

2002 No. 2953

EDUCATION, ENGLAND

**The Education Act 2002 (Modification of Provisions) (No. 2)
(England) Regulations 2002**

<i>Made</i>	- - - -	<i>26th November 2002</i>
<i>Laid before Parliament</i>		<i>2nd December 2002</i>
<i>Coming into force</i>		
<i>Regulations 1 and 6</i>		<i>23rd December 2002</i>
<i>Regulations 2 to 5</i>		<i>20th January 2003</i>

In exercise of the powers conferred on the Secretary of State by section 214 of the Education Act 2002 (a) the Secretary of State for Education and Skills hereby makes the following Regulations:

Citation, Commencement and Interpretation

1.—(1) These regulations may be cited as the Education Act 2002 (Modification of Provisions) (No. 2) (England) Regulations 2002 and shall come into force in respect of regulations 1 and 6 on 23rd December 2002 and in respect of regulations 2 to 5 on 20th January 2003.

(2) In these Regulations—

“the 1996 Act” means the School Inspections Act 1996 (b);

“the 1998 Act” means the School Standards and Framework Act 1998 (c);

“the 2002 Act” means the Education Act 2002.

Modification of Schedule 1 to the Education Act 1996

2.—(1) In paragraph 6(1) of Schedule 1 to the Education Act 1996(d), for “section 351(1)” there is substituted “section 78(1) or 99(1) of the Education Act 2002”.

(2) Paragraph 7 of Schedule 1 to the Education Act 1996 is repealed.(e)

(a) 2002 c.32; see section 212 for the definition of “regulations”; by virtue of that definition these regulations made by the Secretary State only apply in relation to England.

(b) 1996 c.57.

(c) 1998 c.31.

(d) 1996 c.56.

(e) This paragraph is duplicated by section 52(2) of the 2002 Act.

Modification of section 113 (3E) of the Police Act 1997

3. In paragraph (c) of section 113(3E) of the Police Act 1997(a), for the words from “for child minding” until “that Act”, there is substituted –

“for child minding or providing day care under section 71 of the Children Act 1989”.

Modification of section 98 of the 1998 Act

4. In section 98(6) and (8) of the 1998 Act for “92(3) to (6)” there is substituted “92(c) and (d)”.

Temporary modification of section 52 of the 2002 Act

5. Prior to section 52 (11) of the 2002 Act coming into force in relation to England, references in section 52 of that Act to a maintained school are references to a maintained school as defined by section 20(7) of the 1998 Act.

Saving in relation to paragraph 5 of Schedule 14 to the 2002 Act

6.—(1) Despite the coming into force of paragraph 5 of Schedule 14 to the 2002 Act, prior to the coming into force of regulations made under section 9(2)(ca) of the Protection of Children Act 1999 (b) (“the regulations”), an appeal against a decision of Her Majesty’s Chief Inspector of Schools in England under paragraph 10(1) of Schedule 26 to the 1998 Act shall be made to a tribunal with the same constitution as a tribunal to hear an appeal under section 9 of the 1996 Act.

(2) The coming into force of the regulations shall not affect appeals made under paragraph 10(1) of Schedule 26 to the 1998 Act before the date on which the regulations come into force.

(3) Paragraph 2 (procedure) and paragraph 3 (staff) of Schedule 2 to the 1996 Act apply to tribunals to hear appeals under paragraph 10(1) of Schedule 26 to the 1998 Act as they apply to tribunals to hear appeals under section 9 of the 1996 Act.

26th November 2002

David Miliband
Minister of State
Department for Education and Skills

(a) 1997 c. 50. This section is also amended by paragraph 7 of Schedule 13 to the 2002 Act which was commenced save for sub-paragraph (2) on October 1st 2002.
(b) 1999 c.14. Section 9(2)(ca) is inserted by paragraph 6 of Schedule 14 to the 2002 Act.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make modifications and amendments in connection with the commencement of certain provisions of the Education Act 2002.

Regulation 2 makes minor amendments to Schedule 1 to the Education Act 1996 in respect of references to the new curriculum provisions, and due to the commencement of section 52.

Regulation 3 makes a minor amendment to the Police Act related to the amendments made in Schedule 13 to the 2002 Act.

Regulation 4 makes a minor amendment to the School Standards and Framework Act 1998 consequent on the substitution of a new section 92 of that Act by Schedule 4 to the 2002 Act.

Regulation 5 makes a temporary modification of section 52 of the Education Act 2002 pending the commencement of section 52(11).

Regulation 6 makes a saving in relation to appeals under paragraphs 10(1) of Schedule 26 to the School Standards and Framework Act 1998.

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