Sch. 12 para. 32 in force at 1.4.2010 by [S.I. 2010/1151](#), art. 2, **Sch. 1**

^{F16}33

Textual Amendments

F16 Sch. 12 para. 33 omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 8 para. 26**; [S.I. 2012/924](#), art. 2

^{F17}34

Textual Amendments

F17 Sch. 12 para. 34 omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 8 para. 26**; [S.I. 2012/924](#), art. 2

35 (1) Section 87 (establishment of the National Curriculum for England by order) is amended as follows.

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- (2) In subsection (5) for “published as specified” substitute “ published by a person, and in the manner, specified ”.
- (3) In subsection (7)—
 - (a) omit the “and” at the end of paragraph (a);
 - (b) after paragraph (b) insert—
 - “(c) the Qualifications and Curriculum Development Agency, and
 - (d) any other person with whom the Secretary of State has made arrangements in connection with the development, implementation or monitoring of assessment arrangements,”.
- (4) Omit subsection (9).
- (5) In subsection (10) for the words before paragraph (a) substitute “The duties that may be imposed by virtue of subsection (7)(a) or (b) include, in relation to persons exercising any function in connection with the moderation or monitoring of assessment arrangements, the duty to permit them—”.
- (6) For subsection (11) substitute—
 - “(11) An order under subsection (3)(c) may authorise a person specified in the order to make delegated supplementary provisions in relation to such matters as may be specified in the order.
 - (12) In this section “delegated supplementary provisions” means such provisions (other than provisions conferring or imposing functions as mentioned in subsection (7)(a) or (b)) as appear to the authorised person to be expedient for giving full effect to, or otherwise supplementing, the provisions made by the order.
 - (13) An order under subsection (3)(c) authorising the making of delegated supplementary provisions may provide that such provisions may be made only with the approval of the Secretary of State.
 - (14) Any delegated supplementary provisions shall, on being published as specified in the order under which they are made, have effect for the purposes of this Part as if made by the order.”

Commencement Information

I24 Sch. 12 para. 35 in force at 1.4.2010 by [S.I. 2010/1151](#), art. 2, [Sch. 1](#)

36 (1) Section 90 (development work and experiments) is amended as follows.

^{F18}(2)

- (3) In subsection (5) for the words from “to the” to the end substitute “on any matters specified by the Secretary of State to—
 - (a) the Secretary of State, or
 - (b) the reviewing body.”
- (4) After subsection (5) insert—

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“(5A) If required by the Secretary of State to do so the reviewing body shall keep under review development work or experiments carried out following a direction given under subsection (1).

(5B) In this section “the reviewing body” means the Qualifications and Curriculum Development Agency, or any other person, if designated as such by the Secretary of State.

(5C) A designation under subsection (5B) may make different provision for different purposes.”

Textual Amendments

F18 Sch. 12 para. 36(2) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 8 para. 26**; [S.I. 2012/924](#), art. 2

Commencement Information

I25 Sch. 12 para. 36 in force at 1.4.2010 by [S.I. 2010/1151](#), art. 2, **Sch. 1**

F1937

Textual Amendments

F19 Sch. 12 para. 37 omitted (15.1.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 8 para. 26**; [S.I. 2012/84](#), art. 2

Childcare Act 2006 (c. 21)

38 The Childcare Act 2006 is amended as follows.

Commencement Information

I26 Sch. 12 para. 38 in force at 1.4.2010 by [S.I. 2010/1151](#), art. 2, **Sch. 1**

39 (1) Section 41 (the learning and development requirements) is amended as follows.

(2) In subsection (2)(c) for the words from “for the purpose” to “early learning goals” substitute “ for the specified purposes ”.

(3) After subsection (4) insert—

“(4A) In subsection (2)(c) “the specified purposes” means—

- (a) the purpose of ascertaining what children have achieved in relation to the early learning goals, and
- (b) such other purposes as the Secretary of State may by order specify.”

Commencement Information

I27 Sch. 12 para. 39 in force at 1.4.2010 by [S.I. 2010/1151](#), art. 2, **Sch. 1**

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- 40 (1) Section 42 (further provisions about assessment arrangements) is amended as follows.
- (2) In subsection (2)—
- (a) omit the “and” at the end of paragraph (b);
 - (b) after paragraph (c) insert—
 - “(d) the Qualifications and Curriculum Development Agency, and
 - (e) any other person with whom the Secretary of State has made arrangements in connection with the development, implementation or monitoring of assessment arrangements.”
- (3) Omit subsection (4).
- (4) In subsection (5) for the words before paragraph (a) substitute “ The duties that may be imposed on a person mentioned in subsection (2)(a) to (c) by virtue of subsection (1) include, in relation to persons exercising any function in connection with the moderation or monitoring of assessment arrangements, the duty to permit them— ”.
- (5) For subsection (6) substitute—
- “(6) A learning and development order specifying assessment arrangements may authorise a person specified in the order to make delegated supplementary provisions in relation to such matters as may be specified in the order.
 - (6A) In this section “delegated supplementary provisions” means such provisions (other than provisions conferring or imposing functions on persons mentioned in subsection (2)(a) to (c)) as appear to the authorised person to be expedient for giving full effect to, or otherwise supplementing, the provisions made by the order.
 - (6B) A learning and development order authorising the making of delegated supplementary provisions may provide that such provisions may be made only with the approval of the Secretary of State.
 - (6C) Any delegated supplementary provisions, on being published as specified in the order under which they are made, are to have effect for the purposes of this Chapter as if made by the order.”

Commencement Information

I28 Sch. 12 para. 40 in force at 1.4.2010 by [S.I. 2010/1151](#), art. 2, [Sch. 1](#)

- 41 In section 44(1) (instruments specifying learning and development or welfare requirements) for “published as specified” substitute “ published by a person, and in the manner, specified ”.

Commencement Information

I29 Sch. 12 para. 41 in force at 1.4.2010 by [S.I. 2010/1151](#), art. 2, [Sch. 1](#)

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42 In section 46 (power to enable exemptions from learning and development requirements to be conferred) after subsection (1) insert—

“(1A) Regulations under subsection (1) may make provision about the conditions which may be imposed by the Secretary of State on making a direction.

(1B) If required by the Secretary of State to do so the reviewing body must keep under review the effect of a direction given under regulations made under subsection (1).

(1C) In subsection (1B) “the reviewing body” means the Qualifications and Curriculum Development Agency, or any other person, if designated as such by the Secretary of State.

(1D) A designation under subsection (1C) may make different provision for different purposes.”

Commencement Information

I30 Sch. 12 para. 42 in force at 1.4.2010 by [S.I. 2010/1151](#), art. 2, [Sch. 1](#)

Safeguarding Vulnerable Groups Act 2006 (c. 47)

^{F20}43

Textual Amendments

F20 Sch. 12 para. 43 omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 8 para. 26](#); [S.I. 2012/924](#), art. 2; and provision also 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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[View outstanding changes](#)

Changes and effects yet to be applied to :

- Sch. 12 para. 7 omitted by [2011 c. 21 Sch. 8 para. 26](#)

Commencement Orders yet to be applied to the Apprenticeships, Skills, Children and Learning Act 2009

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2009/3341 art. 2](#) commences ([2009 c. 22](#))
- [S.I. 2010/2413 art. 2](#) commences ([2009 c. 22](#))
- [S.I. 2011/829 art. 2](#) commences ([2009 c. 22](#))
- [S.I. 2011/882 art. 2](#) amendment to earlier commencing [SI 2010/303 art. 7 Sch. 6](#)