

## SCHEDULE 2

### Amendments to primary legislation

#### **Education Act 1997 (c. 44)**

3.—(1) The Education Act 1997 is amended as follows.

(2) In section 19 (school performance targets), in subsection (1), in paragraph (a), for “for the purposes of the National Curriculum” substitute “required by virtue of regulations made under Part 4 of the Curriculum and Assessment (Wales) Act 2021”.

(3) Omit section 28.

(4) Omit section 29.

(5) Omit section 32.

(6) In section 40 (inspector’s rights of entry etc)—

(a) in subsection (2), in paragraph (c), after “section 19” insert “or 19A”;

(b) in subsection (3), in paragraph (b), after “section 19” insert “or 19A”;

(c) in subsection (8), after “section 19”, in both places it occurs, insert “or 19A”.

(7) For section 43 (provision of careers education in schools in Wales) substitute—  
*“43 Provision of careers education for certain persons: Wales*

(1) A programme of careers education must be provided for—

(a) each pupil who—

(i) is a registered pupil at a school in Wales listed in subsection (2), and

(ii) is of compulsory school age, or over compulsory school age, but under the age of 19;

(b) each person who—

(i) is attending an institution in Wales within the further education sector (whether full or part time), and

(ii) is of compulsory school age, or over compulsory school age but under the age of 19;

(c) each child or young person for whom arrangements are made under section 19A of the Education Act 1996 (exceptional provision of education in pupil referral units or elsewhere: Wales).

(2) The schools are—

(a) community, foundation and voluntary schools;

(b) community special schools (other than those established in hospitals).

(3) The following persons must secure that subsection (1) is complied with—

(a) in the case of a pupil falling within subsection (1)(a), the head teacher of the school;

(b) in the case of a person falling within subsection (1)(b), the principal or other head of the institution;

(c) in the case of a child or young person falling within subsection (1)(c)—

(i) the local authority that makes the arrangements, and

(ii) where the arrangements include the provision of education at a pupil referral unit maintained by a local authority in Wales, the teacher in charge of the unit.

(4) In this section—

“career” includes the undertaking of any training, employment or occupation or any course of education;

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

“careers education” means education designed to prepare persons for taking decisions about their careers and to help them implement such decisions.”

- (8) In section 44 (schools and other institutions in Wales to co-operate with careers advisers)—
- (a) in subsection (8)—
    - (i) in paragraph (a), omit “(a) and (c)”;
    - (ii) omit the “and” after paragraph (a);
    - (iii) after paragraph (a) insert—
      - “(aa) pupil referral units maintained by local authorities in Wales, and”;
  - (b) in subsection (10), for paragraph (a) substitute—
    - “(a) a pupil at a school in Wales, or at a pupil referral unit maintained by a local authority in Wales, is a relevant pupil if the pupil is receiving secondary education and—
      - (i) in the case of a pupil at a school is under 19, and
      - (ii) in the case of a pupil at a pupil referral unit, is under 18; and”.
- (9) In section 45 (provision of careers information at schools and other institutions)—
- (a) in subsection (2)—
    - (i) in paragraph (a), omit “(a) and (c)”;
    - (ii) omit the “and” after paragraph (a);
    - (iii) after paragraph (a) insert—
      - “(aa) pupil referral units maintained by local authorities in Wales; and”;
  - (b) after subsection (3) insert—
    - “(3A) In the case of children within subsection (1), it is the duty of the local authority concerned to secure that subsection (1) is complied with.”
- (10) In section 45B (provision of curriculum information: Wales)—
- (a) in subsection (6)—
    - (i) omit the “and” after paragraph (a);
    - (ii) after paragraph (a) insert—
      - “(aa) the local authority and the teacher in charge of a pupil referral unit maintained by a local authority in Wales; and”;
  - (b) in subsection (7)—
    - (i) in the definition of “curriculum information”—
      - (aa) in paragraph (a), for “during the relevant phase of their education” substitute “who are receiving secondary education”;
      - (bb) after paragraph (a) insert—
        - “(aa) in relation to a pupil referral unit, information about the curriculum for registered pupils at the unit who are receiving secondary education; and”;
    - (ii) omit the definition of “relevant phase”.
- (11) In section 46 (extension or modification of provisions of ss 43 to 45)—
- (a) in the section heading, for “ss 43 to 45” substitute “sections 42A to 45”;
  - (b) in subsection (1)—
    - (i) for “42A, 42B, 43 or 44” substitute “42A or 42B, in relation to England”;

- (ii) for “42A(6), 42B(9), 43(5) or 44(10)(a)(i)” substitute “42A(6) or 42B(9)”;
- (c) after subsection (1) insert—
  - “(1A) The Welsh Ministers may by regulations make provision extending the range of pupils, children and young persons to whom section 43 or 44 applies.
  - (1B) The regulations may among other things make provision by reference to a description of school specified in the regulations.”;
- (d) in subsection (2), omit “43, 44 or”.