

## SCHEDULE 2

### Amendments to primary legislation

#### **Education Act 1996 (c. 56)**

2.—(1) The Education Act 1996 is amended as follows.

(2) In section 18A (provision of education for persons subject to youth detention)—

(a) in subsection (2)—

(i) in the words before paragraph (a), after “a local authority” insert “in England”;

(ii) in paragraph (ba), omit “in the case of a local authority in England,”;

(iii) omit paragraph (bb);

(b) in subsection (3)—

(i) in paragraph (a), omit “in relation to a local authority in England,”;

(ii) omit paragraph (b);

(c) after subsection (4) insert—

“(4A) In deciding for the purposes of subsection (1) whether education or training is suitable to meet persons’ reasonable needs, a local authority in Wales must (in particular) have regard to—

(a) the persons’ ages, abilities and aptitudes;

(b) any additional learning needs the persons may have;

(c) the desirability of enabling persons to complete programmes of study or training which they have begun;

(d) the desirability that education received by young persons subject to youth detention should be comparable with education which they could be expected to receive if they were attending a school or institution implementing a relevant curriculum;

(e) the desirability that education received by children subject to youth detention should—

(i) enable them to develop in the ways described in the four purposes,

(ii) offer them appropriate progression,

(iii) be broad and balanced, so far as is appropriate for them, and

(iv) provide teaching and learning that encompasses the areas of learning and experience (including the mandatory elements within those areas) and develops the cross-curricular skills.

(4B) In subsection (4A)(d), “relevant curriculum”, in relation to a local authority in Wales, means any local curriculum formed by the authority for their area under section 33A of the Learning and Skills Act 2000 (formation of local curricula for students aged 16 to 18).

(4C) In subsection (4A)(e), expressions that are defined in, or are given a meaning by, the Curriculum and Assessment (Wales) Act 2021 have the same meaning as in that Act.”

(3) In section 19A (exceptional provision of education in pupil referral units or elsewhere: Wales), in subsection (5), after “efficient education suitable to” insert “the child’s or”.

(4) In section 402 (obligation to enter pupils for public examinations)—

(a) in subsection (2), omit the words after paragraph (b);

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- (b) after subsection (2) insert—
  - “(2A) But subsection (2) does not apply to—
    - (a) an examination which is part of the assessment arrangements for the fourth key stage and applies in the case of that pupil (if the pupil is registered at a school maintained by a local authority in England), or
    - (b) an examination which is part of the assessment arrangements for pupils of compulsory school age who have completed the school year in which the majority of the pupils in their class attained the age of 14 and applies in the case of that pupil (if the pupil is registered at a school maintained by a local authority in Wales).”;
- (c) in subsection (6)—
  - (i) in paragraph (aa)—
    - (aa) omit the “and” after sub-paragraph (i);
    - (bb) omit sub-paragraph (ii) and the “and” after it;
  - (ii) after paragraph (aa) insert—
    - “(ab) “assessment arrangements”, in relation to a school maintained by a local authority in Wales, has the same meaning as in Part 4 of the Curriculum and Assessment (Wales) Act 2021 (assessment and progression);”.
- (5) In section 406 (political indoctrination), in subsection (1), in paragraph (b)—
  - (a) the words from “in the teaching” to the end become sub-paragraph (i);
  - (b) at the end of that sub-paragraph insert “(in the case of a school in England), or”;
  - (c) after that sub-paragraph insert—
    - “(ii) in the teaching of any aspect of a curriculum provided in the school under the Curriculum and Assessment (Wales) Act 2021 (in the case of a school in Wales)”.
- (6) In section 408 (provision of information)—
  - (a) in subsection (1), in paragraph (a), after “Qualifications Wales Act 2015” insert “or the provisions of the Curriculum and Assessment (Wales) Act 2021”;
  - (b) in subsection (4)—
    - (i) in paragraph (e), for “396” substitute “396A”;
    - (ii) omit paragraph (h) and the “and” before it;
  - (c) in subsection (4A), omit paragraph (b) and the “and” before it;
  - (d) in subsection (6), in the words before paragraph (a)—
    - (i) omit “or 7”;
    - (ii) after “Education Act 2002” insert “or Part 4 of the Curriculum and Assessment (Wales) Act 2021”.
- (7) In section 409 (complaints and enforcement: maintained schools in Wales), in subsection (3)  
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  - (a) omit paragraph (aa) but not the “and” after it;
  - (b) in paragraph (b), after “this Part” insert “or the Curriculum and Assessment (Wales) Act 2021”.
- (8) In section 451 (prohibition of charges for provision of education)—

- (a) in subsection (3) (as it has effect until the substitution made by section 56(1) of the Education and Inspections Act 2006 (c. 40) comes fully into force), in paragraph (b), for the words from “section 88” to the end substitute “or under the Curriculum and Assessment (Wales) Act 2021.”;
  - (b) in subsection (4)—
    - (i) in paragraph (b), omit “or 109”;
    - (ii) at the end of paragraph (c) insert—
      - “, or
      - (d) provided in pursuance of a duty imposed by or under the Curriculum and Assessment (Wales) Act 2021.”
- (9) In section 537B (provision of information about children receiving funded education outside school), in subsection (9), in the definition of “funded education”, after “section 19(1) and (4)” insert “or section 19A(1) and (4)”.
- (10) In section 554 (power to make new provision as to use of endowments)—
- (a) in subsection (3), in paragraph (b)—
    - (i) after “religious education” insert “, or teaching and learning in Religion, Values and Ethics,”;
    - (ii) after “1998” insert “, or in accordance with the Curriculum and Assessment (Wales) Act 2021”;
  - (b) in subsection (4)—
    - (i) in paragraph (a)—
      - (aa) in sub-paragraph (i), after “religious education” insert “, or teaching and learning in Religion, Values and Ethics,”;
      - (bb) in sub-paragraph (ii), after “religious education” insert “or teaching and learning in Religion, Values and Ethics”;
      - (cc) in the words after sub-paragraph (ii), after “religious education” insert “or teaching and learning in Religion, Values and Ethics”;
    - (ii) in paragraph (b)—
      - (aa) in the words before sub-paragraph (i), after “religious education” insert “or teaching and learning in Religion, Values and Ethics”;
      - (bb) in the words after sub-paragraph (iii), after “religious education” insert “or teaching and learning in Religion, Values and Ethics”;
  - (c) after subsection (6) insert—
    - “(6A) In this section, and sections 556 and 557, “Religion, Values and Ethics” has the same meaning as in the Curriculum and Assessment (Wales) Act 2021.”
- (11) In section 556 (content of orders under section 554), in subsection (3), after “religious education” insert “or teaching and learning in Religion, Values and Ethics”.
- (12) In section 557 (adoption of statutory trusts), in subsection (1)(b)—
- (a) in sub-paragraph (i), after “religious education” insert “or teaching and learning in Religion, Values and Ethics”;
  - (b) in sub-paragraph (ii), after “religious education” insert “or teaching and learning in Religion, Values and Ethics”.
- (13) In section 579 (general interpretation), in subsection (1), in the definition of “the National Curriculum”—

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- (a) in paragraph (a), omit “in relation to England”;
- (b) omit paragraph (b) and the “and” before it.