

*Education Act 2002 (c. 32)*

- 3 (1) Section 76 of the 2002 Act (interpretation of Part 6) is amended as follows.
  - (2) For the definition of “assessment arrangements” substitute—

““assessment arrangements”, in relation to a key stage, means the arrangements for assessing pupils in respect of that stage for the purpose of ascertaining what they have achieved in relation to the attainment targets for that stage;”.
  - (3) Omit the definitions of “early learning goals”, “the foundation stage”, and “pupil”.
  - (4) In the definition of “school year”, omit the words from “and has a corresponding” to the end.
- 4 Omit section 77 of the 2002 Act (meaning of “nursery education” and related expressions).
- 5 In section 78 of the 2002 Act (general requirements in relation to the curriculum), omit subsection (2).
- 6 (1) Section 79 of the 2002 Act (duty to implement general requirements) is amended as follows.
  - (2) For subsections (1) and (2) substitute—
    - “(1) The Secretary of State shall exercise his functions with a view to securing that the curriculum for every maintained school or maintained nursery school satisfies the requirements of section 78.
    - (2) Every local education authority in England shall exercise their functions with a view to securing that the curriculum for every maintained school or maintained nursery school which they maintain satisfies the requirements of section 78.”
  - (3) In subsection (4)(b), omit the words from “or the” to “nursery school”.
  - (4) Omit subsection (5).
- 7 (1) Section 80 of the 2002 Act (basic curriculum for maintained school) is amended as follows.
  - (2) In subsection (1)(b), for “who have attained the age of three” substitute “who have ceased to be young children for the purposes of Part 1 of the Childcare Act 2006”.
  - (3) In subsection (2)(a), for “a nursery class in a primary school” substitute “pupils who are under compulsory school age”.
- 8 Omit section 81 of the 2002 Act (the foundation stage).
- 9 Omit section 83 of the 2002 Act (curriculum requirements for the foundation stage).
- 10 (1) Section 87 of the 2002 Act (establishment of National Curriculum by order) is amended as follows.

- (2) For subsection (1) substitute—
- “(1) The Secretary of State shall so exercise the powers conferred by subsection (3) as to revise the National Curriculum for England whenever he considers it necessary or expedient to do so.”
- (3) Omit subsection (2).
- (4) In subsection (4), omit—
- (a) “(2) or”,
- (b) in paragraph (a), the words “the foundation stage or” and “educational programme or”, and
- (c) in paragraph (b), the words from “(or the timetables” to “education”.
- (5) In subsection (5), omit “(2) or”.
- (6) Omit subsection (6).
- (7) In subsection (8), omit “(2)(c) or”.
- (8) In subsection (10), omit—
- (a) “(6) or”, and
- (b) in paragraph (a) the words from “or” to “provided”.
- (9) In subsection (11), omit “(2)(c) or” and “(6) or”.
- 11 Omit section 89 of the 2002 Act (implementation in respect of nursery schools etc.).
- 12 (1) Section 90 of the 2002 Act (development work and experiments) is amended as follows.
- (2) In subsection (1), omit “or maintained nursery school”.
- (3) In subsection (3), omit “or a maintained nursery school”.
- 13 In section 93 of the 2002 Act (temporary exceptions for individual pupils), in subsections (1) and (5), omit “or maintained nursery school”.
- 14 In section 94 of the 2002 Act (information concerning directions under section 93), in subsection (4)(a), omit “or maintained nursery school”.
- 15 In section 96 of the 2002 Act (procedure for making certain orders and regulations), in subsection (1)(a)—
- (a) omit “83(3)”, and
- (b) for “87(2)(a) or (b) or (3)(a) or (b)” substitute “87(3)(a) or (b)”.
- 16 In section 210 of the 2002 Act (orders and regulations)—
- (a) omit subsection (3)(c), and
- (b) in subsection (5)(b), for “87(2)(c) or (3)(c)” substitute “87(3)(c)”.

SCHEDULE 2

Section 103(1)

MINOR AND CONSEQUENTIAL AMENDMENTS

*Local Authority Social Services Act 1970 (c. 42)*

- 1 In Schedule 1 to the Local Authority Social Services Act 1970 (social services functions) after the entry relating to the Children Act 1975 insert—

“Adoption Act 1976

Functions continuing to be exercisable by virtue of any transitional or saving provision made by or under the Adoption and Children Act 2002.”

*Magistrates’ Courts Act 1980 (c. 43)*

- 2 In section 65 of the Magistrates’ Courts Act 1980 (meaning of family proceedings), in subsection (1) after paragraph (n) insert—  
“(nza) section 72 or section 79 of the Childcare Act 2006;”.

*Supreme Court Act 1981 (c. 54)*

- 3 In Schedule 1 to the Supreme Court Act 1981 (distribution of business in High Court) in paragraph 3 (which deals with business assigned to the Family Division) after paragraph (e) insert—  
“(ea) proceedings under section 79 of the Childcare Act 2006;”.

*Children Act 1989 (c. 41)*

- 4 In section 18 of the Children Act 1989 (day care for pre-school and other children)—  
(a) in subsection (2), after “local authority” insert “in Wales”;  
(b) in subsection (6), after “local authority” insert “in Wales”.
- 5 In the heading of Part 10A of the Children Act 1989 (child minding and day care for children in England and Wales), omit “England and”.
- 6 In Part 10A of the Children Act 1989 (including Schedule 9A) for “the registration authority”, “a registration authority” or “the authority”, wherever occurring, substitute (in each case) “the Assembly”.
- 7 In section 79B of the Children Act 1989 (other definitions etc.)—  
(a) omit subsection (1),  
(b) for subsection (2) substitute—  
“(2) In this Act “the Assembly” means the National Assembly for Wales.”, and  
(c) for subsection (7) substitute—  
“(7) “Regulations” means regulations made by the Assembly.”

- 8 In section 79C of the Children Act 1989 (regulations etc. governing child minders and day care providers), omit subsections (1), (4) and (5).
- 9 In section 79D of the Children Act 1989 (requirement to register) –
- (a) for subsection (1) substitute –
    - “(1) No person shall act as a child minder in Wales unless he is registered under this Part for child minding by the Assembly.”,
    - (b) in subsection (4) omit the words “(whether the contravention occurs in England or Wales)”, and
    - (c) in subsection (5), after “premises” insert “in Wales”.
- 10 In section 79H of the Children Act 1989 (suspension of registration), omit subsection (3).
- 11 In section 79K of the Children Act 1989 (protection of children in an emergency), in subsection (1) after “registered” insert “under this Part”.
- 12 Omit sections 79N, 79Q and 79R of the Children Act 1989 (which relate only to England).
- 13 In section 79S of the Children Act 1989 (general functions of the Assembly), in subsection (2) omit the words from “but the regulations” to the end of the subsection.
- 14 In section 79U of the Children Act 1989 (rights of entry etc.) in subsection (1) omit “England or”.
- 15 In section 79V of the Children Act 1989 (function of local authorities), after “local authority” insert “in Wales”.
- 16 In section 79W of the Children Act 1989 (requirement for certificate of suitability), in subsection (1) after “children” (in the first place where it occurs) insert “in Wales”.
- 17 In section 105 of the Children Act 1989 (interpretation) in subsection (5A)(b) omit “England and”.
- 18 (1) Schedule 9A to the Children Act 1989 (child minding and day care for young children) is amended as follows.
- (2) In the heading, after “children” insert “in Wales”.
  - (3) In paragraph 1 (exemption of certain schools), in sub-paragraph (1)(c), omit “the Secretary of State or”.
  - (4) In paragraph 4 (disqualification for registration) –
    - (a) in sub-paragraph (1), after “day care” insert “in Wales”,
    - (b) in sub-paragraph (2)(f), after “Part XA” insert “, or Part 3 of the Childcare Act 2006,”,
    - (c) in sub-paragraph (3), after “day care” (in each place where it occurs) insert “in Wales”,
    - (d) in sub-paragraph (4), after “day care” (in each place where it occurs) insert “in Wales”, and
    - (e) in sub-paragraph (5), after “day care” (in each place where it occurs) insert “in Wales”.
  - (5) In paragraph 5 (offences relating to disqualification) –

- (a) in sub-paragraph (1)(a) –
  - (i) after “child minder” insert “in Wales”,
  - (ii) after “child minding” insert “in Wales”,
- (b) in sub-paragraph (1)(b) for “any of sub-paragraphs (3) to (5)” substitute “sub-paragraph (4) or (5)”, and
- (c) for sub-paragraph (2) substitute –

“(2) A person who contravenes sub-paragraph (4) of paragraph 4 shall not be guilty of an offence under this paragraph if –

- (a) he is disqualified for registration by virtue only of regulations made under sub-paragraph (3) of paragraph 4, and
  - (b) he proves that he did not know, and had no reasonable grounds for believing, that he was living in the same household as a person who was disqualified for registration or in a household in which such a person was employed.”
- (6) In paragraph 6 (certificates of registration), in sub-paragraph (5) –
    - (a) in paragraph (a) for “(in England or in Wales)” substitute “in Wales”, and
    - (b) in paragraph (b) after “any premises” insert “in Wales”.
  - (7) In paragraph 8 (co-operation between authorities), omit sub-paragraph (1).

*Water Industry Act 1991 (c. 56)*

- 19 In Schedule 4A to the Water Industry Act 1991 (premises that are not to be disconnected for non-payment of charges) for paragraph 12 substitute –
  - “12 (1) Premises in England which are used for the provision of childcare by a person who is registered (otherwise than as a childminder) under Part 3 of the Childcare Act 2006 in respect of the premises.
  - (2) Premises in Wales which are used for the provision of day care for children by a person who is registered under Part 10A of the Children Act 1989 in respect of the premises.”

*Education Act 1996 (c. 56)*

- 20 In the heading to section 17 of the Education Act 1996, for “nursery education” substitute “nursery schools”.
- 21 In section 318 of the Education Act 1996 (provision of goods and services in connection with special educational needs), in subsection (3A)(a) for “receiving relevant nursery education” substitute “receiving relevant early years education”.
- 22 (1) Section 329A of the Education Act 1996 (review or assessment of educational needs at request of responsible body) is amended as follows.
  - (2) In subsection (11), for “relevant nursery education” substitute “relevant early years education”.
  - (3) In subsection (13)(c), for “nursery”, in both places, substitute “early years”.

## (4) For subsection (14) substitute –

“(14) “Relevant early years education” –

- (a) in relation to England, has the same meaning as it has (in relation to England) in section 123 of the School Standards and Framework Act 1998 except that it does not include early years education provided by a local education authority at a maintained nursery school for a pupil at the school;
- (b) in relation to Wales, has the same meaning as it has (in relation to Wales) in section 123 of the School Standards and Framework Act 1998 except that it does not include early years education provided by a local education authority at a maintained nursery school.”

## 23 In section 509A of the Education Act 1996 (travel arrangements for children receiving nursery education otherwise than at school) –

- (a) in the heading and in each of subsections (1), (3) and (4) for “nursery education” substitute “early years education”, and
- (b) for subsection (5) substitute –

“(5) In this section “relevant early years education” means –

- (a) in relation to England, early years provision as defined by section 20 of the Childcare Act 2006 which is provided under arrangements made by a local authority in England in pursuance of the duty imposed by section 7 of that Act (whether or not the local authority provides the early years provision);
- (b) in relation to Wales, nursery education which is provided –
  - (i) by a local education authority in Wales, or
  - (ii) by any other person who is in receipt of financial assistance given by a local authority under arrangements made by them in pursuance of the duty imposed by section 118 of the School Standards and Framework Act 1998.”

## 24 In section 512 of the Education Act 1996 (LEA functions concerning provision of meals etc.) –

- (a) in subsection (1)(c) for “relevant funded nursery education” substitute “relevant funded early years education”, and
- (b) in subsection (6) for the definition of “relevant funded nursery education” substitute –

““relevant funded early years education”, in relation to a local education authority in England, means early years provision as defined by section 20 of the Childcare Act 2006 which is provided by a person, other than the governing body of a maintained school (within the meaning of section 20(7) of the School Standards and Framework Act 1998) or a maintained nursery school, under arrangements made by a local authority in pursuance of the duty imposed by section 7 of the 2006 Act (duty to secure prescribed early years provision free of charge);

- “relevant funded early years education”, in relation to a local education authority in Wales, means education provided by a person other than the governing body of a maintained school (within the meaning of section 20(7) of the School Standards and Framework Act 1998) or a maintained nursery school—
- (a) under arrangements made with that person by the authority in pursuance of the duty imposed on the authority by section 118 of that Act (duty of LEA to secure sufficient nursery education), and
  - (b) in consideration of financial assistance provided by the authority under those arrangements.”
- 25 (1) Section 515 of the Education Act 1996 (provision of teaching services for day nurseries) is amended as follows.
- (2) In subsection (1) after “a day nursery” insert “in England or Wales or to a registered early years provider in England”.
- (3) In subsection (3)—
- (a) in paragraph (b) after “the day nursery” insert “or (as the case may be) the registered early years provider”, and
  - (b) in paragraph (c) for the words from “including” to the end of the paragraph substitute “including—
    - (i) in relation to England, any charges to be imposed in connection with the arrangements, and
    - (ii) in relation to Wales, where the teacher’s school and the day nursery are in the areas of different local education authorities, financial adjustments between those authorities.”
- (4) For subsection (4) substitute—
- “(4) In this section—  
“day nursery” means a day nursery provided under section 18 of the Children Act 1989 (provision by local authorities of day care for pre-school and other children);  
“registered early years provider” means a person registered under Part 3 of the Childcare Act 2006.”
- 26 (1) Section 535 of the Education Act 1996 (provision of teaching services for day nurseries) is amended as follows.
- (2) In subsection (1) after “a day nursery” insert “in England or Wales or to a registered early years provider in England”.
- (3) In subsection (3)—
- (a) in paragraph (b) after “the day nursery” insert “or (as the case may be) the registered early years provider”, and
  - (b) in paragraph (c) for the words from “including” to the end of the paragraph substitute “including—
    - (i) in relation to England, any charges to be imposed in connection with the arrangements, and

- (ii) in relation to Wales, where the teacher’s school and the day nursery are in the areas of different local education authorities, financial adjustments between those authorities.”
- (4) For subsection (4) substitute –
- “(4) In this section –
- “day nursery” means a day nursery provided under section 18 of the Children Act 1989 (provision by local authorities of day care for pre-school and other children);
- “registered early years provider” means a person registered under Part 3 of the Childcare Act 2006.”
- 27 (1) Section 548 of the Education Act 1996 (no right to give corporal punishment) is amended as follows.
- (2) In subsection (1)(c) for “specified nursery education” substitute “specified early years education”.
- (3) For subsection (8) substitute –
- “(8) “Specified early years education” means –
- (a) in relation to England, early years provision as defined by section 20 of the Childcare Act 2006 which is provided under arrangements made by a local authority in England in pursuance of the duty imposed by section 7 of that Act (whether or not the local authority provides the early years provision);
- (b) in relation to Wales, full-time or part-time education suitable for children who have not attained compulsory school age which is provided –
- (i) by a local education authority in Wales, or
- (ii) by any other person who is in receipt of financial assistance given by such an authority under arrangements made by them in pursuance of the duty imposed by section 118 of the School Standards and Framework Act 1998.”

*Education Act 1997 (c. 44)*

- 28 In section 38 of the Education Act 1997 (inspection of local education authorities), in subsection (2A)(b), after “sections 25 and 26” insert “of the Children Act 2004”.

*Police Act 1997 (c. 50)*

- 29 In section 113F of the Police Act 1997 (criminal record certificates: supplementary), in subsection (1) –
- (a) before paragraph (a) insert –
- “(za) for the purposes of Part 3 of the Childcare Act 2006 (regulation of provision of childcare in England) and regulations made under it, the applicant’s suitability to look after or be in regular contact with children;”,
- (b) in paragraph (a), omit the words “England and”, and



- (c) in paragraph (c) omit the words “section 71 of the Children Act 1989 or”.

*School Standards and Framework Act 1998 (c. 31)*

- 30 In section 118 of the School Standards and Framework Act 1998 (duty of LEA as respects availability of nursery education) –
- (a) in subsection (1) after “a local education authority” insert “in Wales”, and
  - (b) in subsection (2)(b) for “the Secretary of State” substitute “the National Assembly for Wales”.
- 31 Section 118A of the School Standards and Framework Act 1998 (duties of LEA in respect of childcare) is omitted.
- 32 (1) Section 119 of the School Standards and Framework Act 1998 (early years development and childcare partnerships) is amended as follows.
- (2) In subsection (1), after “local education authority” insert “in Wales”.
  - (3) In subsection (2), for “the Secretary of State” substitute “the Assembly”.
  - (4) In subsection (5), omit paragraph (ab).
  - (5) In subsection (6), for “The Secretary of State” substitute “The Assembly”.
- 33 (1) Section 122 of the School Standards and Framework Act 1998 (inspection of nursery education) is amended as follows.
- (2) In the heading, after “nursery education” insert “in Wales”.
  - (3) In subsection (1), after “nursery education” insert “in Wales”.
- 34 In section 123 of the School Standards and Framework Act 1998 (children with special educational needs) –
- (a) in subsections (1)(a), (2) and (3A) for “relevant nursery education” substitute “relevant early years education”, and
  - (b) for subsection (4) substitute –
    - “(4) In this section “relevant early years education” means –
      - (a) in relation to England, early years provision as defined by section 20 of the Childcare Act 2006 which is provided under arrangements made by a local authority in England in pursuance of the duty imposed by section 7 of that Act (whether or not the local authority provides the early years provision);
      - (b) in relation to Wales, nursery education which is provided –
        - (i) by a local education authority in Wales, or
        - (ii) by any other person who is in receipt of financial assistance given by such an authority under arrangements made by them in pursuance of the duty imposed by section 118.”
- 35 In section 142 of the School Standards and Framework Act 1998 (general

interpretation) for subsection (5) substitute –

- “(5) For the purposes of this Act children are to be regarded as admitted to a school for nursery education if –
- (a) in the case of a school in England, they are admitted for early years provision as defined by section 20 of the Childcare Act 2006 and are not, or are not to be, placed on admission in a reception class or any more senior class, and
  - (b) in the case of a school in Wales, if they are, or are to be, placed on admission in a nursery class.”

- 36 (1) Schedule 26 to the School Standards and Framework Act 1998 (inspection of nursery education) is amended as follows.
- (2) In the title of the Schedule after “nursery education” insert “in Wales”.
  - (3) In paragraph 1(1) –
    - (a) in paragraph (za) after “school” (in each place where it occurs) insert “in Wales”;
    - (b) in paragraph (a) after “local education authority” insert “in Wales”;
    - (c) in paragraph (b) after “local education authority” insert “in Wales”.
  - (4) In paragraph 1(2) after “local education authority” insert “in Wales”.
  - (5) In paragraph 1(3)(b)(ii) after “local education authority” insert “in Wales”.
  - (6) In paragraph 2(1) –
    - (a) omit paragraph (a), and
    - (b) for paragraph (c) substitute –
      - “(c) “the Chief Inspector” (without more) means the Chief Inspector for Wales.”
  - (7) For paragraph 2(5) substitute –
    - “(5) In this Schedule, “well-being” in relation to children for whom nursery education is provided in Wales, is a reference to their well-being having regard to the matters mentioned in section 25(2) of the Children Act 2004.”
  - (8) In paragraph 3 for “the Secretary of State” substitute “the Assembly”.
  - (9) In paragraph 4 –
    - (a) for “the Secretary of State” (in both places where it occurs) substitute “the Assembly”, and
    - (b) for “the Secretary of State’s” substitute “the Assembly’s”.
  - (10) In paragraph 5 for “the Secretary of State” substitute “the Assembly”.
  - (11) Omit the following –
    - (a) paragraph 6A,
    - (b) in the cross-heading before paragraph 7, the words “6A or”,
    - (c) in paragraph 7, the words “6A or”,
    - (d) paragraph 13A,
    - (e) paragraph 14(1),
    - (f) in paragraph 16, the words “6A or”, and
    - (g) in paragraph 18, sub-paragraphs (1)(a) and (4)(a).

*Protection of Children Act 1999 (c. 14)*

- 37 In section 2A of the Protection of Children Act 1999 (power of certain authorities to refer individuals for inclusion in list of persons considered unsuitable to work with children), in subsection (1)(a) for “or Part XA of the Children Act 1989” substitute “, Part 10A of the Children Act 1989 or Part 3 of the Childcare Act 2006”.
- 38 In section 9 of the Protection of Children Act 1999 (the Tribunal), in subsection (2)–
- (a) omit the “or” at the end of paragraph (e), and
  - (b) at the end of paragraph (f) insert “or
  - (g) on an appeal under, or by virtue of, Part 3 of the Childcare Act 2006.”

*Criminal Justice and Court Services Act 2000 (c. 43)*

- 39 In section 36 of the Criminal Justice and Court Services Act 2000 (meaning of “regulated position”) in subsection (13) for paragraph (c) substitute –
- “(c) in relation to England –
    - (i) a person registered under Part 3 of the Childcare Act 2006, otherwise than as a childminder, for providing care on premises on which the child is cared for,
    - (ii) a person registered under Part 3 of that Act as a childminder who is providing early years or later years childminding (within the meaning of that Part of that Act) for the child,
  - (ca) in relation to Wales, a person registered under Part 10A of the Children Act 1989 for providing day care on premises on which the child is cared for, and”.
- 40 In section 42 of the Criminal Justice and Court Services Act 2000 (interpretation of Part 2) in subsection (1) for the definition of “day care premises” substitute –
- ““day care premises” means –
    - (a) in relation to England, premises in respect of which a person is registered, otherwise than as a childminder, under Part 3 of the Childcare Act 2006,
    - (b) in relation to Wales, premises in respect of which a person is registered under Part 10A of the Children Act 1989 for providing day care,”.

*Education Act 2002 (c. 32)*

- 41 In section 153 of the Education Act 2002 (powers of LEA in respect of funded nursery education)–
- (a) in subsection (1), after “local education authority” insert “in Wales”, and
  - (b) in subsection (2)(a), omit “the Secretary of State or (as respects local education authorities in Wales)”.
- 42 In section 176 of the Education Act 2002 (consultation with pupils) in

subsection (3) for the definition of “pupil” substitute—

““pupil” does not include a child who is being provided with early years education (whether at a school or elsewhere) and, for this purpose, “early years education” means—

- (a) in relation to England, early years provision as defined by section 20 of the Childcare Act 2006, and
- (b) in relation to Wales, nursery education.”

*Children Act 2004 (c. 31)*

43 In section 12 of the Children Act 2004 (information databases) in subsection (8) for paragraph (a) substitute—

“(a) a person registered under Part 3 of the Childcare Act 2006 (regulation of provision of childcare in England);”.

*Education Act 2005 (c. 18)*

44 In section 59(1) of the Education Act 2005 (combined reports)—

- (a) in paragraph (b) after “for children” insert “in Wales”,
- (b) in paragraph (c) after “nursery education” insert “in Wales”,
- (c) omit the “and” at the end of paragraph (c), and
- (d) at the end of paragraph (d) insert “and
- (e) Chapters 2 and 3 of Part 3 of the Childcare Act 2006 (regulation of early years and later years provision in England).”

### SCHEDULE 3

Section 103(2)

#### REPEALS

#### PART 1

#### THE CURRICULUM

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Education Act 1997 (c. 44)	In section 23— in subsection (1), paragraph (c) and the word “and” immediately preceding it; and subsection (2A).
Education Act 2002 (c. 32)	In section 76, the definitions of “early learning goals”, “the foundation stage”, and “pupil” and, in the definition of “school year”, the words from “and has a corresponding” to the end. Section 77. Section 78(2). In section 79— in subsection (4)(b), the words from “or the” to “nursery school”; and subsection (5). Section 81.

<i>Short title and chapter</i>	<i>Extent of repeal</i>
<p>Education Act 2002 (c. 32) –  <i>cont.</i></p>	<p>Section 83.                      In section 87 –                      subsection (2);                      in subsection (4), the words “(2) or”, in                      paragraph (a) the words “the foundation                      stage or” and “educational programme or”                      and in paragraph (b) the words from “(or the                      timetables” to “education”);                      in subsection (5), the words “(2) or”;                      subsection (6);                      in subsection (8), the words “(2)(c) or”;                      in subsection (10), the words “(6) or” and, in                      paragraph (a), the words from “or” to                      “provided”; and                      in subsection (11), the words “(2)(c) or” and                      “(6) or”.</p> <p>Section 89.                      In section 90, in subsection (1) the words “or                      maintained nursery school” and in subsection                      (3) the words “or a maintained nursery                      school”.</p> <p>In section 93(1) and (5), the words “or                      maintained nursery school”.</p> <p>In section 94(4)(a), the words “or maintained                      nursery school”.</p> <p>In section 96(1)(a), the words “83(3),”.</p> <p>Section 210(3)(c).                      In Schedule 17, paragraph 1(4) to (6).</p>

PART 2

OTHER REPEALS

<i>Short title and chapter</i>	<i>Extent of repeal</i>
<p>Children Act 1989 (c. 41)</p>	<p>In the heading of Part 10A, the words “England                      and”.</p> <p>Section 79B(1).                      Section 79C(1), (4) and (5).                      In section 79D(4), the words “(whether the                      contravention occurs in England or Wales)”.</p> <p>Section 79H(3).                      Section 79N.                      Sections 79Q and 79R.                      In section 79S(2), the words from “but the                      regulations” to the end of the subsection.                      In section 79U(1), the words “England or”.</p> <p>In section 105(5A)(b) the words “England and”.</p> <p>In Schedule 9A –                      (a) in paragraph 1(1)(c), the words “the                      Secretary of State or”, and                      (b) paragraph 8(1).</p>

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Police Act 1997 (c. 50)	In section 113F(1)– (a) in paragraph (a), the words “England and”, and (b) in paragraph (c), the words “section 71 of the Children Act 1989 or”.
School Standards and Framework Act 1998 (c. 31)	Section 118A. Section 119(5)(ab). In Schedule 26 – (a) paragraph 2(1)(a); (b) paragraph 6A; (c) in the cross-heading before paragraph 7, the words “6A, or”; (d) in paragraph 7, the words “6A or”; (e) paragraph 13A; (f) paragraph 14(1); (g) in paragraph 16, the words “6A or”; (h) in paragraph 18, sub-paragraphs (1)(a) and (4)(a).
Protection of Children Act 1999 (c. 14)	In section 9(2), the word “or” at the end of paragraph (e).
Education Act 2002 (c. 32)	Section 149(1). Section 150(1). In section 153(2)(a) the words “the Secretary of State or (as respects local education authorities in Wales)”.
Children Act 2004 (c. 31)	In section 18(2), the word “and” at the end of paragraph (d). In section 23(3), the word “and” at the end of paragraph (b).
Education Act 2005 (c. 18)	In section 59(1), the word “and” at the end of paragraph (c). In Schedule 7, paragraphs 1, 3, 4 and 10(6).



# Childcare Act 2016

## CHAPTER 5

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Explanatory Notes have been produced to assist in the understanding of this Act and are available separately

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£6.00







# Childcare Act 2016

## CHAPTER 5

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# Childcare Act 2016

## 2016 CHAPTER 5

An Act to make provision about free childcare for young children of working parents and about the publication of information about childcare and related matters by local authorities in England. [16th March 2016]

**B**E IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### *Availability of free childcare*

#### **1 Duty to secure 30 hours free childcare available for working parents**

- (1) The Secretary of State must secure that childcare is available free of charge for qualifying children of working parents for, or for a period equivalent to, 30 hours in each of 38 weeks in any year.
- (2) “Qualifying child of working parents” means a young child—
  - (a) who is under compulsory school age,
  - (b) who is in England,
  - (c) who is of a description specified in regulations made by the Secretary of State,
  - (d) in respect of whom any conditions relating to a parent of the child, or a partner of a parent of the child, which are specified in such regulations, are met, and
  - (e) in respect of whom a declaration has been made, in accordance with such regulations, to the effect that the requirements of paragraphs (a) to (d) are satisfied.
- (3) The conditions mentioned in subsection (2)(d) may, in particular, relate to the paid work undertaken by a parent or partner.
- (4) For the purposes of subsections (2) and (3), the Secretary of State may by regulations—

- (a) make provision about when a person is, or is not, to be regarded as another person's partner;
  - (b) make provision as to what is, or is not, paid work;
  - (c) specify circumstances in which a person is, or is not, to be regarded as in such work;
  - (d) make provision about—
    - (i) the form of a declaration and the manner in which it is to be made;
    - (ii) the conditions to be met by the person making a declaration;
    - (iii) the period for which a declaration has effect.
- (5) For the purposes of assisting the Secretary of State in the discharge of the duty imposed by subsection (1), the Commissioners for Her Majesty's Revenue and Customs may carry out functions in connection with the making of determinations as to whether a child is a qualifying child of working parents.
- (6) In determining, for the purposes of subsection (1), the amount of childcare that is available—
- (a) account is to be taken of any childcare available under the duty imposed by section 7(1) of the Childcare Act 2006 (duty of English local authorities to secure early years provision free of charge in accordance with regulations), but
  - (b) no account is to be taken of childcare available otherwise than by virtue of that duty or the duty imposed by subsection (1).
- (7) The Secretary of State must set out in regulations when a year begins for the purposes of determining in relation to a child whether the duty in subsection (1) has been discharged.
- (8) The Secretary of State may by regulations make provision about the circumstances in which a child is, or is not, in England for the purposes of this section.
- (9) In this section—
- “childcare” has the meaning given by section 18 of the Childcare Act 2006;
  - “parent”, in relation to a child, includes any individual who—
    - (a) has parental responsibility for the child, or
    - (b) has care of the child;
  - “parental responsibility” has the same meaning as in the Children Act 1989;
  - “young child”: a child is a “young child” during the period—
    - (a) beginning with the child's birth, and
    - (b) ending immediately before the 1 September next following the date on which the child attains the age of 5.

## 2 Discharging the section 1(1) duty

- (1) The Secretary of State may make regulations for the purpose of discharging the duty imposed by section 1(1) (“extended entitlement regulations”).
- (2) Extended entitlement regulations may (amongst other things)—
- (a) require an English local authority to secure that childcare of such a description as may be specified is made available free of charge for children in their area who are qualifying children of working parents;

- (b) make provision about how much childcare is to be so made available for each child, and about the times at which, and periods over which, that childcare is to be made available;
  - (c) make provision about the terms of any arrangements made between English local authorities and providers or arrangers of childcare for the purposes of meeting any requirement imposed under paragraph (a) or (b);
  - (d) impose obligations or confer powers on the Commissioners for Her Majesty's Revenue and Customs;
  - (e) make provision requiring information or documents to be provided by a person to the Secretary of State, the Commissioners for Her Majesty's Revenue and Customs or an English local authority;
  - (f) make provision for the purpose of enabling any person to check whether a child is a qualifying child of working parents;
  - (g) for that purpose, make provision about the disclosure of information held by a Minister of the Crown, the Commissioners for Her Majesty's Revenue and Customs or an English local authority;
  - (h) create criminal offences in connection with the onward disclosure of information obtained under paragraph (g) where that information relates to a particular person and is not disclosed in a way authorised by or specified in the regulations;
  - (i) make provision for reviews of, or appeals to the First-tier Tribunal against, determinations relating to a child's eligibility for childcare under section 1;
  - (j) make provision for a person specified in the regulations to impose financial penalties on persons in connection with—
    - (i) false or misleading information provided, or statements made or provided, in connection with a determination of a child's eligibility for childcare under section 1, or
    - (ii) dishonest conduct in connection with the process of making such a determination;
  - (k) require English local authorities, when discharging their duties under the regulations, to have regard to any guidance given from time to time by the Secretary of State.
- (3) Extended entitlement regulations which impose a duty, or confer a power, on the Commissioners for Her Majesty's Revenue and Customs, or authorise disclosure of information held by the Commissioners, may only be made with the consent of the Treasury.
- (4) In relation to a criminal offence created by virtue of subsection (2)(h), extended entitlement regulations may not provide for a penalty of imprisonment on conviction on indictment greater than imprisonment for a term not exceeding two years (whether or not accompanied by a fine).
- (5) If provision is made by virtue of subsection (2)(j)—
- (a) the maximum amount of any penalty that may be specified in, or determined in accordance with, the regulations is £3,000;
  - (b) the regulations must include provision enabling a person on whom a financial penalty is imposed—
    - (i) to require a review of the imposition of the penalty or its amount by the person who imposed the penalty;
    - (ii) to appeal against the imposition of the penalty or its amount to the First-tier Tribunal.

- (6) The Secretary of State may by regulations substitute a different amount for the amount for the time being specified in subsection (5)(a).
- (7) In section 15 of the Childcare Act 2006 (powers of Secretary of State to secure proper performance of English local authorities' powers and duties under Part 1 of that Act) references to Part 1 of that Act are to be read as including a reference to section 1 and this section.
- (8) In this section—  
 “childcare” has the meaning given by section 18 of the Childcare Act 2006;  
 “English local authority” means—  
 (a) a county council in England;  
 (b) a metropolitan district council;  
 (c) a non-metropolitan district council for an area for which there is no county council;  
 (d) a London borough council;  
 (e) the Common Council of the City of London (in their capacity as a local authority);  
 (f) the Council of the Isles of Scilly;  
 “parent” has the same meaning as in section 1;  
 “qualifying child of working parents” has the meaning given by section 1(2).

### 3 Sections 1 and 2: consequential amendments

- (1) In section 99 of the Childcare Act 2006 (provision of information about young children: England), in subsection (1), omit the “and” at the end of paragraph (aa) and after paragraph (b) insert “, and  
 (c) any other person who provides early years provision for the purposes of section 1(1) of the Childcare Act 2016 (Secretary of State’s duty to secure 30 hours free childcare available for working parents),”.
- (2) In Chapter 4 of Part 2 of the School Standards and Framework Act 1998 (financing of maintained schools)—  
 (a) in section 45A (determination of specified budgets of local authority), after subsection (4B) insert—  
 “(4C) For the purposes of this Part, a duty imposed on a local authority in England under section 2 of the Childcare Act 2016 (duties in connection with Secretary of State’s duty to secure 30 hours free childcare for working parents) is also to be treated as an education function of the authority.”;  
 (b) in section 47ZA (free of charge early years provision outside a maintained school: budgetary framework: England), in subsection (3), for paragraph (a) (but not the “and” after it) substitute—  
 “(a) for the purpose of the discharge of—  
 (i) the authority’s duty under section 7 of the Childcare Act 2006, or  
 (ii) a duty imposed on the authority under section 2 of the Childcare Act 2016,”.

#### **4 Supplementary provision about regulations under sections 1 and 2**

- (1) In this section “regulations” means regulations under section 1 or 2.
- (2) Regulations may –
  - (a) confer a discretion on any person;
  - (b) make different provision for different purposes;
  - (c) make consequential, incidental, supplemental, transitional or saving provision;
  - (d) amend, repeal or revoke any provision made by or under an Act (whenever passed or made).
- (3) Regulations are to be made by statutory instrument.
- (4) A statutory instrument containing (whether alone or with other provision) regulations mentioned in subsection (5) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (5) The regulations referred to in subsection (4) are –
  - (a) the first regulations made under section 1;
  - (b) the first regulations made under section 2(1);
  - (c) any regulations under section 2(6);
  - (d) any other regulations that amend or repeal provision made by an Act.
- (6) Any other statutory instrument containing regulations is subject to annulment in pursuance of a resolution of either House of Parliament.

#### *Publication of information*

#### **5 Duty to publish information about childcare and related matters**

In section 12 of the Childcare Act 2006 (duty to provide information, advice and assistance), after subsection (6) insert –

- “(6A) Regulations may require each English local authority to publish information which is of a prescribed description and relates to any of the matters mentioned in paragraphs (a) to (c) of subsection (2).
- (6B) Regulations under subsection (6A) may require information to be published –
  - (a) at prescribed intervals;
  - (b) in a prescribed manner.
- (6C) Subsection (3) applies in relation to information prescribed under subsection (6A) as it applies in relation to information prescribed under subsection (2).”

#### *General*

#### **6 Extent**

This Act extends to England and Wales only.

**7 Commencement**

- (1) The following provisions come into force on the day on which this Act is passed—
  - (a) section 1(5);
  - (b) section 6;
  - (c) this section;
  - (d) section 8.
- (2) The remaining provisions of this Act come into force on such day or days as may be appointed by regulations made by the Secretary of State.
- (3) Regulations under subsection (2) may appoint different days for different purposes or different areas.
- (4) The Secretary of State may by regulations make transitional or saving provision in connection with the coming into force of any provision of this Act.
- (5) Regulations under this section are to be made by statutory instrument.

**8 Short title**

This Act may be cited as the Childcare Act 2016.

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# Education Act 1996

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### EDUCATION ACT 1996

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### SCHEDULE 1 — Pupil referral units

#### *General adaptations of enactments*

- 1 References in any enactment to the proprietor or governing body...
- 2 References in any enactment to the head teacher of a...

#### *Modifications of enactments by regulations*

- 3 Regulations may provide for any enactments relating to schools maintained...
- 3A Regulations may also— (a) require a local authority in England...

#### *Registration*

- 4 (1) A person who is registered as a pupil at...

#### *Application of Local Government Act 1986*

- 5 A pupil referral unit is a maintained school for the...

#### *Curriculum*

- 6 (1) In relation to every pupil referral unit, the local...

#### *Discipline*

- 7 The teacher in charge of a pupil referral unit may...

#### *Sex education, political indoctrination and political issues*

- 8 Sections 403, 406 and 407 (sex education, political indoctrination, and...

#### *Charges*

- 9 (1) Chapter III of Part VI applies in relation to...



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*Application of Environmental Protection Act 1990*

10 A pupil referral unit is an educational institution for the...

*Information*

11 Each local authority shall— (a) on such occasions, and

*Disapplication of Schedule 4*

12 .....

*Children with special educational needs*

13 .....

*School attendance orders*

14 (1) Where a pupil referral unit is named in a...

*Management committees*

15 (1) Regulations may make provision— (a) for requiring any local...

SCHEDULE 2 —

*Status*

1 A funding authority shall not be regarded as the servant...

*Powers*

2 (1) Subject to sub-paragraph (2) below, a funding authority may...

3 (1) The Secretary of State may authorise a funding authority...

*Tenure of members*

4 (1) A person shall hold and vacate office as a...

5 If the Secretary of State is satisfied that a member...

*Salaries, allowances and pensions*

6 (1) A funding authority— (a) shall pay to their members...

*Staff*

7 (1) A funding authority may, with the approval of the...

*Chief officer*

8 (1) One of the employees of a funding authority shall...

*Superannuation of employees*

9 (1) Employment with a funding authority shall continue to be...

*Committees*

10 (1) A funding authority may establish a committee for any...

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### *Delegation of functions*

- 11 A funding authority may authorise the chairman, the chief officer...

### *Proceedings*

- 12 Without prejudice to any other rights the Secretary of State...  
13 The validity of any proceedings of a funding authority or...  
14 Subject to the preceding provisions of this Schedule, a funding...

### *Accounts*

- 15 (1) A funding authority shall— (a) keep proper accounts and...

### *Application of seal and proof of instruments*

- 16 The application of the seal of a funding authority shall...  
17 Any document purporting to be an instrument made or issued...

## SCHEDULE 3 —

### *Functions relating to grant-maintained schools*

- 1 (1) The Secretary of State may by order provide for...

### *Functions under agreements relating to CTCs and CCTAs*

- 2 (1) The Secretary of State may by order provide—

### *Functions in respect of grants for certain expenditure due to ethnic minority population*

- 3 (1) The Secretary of State may by order impose on...

## SCHEDULE 4 —

### Part I — INTRODUCTORY

- 1 (1) Where an order under section 27 is in force,...

### Part II — FUNCTIONS WHERE RESPONSIBILITY FOR PROVIDING SUFFICIENT SCHOOL PLACES IS SHARED

#### *Introductory*

- 2 If an order under section 27(1)(a) applies to the area...

#### *Responsibility for providing sufficient school places*

- 3 (1) If the schools providing relevant education which are available...  
Part III — FUNCTIONS WHERE RESPONSIBILITY FOR PROVIDING SUFFICIENT SCHOOL PLACES IS TRANSFERRED

#### *Introductory*

- 4 If an order under section 27(1)(b) applies to the area...

#### *Responsibility for providing sufficient school places*

- 5 (1) The duty under section 14(1) shall be discharged by...  
6 (1) The local education authority may continue to secure the...

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*Powers to establish, maintain and alter schools*

- 7 .....
- 8 .....

*Charges for board and lodging or independent education*

- 9 (1) Sub-paragraph (3) below applies where— (a) any pupil of...
- 10 (1) This paragraph applies where any pupil ordinarily resident in...
- 11 (1) Where a pupil in the area for whom a...
- 12 (1) Where a pupil in the area for whom a...

*General*

- 13 (1) The following provisions shall not apply—
- 14 (1) Section 438 shall have effect as if for subsection...  
Part IV — FUNCTIONS WHERE RESPONSIBILITY EITHER SHARED OR  
TRANSFERRED

*Introductory*

- 15 If an order under section 27(1)(a) or (b) applies to...

*Responsibility for providing sufficient school places*

- 16 In relation to any power under section 211 to publish...
- 17 (1) Where relevant education is only primary education—
- 18 The funding authority shall not by virtue of paragraph 3...

*Boarding schools*

- 19 The powers of the funding authority to publish proposals under...

*Other modifications of this Act*

- 20 Section 259 shall have effect as if the funding authority...
- 21 Section 267 shall have effect as if—
- 22 Section 272 shall have effect as if—
- 23 Section 426(4) shall have effect as if the reference to...

SCHEDULE 5 —

*Preservation of special agreements*

- 1 Any special agreement in force immediately before the commencement of...

*Variation of special agreements*

- 2 (1) A special agreement may be varied by a further...

*The grant requirements*

- 3 (1) A special agreement shall provide for the making of...

*Religious education*

- 4 (1) A special agreement may provide— (a) for the giving...

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*Repayment of grants*

- 5 Any grant made in respect of a school in pursuance...

*Modification of obligations with respect to repairs and alterations*

- 6 Where a special agreement is in force in relation to...

SCHEDULE 6 —

- 1 In connection with proposals by a local education authority under...  
2 Such an agreement shall not take effect unless it has...  
3 The Secretary of State shall not approve such an agreement...  
4 Before approving an agreement under this Schedule, the Secretary of...  
5 An agreement under this Schedule— (a) may provide for the...  
6 Where an agreement under this Schedule has been approved by...  
7 Where a person other than the governing body has a...  
8 In this Schedule “premises” includes a teacher’s dwelling-house.

SCHEDULE 7 —

*Name and seal of incorporated body*

- 1 (1) A governing body incorporated under section 88(1) shall be...

*Powers of incorporated body*

- 2 (1) A governing body incorporated under section 88(1) may do...

*Property, rights and liabilities*

- 3 On the incorporation under section 88(1) of a governing body...  
4 On the incorporation under section 88(1) of a governing body...

*Contracts of employment*

- 5 Without prejudice to the generality of paragraphs 3 and 4,...

*Dissolution and discontinuance*

- 6 (1) A governing body incorporated under section 88(1) are dissolved...  
7 (1) Where such a governing body are to be dissolved...  
8 (1) This paragraph applies where such a governing body dissolved...  
9 (1) This paragraph applies in relation to the governing body...  
10 For the purposes of this Schedule, references to the discontinuance...

*Supplementary provisions about transfers*

- 11 Where a transfer under this Schedule relates to registered land, ...  
12 Paragraphs 6 to 8 of Schedule 1.0 to the Education...

SCHEDULE 8 —

*Introductory*

- 1 In this Schedule, except where a school of a particular...

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*Co-option or other appointment of governors*

- 2 (1) Subject to sub-paragraph (2), where the instrument of government...
- 3 If— (a) the instrument of government for a school provides...
- 4 The instrument of government for a voluntary school shall name...

*Ex officio governors*

- 5 If a school has more than one head teacher (whether...
- 6 The instrument of government for a voluntary school may provide...

*Election of governors*

- 7 (1) In this paragraph “the appropriate authority”—

*Qualifications of governors and tenure of office*

- 8 No person shall be qualified for membership of a governing...
- 9 No person shall at any time hold more than one...
- 10 (1) Regulations may make provision as to the circumstances in...
- 11 (1) The instrument of government for a county, controlled or...
- 12 Any governor of a school may at any time resign...
- 13 (1) Any governor of a school who was appointed otherwise...

*Meetings and proceedings*

- 14 The proceedings of a governing body of a school shall...
- 15 (1) Regulations may make provision (including provision modifying the effect...
- 16 (1) No decision of a kind mentioned in sub-paragraph (2)...

*Information as to meetings and proceedings*

- 17 The minutes of the proceedings of the governing body of...
- 18 (1) Regulations may require the governing body of a school...

*Travelling and subsistence allowances*

- 19 Section 519 makes provision for a local education authority to...

*Information and training for governors*

- 20 (1) The local education authority shall secure that every governor...

*Conflict between instrument of government and regulations*

- 21 Any provision made by an instrument of government by virtue...

SCHEDULE 9 —

*Preliminary*

- 1 In this Schedule— “arrangement” means an arrangement made under section...

*Constitution of temporary governing bodies*

- 2 (1) Subject to the following provisions of this Schedule, a...

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- 3 (1) A local education authority shall not make an arrangement...

*Appointment of temporary governors*

- 4 The temporary parent governors of a new school shall, subject...  
 5 The temporary teacher governors of a new school shall, subject...  
 6 (1) Where— (a) two or more schools have been, or...  
 7 (1) No person shall be appointed under paragraph 4 or...  
 8 (1) Where any person, other than a prospective sponsor, appoints...  
 9 (1) Subject to sub-paragraph (2), where temporary governors are required...  
 10 If— (a) a temporary governor is to be appointed by...

*Qualifications of temporary governors and tenure of office*

- 11 No person shall be qualified for membership of a temporary...  
 12 (1) No person shall at any time hold more than...  
 13 Regulations may make provision as to the circumstances in which...  
 14 A member of a temporary governing body may at any...

*Meetings and proceedings*

- 15 (1) The proceedings of a temporary governing body shall not...  
 16 Regulations may make provision in relation to temporary governing bodies...  
 17 (1) Subject to sub-paragraph (2), the first meeting of a...

*Information as to meetings and proceedings*

- 18 The minutes of the proceedings of a temporary governing body...

*Travelling and subsistence allowances.*

- 19 Section 519 (allowances for governors) shall apply in relation to...

*Expenses of temporary governing bodies*

- 20 Where a temporary governing body are constituted for a new...

*Information for temporary governing bodies*

- 21 A local education authority shall secure that the temporary governing...

*Powers of the Secretary of State*

- 22 For the purposes of the following provisions—

SCHEDULE 10 —

*Time limit for constitution of governing body*

- 1 The local education authority shall secure that the governing body...

*Status of temporary governing body pending constitution of governing body*

- 2 Where the requirement for there to be an instrument of...

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*Role of temporary governing body as regards constitution of governing body*

- 3 (1) Before making an order under section 76 as to...
- 4 (1) A temporary governing body shall recommend (with reasons) persons...

*Initial constitution of governing body*

- 5 (1) When the requirement for there to be an instrument...

*Information about temporary governing body for successors*

- 6 (1) Immediately before the arrangement under which a temporary governing...

SCHEDULE 11 — Contents of statements under section 122(2) and section 124(1)

Part I — STATEMENTS UNDER SECTION 122(2)

- 1 (1) This Part of this Schedule applies to any statement...
- 2 The statement shall contain the following particulars in respect of...
- 3 (1) The statement shall also contain, with respect to each...
- 4 The statement shall contain such further information in respect of...

Part II — STATEMENTS UNDER SECTION 124(1)

- 5 (1) A statement prepared by a local authority under section...
- 6 (1) The statement shall also give, in relation to each...
- 7 The statement shall contain such further information in respect of...
- 8 Where only one school is required to be covered by...

SCHEDULE 12 — Financial delegation and new schools

*Preliminary*

- 1 In this Schedule “temporary governing body” does not include a...

*New county and voluntary schools*

- 2 (1) For the purposes of applying (in accordance with this...
- 3 (1) A new school which will be a county or...
- 4 (1) Where a school required to be covered by a...
- 5 The delegation requirement under a scheme shall not apply in...
- 6 Section 110 shall have effect, in relation to a new...
- 7 Section 122(7) shall not apply in relation to the temporary...

*New special schools*

- 8 (1) Any reference— (a) in section 120, to maintained special...
- 9 Section 124(8) shall not apply in relation to the temporary...

*Financial delegation apart from schemes*

- 10 Section 125 shall not apply in relation to a new...

SCHEDULE 13 — Staffing of county, controlled, special agreement and maintained special schools

*The selection panel*

- 1 (1) The articles of government for a county, controlled, special...

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- 2 Regulations may make provision as to the meetings and proceedings...

*Appointment of head teacher*

- 3 (1) The articles of government for a county, controlled, special...

*Appointment of deputy head teacher*

- 4 (1) The articles of government for a county, controlled, special...

*Appointment of other staff: general*

- 5 (1) The articles of government for a county, controlled, special...

*Appointment of other staff: vacancy advertised*

- 6 (1) The articles of government for any school to which...

*Appointment of other staff: vacancy not advertised*

- 7 (1) The articles of government for any school to which...

*Delegation of functions under paragraph 6 or 7*

- 8 (1) The articles of government for any school to which...

*Restriction on making appointment where vacancy advertised*

- 9 Where a local authority have advertised a vacancy in accordance...

*Consultation by local authority before appointing certain non-teaching staff*

- 10 The articles of government for a county, controlled, special agreement...

*Dismissal etc. of staff*

- 11 (1) The articles of government for a county, controlled, special...

SCHEDULE 14 —

*Introductory*

- 1 (1) In this Schedule “the school” means a county, controlled...

*Appointment of head teacher and deputy head teacher*

- 2 Paragraphs 3 to 7 apply in relation to an appointment...  
 3 The governing body shall notify the local education authority of...  
 4 (1) Where the vacancy is in the post of head...  
 5 Before recommending a person for appointment as head teacher or...  
 6 (1) The governing body shall appoint a selection panel consisting...  
 7 (1) The local education authority shall appoint the person recommended...

*Appointment of other teachers*

- 8 Subject to paragraph 9, paragraphs 10 to 14 apply in...  
 9 (1) Paragraphs 10 to 14 do not apply in relation...  
 10 Before taking any of the steps mentioned below, the governing...



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- 11 (1) The local education authority may nominate for consideration for...  
12 (1) The governing body may advertise the vacancy at any...  
13 (1) Where the governing body advertise the vacancy, they shall—...  
14 (1) The local education authority shall appoint the person recommended...  
15 The governing body may, in relation to the filling of...

*Advice of chief education officer on appointments of teachers*

- 16 (1) The chief education officer of the local education authority...

*Advice of head teacher on appointments of teachers*

- 17 Except in relation to the appointment of a head teacher—...

*Appointment of non-teaching staff*

- 18 (1) Where the governing body wish to appoint a person...  
19 (1) The local education authority shall appoint a person recommended...

*The clerk to the governing body*

- 20 (1) Where there is a vacancy in the office of...

*Discipline*

- 21 (1) The regulation of conduct and discipline in relation to...

*Suspension*

- 22 (1) Both the governing body and the head teacher shall...

*Dismissal, etc.*

- 23 (1) Where the governing body determine— (a) that any person...  
24 (1) Where paragraph 23(3) applies, no part of the costs...  
25 (1) The governing body shall— (a) make arrangements for giving...  
26 (1) The head teacher (except where he is the person...  
27 (1) The local education authority shall not dismiss a person...

*School meals staff*

- 28 Nothing in paragraphs 18, 19 and 21 to 27 applies...

SCHEDULE 15 —

Part I — COUNTY, CONTROLLED AND MAINTAINED SPECIAL SCHOOLS

*Preliminary*

- 1 The articles of government for a county, controlled or maintained...

*Reinstatement of permanently excluded pupils*

- 2 (1) Where the local education authority have been informed of...  
3 (1) The head teacher shall comply with any direction for...  
4 Where the governing body direct the head teacher to reinstate...

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*Reinstatement of pupils excluded for a fixed period*

- 5 (1) Where a pupil is excluded from the school for...  
6 (1) Where the local education authority— (a) have been informed...  
7 Where the governing body give any such direction as is...  
Part II — AIDED AND SPECIAL AGREEMENT SCHOOLS

*Preliminary*

- 8 The articles of government for an aided or a special...

*Reinstatement of permanently excluded pupils*

- 9 (1) Where the governing body have been informed of the...  
10 The head teacher shall comply with any direction for the...

*Reinstatement of pupils excluded for a fixed period*

- 11 (1) Where a pupil is excluded from the school for...  
12 (1) Before giving any such direction as is mentioned in...  
13 Where the governing body give any such direction as is...  
Part III — GENERAL

*Power to prescribe periods for the taking of any required steps*

- 14 Regulations may provide that, where a local education authority or...

*Meaning of “the relevant person”*

- 15 In this Schedule “the relevant person” means—

SCHEDULE 16 —

*Duty to inform parent or pupil of right of appeal*

- 1 (1) The articles of government for a county, controlled or...

*Suspension of direction for reinstatement pending appeal etc.*

- 2 (1) A direction for the reinstatement of a pupil given...

*Time limits and notices waiving right to appeal*

- 3 (1) No appeal under section 159(1)(a) or (2) against a...

*Appeal committees*

- 4 (1) Part I of Schedule 33 (school admission appeals) shall...

*Procedure on an appeal*

- 5 In the following provisions of this Schedule— “appeal” means an...  
6 An appeal shall be by notice in writing setting out...  
7 The appeal committee shall meet to consider an appeal—  
7A (1) For the purpose of fixing the time (falling within...  
8 (1) On an appeal by a pupil or parent the...  
9 (1) On an appeal by a governing body the appeal...  
10 (1) The body responsible for making any arrangements under section...

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- 11 (1) Appeals shall be heard in private except when the...
- 12 Two or more appeals may be combined and dealt with...
- 12A (1) In deciding— (a) whether the pupil in question should...
- 13 In the event of a disagreement between the members of...
- 14 The decision of an appeal committee and the grounds on...
- 15 (1) Subject to paragraphs 6 to 14, all matters relating...

*Notices*

- 16 (1) Where in accordance with paragraph 1(1) or (2) notice...

*Meaning of “the relevant person”*

- 17 In this Schedule “the relevant person” means—

*Power of Secretary of State to make amendments*

- 18 The Secretary of State may by order amend the preceding...

SCHEDULE 17 — Governors’ annual reports

*General*

- 1 (1) The articles of government for a county, voluntary or...
- 2 The report shall be as brief as is reasonably consistent...

*Requirements as to contents*

- 3 Where there is an obligation on the governing body (by...
- 4 The report shall— (a) give the name of each governor...
- 5 The report shall give such information as is available to...
- 6 The report shall contain a financial statement—
- 7 The report shall give such information about—
- 7A The report shall give the information about public examinations and...
- 8 The report shall describe what steps have been taken by...
- 9 The report shall draw attention to the information made available...
- 9A The report shall summarise, where the school is in England,...
- 9B The report shall give, where the school is in Wales,...
- 9C The report shall describe in general terms—
- 9D The report shall indicate in relation to the period since...
- 9E The report shall give the dates of the beginning and...
- 9F The report shall summarise any changes to information contained in...

*Power of Secretary of State to make amendments*

- 10 The Secretary of State may by order amend the preceding...

SCHEDULE 18 — Annual parents’ meetings

*Proceedings at an annual parents’ meeting*

- 1 The articles of government for a county, voluntary or maintained...
- 2 (1) The articles of government for a county, voluntary or...
- 3 No person who is not a parent of a registered...

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*Consideration of resolutions passed at an annual parents' meeting*

- 4 (1) The articles of government for a county, voluntary or...

*Determination of question whether person is to be treated as pupil's parent*

- 5 (1) The articles of government for a county, controlled or...

SCHEDULE 19 — Conduct and staffing of new county, voluntary and maintained special schools

Part I — GENERAL

*Articles of government for new schools*

- 1 (1) The requirement for there to be articles of government...  
2 Section 129(2) (amendment of articles) shall not apply in relation...

*Conduct of new schools: general*

- 3 The determination of those matters relating to the conduct of...  
4 Regulations may make in relation to consultation with temporary governing...

Part II — STAFFING OF NEW SCHOOLS: FINANCIAL DELEGATION NOT PROPOSED

*Staffing of new county, controlled or maintained special schools*

- 5 Subject to paragraph 19(4), paragraphs 6 to 11 apply in...  
6 (1) The complement of teaching and non-teaching posts for the...  
7 (1) Whenever a selection panel is required by virtue of...  
8 (1) Subject to sub-paragraph (2) below, sub-paragraphs (3) to (11)...  
9 (1) Subject to sub-paragraph (2) below, sub-paragraphs (3) to (11)...  
10 (1) The general staff appointment provisions shall apply in relation...  
11 (1) The clerk to the temporary governing body shall be...  
12 Subject to paragraph 19(4), a local authority shall, in discharging...

*Staffing of new aided schools*

- 13 Subject to paragraph 19(5), paragraphs 14 to 16 apply in...  
14 Subject to paragraph 15(1), the local authority and the temporary...  
15 (1) The first appointment of a clerk to the temporary...  
16 (1) The local authority shall, with a view to enabling...

*Expenditure on staff for new schools*

- 17 Where a temporary governing body are constituted for a new...  
Part III — STAFFING OF NEW SCHOOLS: FINANCIAL DELEGATION PROPOSED

*Adaptation of references*

- 18 For the purposes of the application (in accordance with paragraphs...

*Application or otherwise of provisions about staffing*

- 19 (1) Subject to paragraphs 20 to 24, section 136 or...  
20 Sections 136, 137 and 138 and Schedule 14 (staffing of...  
21 In the case of a new school which is a...

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- 22 Section 139(2) and (5) (payments in respect of dismissal) shall...  
23 Any provision included in a scheme by virtue of subsection...  
24 (1) Section 141 (amendment of articles) shall not apply in...  
Part IV — OTHER MATTERS RELATING TO CONDUCT ETC. OF NEW SCHOOLS

*Preparation of curriculum*

- 25 (1) The head teacher of a new school for which...

*School terms, holidays and sessions*

- 26 (1) Pending the coming into force of the articles of...

*Discipline*

- 27 Pending the coming into force of the articles of government...

*Reports and information*

- 28 (1) A temporary governing body shall provide the local authority...

*Consultation on expenditure by local authority*

- 29 (1) Where a temporary governing body have been constituted for...

SCHEDULE 20 —

Part I — PROPOSALS FOR ACQUISITION OF GRANT-MAINTAINED STATUS

*Publication of proposals and notice*

- 1 (1) Where proposals are required to be published under section...

*Statement to be annexed to proposals*

- 2 (1) There shall be annexed to any proposals published under...

*Statement to accompany published proposals*

- 3 Any proposals published under section 193 shall be accompanied by...

*Details of proposals*

- 4 (1) Any proposals published under section 193 shall—

*Objections to proposals*

- 5 Within the period of two months beginning with the date...

*Interpretation*

- 6 (1) For the purposes of this Part of this Schedule,...

Part II — PROPOSALS FOR ESTABLISHMENT OF NEW GRANT-MAINTAINED SCHOOL

*Content of proposals*

- 7 (1) Proposals published under section 211 or 212 shall—

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*Statement to be annexed to proposals*

- 8 There shall be annexed to any proposals published under section...

*Statement to accompany published proposals*

- 9 Any proposals published under section 211 or 212 shall be...

*Objections*

- 10 (1) Within the period of two months beginning with the...  
11 Within the period of two months beginning with the date...

*Approval of school premises*

- 12 (1) Where proposals for the establishment of a new grant-maintained...

SCHEDULE 21 —

*Introductory*

- 1 The functions conferred by or under paragraphs 2 to 5...

*Powers to contract, etc.*

- 2 The new governing body may— (a) enter into contracts including,...

*Access to school*

- 3 Any member of, or person authorised by, the new governing...

*Information*

- 4 (1) If the new governing body request the existing governing...

*General powers of Secretary of State*

- 5 (1) The Secretary of State may by order make such...

*Grants to new governing body*

- 6 (1) The funding authority may make grants to the new...

*Liability for expenses of new governing body*

- 7 The duty of a local education authority to maintain any...

SCHEDULE 22 — Governing bodies of grant-maintained schools

*Introductory*

- 1 In this Schedule— “school” means a grant-maintained school, and  
“instrument”,...

*Election of governors*

- 2 The instrument for a school may make provision—

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*Disqualification for, tenure of and removal from office*

- 3 A person who is a member of the teaching or...
- 4 The instrument for a school may make provision as to...
- 5 Subject to paragraph 10, the instrument for a school must...
- 6 (1) Subject to paragraph 10, the instrument for a school...
- 7 No provision made in the instrument by virtue of paragraph...
- 8 The instrument for a school must provide that any member...
- 9 (1) The instrument for a school must provide that any...

*Initial appointments: terms of office*

- 10 (1) The instrument for a school must, until every initial...

*Meetings and proceedings*

- 11 The proceedings of the governing body of a school shall...
- 12 Subject to the provisions of Chapter V of Part III...
- 13 (1) The instrument for a school may make provision as...

*Information as to meetings and proceedings*

- 14 (1) Regulations may require the governing body of a school...

*Allowances for governors*

- 15 .....

*Seal etc.*

- 16 (1) The application of the seal of the governing body...

SCHEDULE 23 — Content of articles of government for grant-maintained schools

*Introductory*

- 1 In this Schedule— “school” means a grant-maintained school, and “articles”,...

*Performance and delegation of functions*

- 2 (1) The articles must make provision as to the functions...

*Staff*

- 3 (1) The articles must include provision as to—

*Curriculum*

- 4 (1) The articles must include provision for securing the discharge...

*Admission arrangements*

- 5 (1) The articles must— (a) provide for the governing body...

*Appeals relating to admission and exclusion of pupils*

- 6 (1) The articles must include provision as to the arrangements...

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*Annual reports*

- 7 (1) The articles must require the governing body to prepare...

*Annual parents' meetings*

- 8 (1) The articles must require the governing body, subject to...

SCHEDULE 24 — Categories of governors

Part I — INTRODUCTORY

*Application*

- 1 (1) This Schedule applies, in relation to the governing body...

*General interpretation*

- 2 References to an initial governor are to any person who...  
3 References to a governor of an elected category are to...  
4 In relation to any proposals for acquisition of grant-maintained status...

Part II — INITIAL GOVERNORS

*Parent governors*

- 5 (1) In relation to a governing body to be incorporated...

*Teacher governors*

- 6 (1) In relation to a governing body to be incorporated...

*First governors*

- 7 (1) In relation to a governing body to be incorporated...

*Foundation governors*

- 8 (1) In relation to a governing body to be incorporated...

*Sponsor governors*

- 9 In relation to a governing body to be incorporated under...  
Part III — GOVERNORS OTHER THAN INITIAL GOVERNORS

*Parent governors*

- 10 (1) “Parent governor” means a person who—

*Teacher governors*

- 11 (1) “Teacher governor” means a person who—

*First governors*

- 12 “First governor” means— (a) a person appointed by the governing...

*Foundation governors*

- 13 “Foundation governor” means a person who— (a) is appointed otherwise...



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*Sponsor governors*

- 14 “Sponsor governor” means— (a) a person appointed by a person...

SCHEDULE 25 — Core governors for groups

*Introductory*

- 1 The provision made for core governors in the instrument of...

*Kinds of core governor*

- 2 (1) Core governors may be either— (a) appointed by the...

*Groups consisting only of former voluntary schools or section 212 schools*

- 3 (1) This paragraph applies in the case of such a...

*Other groups*

- 4 (1) This paragraph applies in the case of a group...

Schedule 25A — Appeals against exclusion of pupils from grant-maintained schools

*Introductory*

- 1 In this Schedule— “ appeal ” means an appeal mentioned...

*Procedure on appeal*

- 2 An appeal shall be by notice in writing setting out...  
3 (1) Subject to sub-paragraph (2), the appeal committee shall meet...  
4 (1) For the purpose of fixing the time (falling within...  
5 (1) The appeal committee shall give the relevant person an...  
6 An appeal shall be held in private except when otherwise...  
7 Two or more appeals may be combined and dealt with...  
8 (1) In deciding whether the pupil in question should be...  
9 In the event of a disagreement between the members of...  
10 Subject to paragraph 11, the decision of the appeal committee...  
11 Where the governing body extend the period for the consideration...  
12 Subject to paragraphs 2 to 11, all matters relating to...  
13 (1) Subject to sub-paragraph (2), where joint arrangements for appeals...

*Power of Secretary of State to make amendments*

- 14 The Secretary of State may by order amend the preceding...

SCHEDULE 26 — Making of assessments under section 323

*Introductory*

- 1 In this Schedule “assessment” means an assessment of a child’s...

*Medical and other advice*

- 2 (1) Regulations shall make provision as to the advice which...

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*Manner, and timing, of assessments, etc.*

- 3 (1) Regulations may make provision— (a) as to the manner...

*Attendance at examinations*

- 4 (1) Where a local authority are considering whether to make...

*Offence*

- 5 (1) Any parent who fails without reasonable excuse to comply...

SCHEDULE 27 — Making and maintenance of statements under section 324

*Introductory*

- 1 In this Schedule— “ amendment notice ” has the meaning...

*Copy of proposed statement*

- 2 (1) Before making a statement, a local authority shall serve...

2A *Amendments to a statement*

2B *Provision of additional information*

*Choice of school*

- 3 (1) Every local authority shall make arrangements for enabling a...

3A *Consultation on specifying name of school in statement*

*Representations*

- 4 (1) A parent on whom a copy of a proposed...

*Making the statement*

- 5 (1) Where representations are made to a local authority under...

*Service of statement*

- 6 (1) Where a local authority make or amend a statement...

*Keeping, disclosure and transfer of statements*

- 7 (1) Regulations may make provision as to the keeping and...

*Change of named school*

- 8 (1) Sub-paragraph (2) applies where— (a) the parent of a...

*Procedure for amending or ceasing to maintain a statement*

- 9 (1) A local authority may not . . . cease...

10 . . . . .

- 11 (1) A local authority may cease to maintain a statement...

SCHEDULE 28 —

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*Constitution of governing body and conduct of school*

- 1 (1) For every governing body of a grant-maintained special school...

*Initial instruments and articles of government*

- 2 (1) The initial instrument of government for the governing body...

*Subsequent instruments of government*

- 3 (1) The Secretary of State may— (a) if the governing...

*Subsequent articles of government*

- 4 (1) The governing body of a grant-maintained special school may...

*Parent governors*

- 5 (1) The instrument of government for the governing body of...

*Teacher governors*

- 6 (1) The instrument of government for the governing body of...

*Head teacher*

- 7 The instrument of government for the governing body of a...

*First governors*

- 8 (1) The instrument of government for the governing body of...

*Power of Secretary of State to replace first governors*

- 9 (1) The instrument of government for the governing body of...

*Sponsor governors*

- 10 The instrument of government for the governing body of a...

*Additional governors*

- 11 (1) The instrument of government for the governing body of...

*Powers*

- 12 Section 231 of this Act shall have effect in relation...

*Transitory provisions*

- 13 Regulations may modify the provisions of paragraphs 5 to 12...

*General application of enactments*

- 14 In relation to any governing body incorporated in pursuance of...

- 15 Each of sections 306A (responsibility for discipline) and 307  
(exclusion...

- 16 Section 307A and Schedule 25A (exclusion appeals) apply in relation...

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#### *Status*

- 1 The Authority shall not be regarded as a servant or...

#### *Powers*

- 2 (1) The Authority may do anything which is calculated to...  
3 (1) The Authority may also give to any person or...

#### *Chief officer*

- 4 The Authority shall have a chief officer who shall be...

#### *Chairman and chief officer: division of functions*

- 5 (1) The Secretary of State may, on appointing a person...

#### *Tenure of office*

- 6 (1) A person shall hold and vacate office as a...  
7 The Secretary of State may, if satisfied that a member...  
8 If the chairman or deputy chairman of the Authority ceases...

#### *Payments to members*

- 9 (1) The Authority shall pay to their members such salaries...

#### *Staff*

- 10 Subject to the approval of the Secretary of State, given...  
11 (1) Employment with the Authority shall continue to be included...

#### *Finance*

- 12 (1) The Secretary of State may make grants to the...

#### *Committees*

- 13 (1) The Authority may establish a committee for any purpose....

#### *Delegation of functions*

- 14 The Authority may authorise the chairman, the deputy chairman, the...

#### *Proceedings*

- 15 (1) A representative of the Secretary of State shall be...  
16 (1) Her Majesty's Chief Inspector of Schools in England, or...  
17 (1) The chairman of the Curriculum and Assessment Authority for...  
18 The validity of the Authority's proceedings shall not be affected...  
19 Subject to the preceding provisions of this Schedule, the Authority...

#### *Accounts*

- 20 (1) The Authority shall— (a) keep proper accounts and proper...

#### *Documents*

- 21 The application of the seal of the Authority shall be...

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22 Any document purporting to be an instrument made or issued...

SCHEDULE 30 —

*Status*

1 The Authority shall not be regarded as a servant or...

*Powers*

2 (1) The Authority may do anything which is calculated to...

3 (1) The Authority may also give to any person or...

*Chief officer*

4 (1) The Authority shall have a chief officer who shall...

*Tenure of office*

5 (1) A person shall hold and vacate office as a...

6 The Secretary of State may, if satisfied that a member...

7 If the chairman or deputy chairman of the Authority ceases...

*Payments to members*

8 (1) The Authority shall pay to their members such salaries...

*Staff*

9 Subject to the approval of the Secretary of State, given...

10 (1) Employment with the Authority shall continue to be included...

*Finance*

11 (1) The Secretary of State may make grants to the...

*Committees*

12 (1) The Authority may establish a committee for any purpose....

*Delegation of functions*

13 The Authority may authorise the chairman, the deputy chairman, the...

*Proceedings*

14 (1) The chairman of the School Curriculum and Assessment Authority,...

15 The validity of the Authority's proceedings shall not be affected...

16 Subject to the preceding provisions of this Schedule, the Authority...

*Accounts*

17 (1) The Authority shall— (a) keep proper accounts and proper...

*Documents*

18 The application of the Authority's seal shall be authenticated by...

19 Any document purporting to be an instrument made or issued...

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SCHEDULE 31 — Agreed syllabuses of religious education

*Duty to convene conference to reconsider agreed syllabus*

- 1 (1) Where the agreed syllabus for the time being adopted...
- 2 (1) A local authority shall from time to time cause...
- 3 On receipt by a local authority of written notification of...

*Constitution of conference*

- 4 (1) A conference convened under this Schedule shall consist of...
- 5 Any sub-committees appointed by the conference shall each include at...
- 6 On any question to be decided by the conference or...
- 7 (1) Before appointing a person to represent any religion, denomination...
- 8 A person appointed as a member of a committee—
- 9 Where a person resigns or is withdrawn from a committee,...

*Reconsideration of agreed syllabus*

- 10 (1) This paragraph applies where a local authority cause a...
- 11 .....

*Preparation of new syllabus by appointed body*

- 12 (1) Where required by paragraph 10 to proceed in accordance...
- 13 (1) The appointed body shall— (a) give the local authority,...
- 14 The syllabus prepared by the appointed body shall be deemed...

*Special provisions applicable where order under section 27(1)(b) applies*

- 15 .....

SCHEDULE 32 —

*Proposals for reduction of standard number*

- 1 Where the admission authority for a county or voluntary school...
- 2 The published proposals shall be accompanied by a statement explaining...
- 3 (1) Where the local education authority are the admission authority,...
- 4 Where the governing body are the admission authority, objections to...

*Order of Secretary of State*

- 5 (1) Subject to sub-paragraph (2), where an application is made...

*Consultation before making application*

- 6 (1) Where the local education authority are the admission authority...

*References to date of publication of proposals*

- 7 (1) References in this Schedule, in relation to proposals under...

SCHEDULE 33 —

Part I — CONSTITUTION OF APPEAL COMMITTEES

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*Appeal arrangements made by local education authorities*

- 1 (1) An appeal pursuant to arrangements made by a local...

*Appeal arrangements made by governing bodies*

- 2 (1) An appeal pursuant to arrangements made by the governing...  
3 Where (by virtue of section 423(3)) joint arrangements are made...  
4 An appeal committee constituted in accordance with paragraph 2 (or...

*Lay members*

- 5 (1) A person is eligible to be a lay member...  
6 The Secretary of State may by regulations require any local...

*Indemnity*

- 7 Any local education authority or governing body required to make...  
Part II — PROCEDURE  
8 In this Part “appeal” means an appeal pursuant to any...  
9 An appeal shall be by notice in writing setting out...  
10 An appeal committee shall give the appellant an opportunity of...  
11 The matters to be taken into account by an appeal...  
12 (1) Appeals shall be heard in private except when the...  
13 In the event of a disagreement between the members of...  
14 The decision of an appeal committee and the grounds on...  
15 (1) Subject to paragraphs 9 to 14, all matters relating...

Schedule 33A —

*Duty to notify governing body of decision to admit child*

- 1 Where any such decision as is mentioned in section 423A(2)...

*Time limit on appealing*

- 2 An appeal by the governing body against any such decision...

*Appeal committees*

- 3 (1) Subject to sub-paragraphs (2) and (3) below, paragraphs 1,...

*Procedure on an appeal*

- 4 In the following provisions of this Schedule— “appeal” means an...  
5 An appeal shall be by notice in writing setting out...  
6 The appeal committee shall meet to consider an appeal—  
7 On an appeal the committee shall allow—  
8 In considering an appeal the appeal committee shall have regard...  
9 Appeals shall be heard in private except when otherwise directed...  
10 Two or more appeals may be combined and dealt with...  
11 In the event of a disagreement between the members of...  
12 The decision of an appeal committee and the grounds on...  
13 (1) Subject to paragraphs 5 to 12, all matters relating...

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*Power of Secretary of State to make amendments*

14 The Secretary of State may by order amend the preceding...

Schedule 33B —

*Home-school partnership documents*

1 (1) The admission arrangements for a grant-maintained school may include...

*Effect of home-school partnership document*

2 (1) This paragraph applies where the admission arrangements for a...

*Restriction of right to refuse admission to partially-selective school*

3 (1) An application for the admission of a child to...

*No requirement to admit children permanently excluded from two or more schools*

4 (1) The governing body of a grant-maintained school shall not...

SCHEDULE 34 — Independent Schools Tribunals

...

Independent Schools Tribunals  
Independent Schools Tribunals  
Independent Schools Tribunals  
Independent Schools Tribunals  
Independent Schools Tribunals

SCHEDULE 35 —

- 1 (1) A participation agreement shall provide that it may be...
- 2 The proprietors of the school may terminate a participation agreement...
- 3 Subject to paragraph 4, the Secretary of State may terminate...
- 4 (1) If in the case of a participation agreement the...
- 5 A notice of termination given under paragraph 3 or 4...
- 6 The termination of a participation agreement shall not affect the...

SCHEDULE 35A — Academies: land

- 1 *Transfer schemes*
- 2 *Restriction on disposal*
- 3 (1) This paragraph applies if an authority makes a disposal...
- 4 (1) For the purposes of paragraphs 2 and 3—
- 5 *Restriction on appropriation*
- 6 (1) This paragraph applies if an authority makes an appropriation...
- 7 *Duty to inform*
- 8 *Former Academies*
- 9 *Disapplication of rule against perpetuities*
- 10 *Other Acts*
- 11 *Regulations*
- 12 *Class consents*
- 13 *Interpretation*



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SCHEDULE 35B — Meaning of “eligible child” for purposes of section 508B

1 For the purposes of section 508B (travel arrangements for eligible...

*Children with special educational needs, a disability or mobility problems*

2 A child falls within this paragraph if—

3 A child falls within this paragraph if—

*Children who cannot reasonably be expected to walk because of nature of routes*

4 A child falls within this paragraph if—

5 A child falls within this paragraph if—

*Children outside walking distance where no suitable alternative arrangements made*

6 A child falls within this paragraph if—

7 A child falls within this paragraph if—

8 (1) Where— (a) a child of compulsory school age has...

*Children entitled to free school meals etc*

9 A child falls within this paragraph if—

10 A child falls within this paragraph if—

11 A child falls within this paragraph if—

12 A child falls within this paragraph if—

13 A child falls within this paragraph if—

14 (1) For the purposes of paragraphs 9 to 13, the...

*Meaning of “qualifying school” etc*

15 (1) The definitions in sub-paragraphs (2) to (5) apply for...

SCHEDULE 35C — School Travel Schemes

*Power to make scheme*

1 (1) A local authority in England may make a school...

*Arrangements to be included in scheme*

2 (1) A school travel scheme must set out (in general...

*Travel arrangements for “eligible children”*

3 (1) A school travel scheme must require that, in the...

4 (1) For the purposes of paragraph 3, an “eligible child”...

*Charges*

5 (1) A school travel scheme must set out the policy...

6 (1) For the purposes of paragraph 5, a “protected child”...

7 (1) For the purposes of paragraph 5(3), a child falls...

8 Any sum payable in respect of a charge for anything...

9 (1) This paragraph applies if a school travel scheme will...

*Commencement of scheme*

10 (1) A school travel scheme is not to come into...

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*Amendment or revocation of scheme*

- 11 (1) The scheme authority may amend or revoke a school...

*Provision of information*

- 12 (1) The scheme authority must— (a) make such reports and...

*Guidance*

- 13 (1) The Secretary of State must issue, and may from...

*Interpretation*

- 14 In this Schedule— “ disabled child ” means a child...

SCHEDULE 36 — Uniform statutory trusts for educational endowments

- 1 The trustees may, after payment of any expenses incurred in...
- 2 The trustees may also, after payment of any expenses incurred...

SCHEDULE 36A — Education functions

- 1 Functions conferred on a local authority under the Education Acts...
- 2 Functions conferred on a local authority under the enactments specified...

SCHEDULE 37 — Consequential amendments

Part I — AMENDMENTS COMING INTO FORCE ON 1ST NOVEMBER 1996

*Children and Young Persons Act 1933 (c. 12)*

- 1 Section 96 of the Children and Young Persons Act 1933...

*Public Records Act 1958 (c. 51)*

- 2 In Schedule 1 to the Public Records Act 1958 (definition...

*Church Schools (Assistance by Church Commissioners) Measure 1958 (1958 No. 2)*

- 3 In section 2(1) of the Church Schools (Assistance by Church...

*Education Act 1962 (c. 12)*

- 4 (1) Section 1 of the Education Act 1962 (local authority...
- 5 In section 3(c)(i) of that Act (awards by Secretary of...
- 6 For section 14(4) of that Act there is substituted—
- 7 In paragraph 2 of Schedule 1 to that Act (ordinary...

*London Government Act 1963 (c. 33)*

- 8 In section 30(1) of the London Government Act 1963 (local...
- 9 .....

*Children and Young Persons Act 1963 (c. 37)*

- 10 In section 37(3) of the Children and Young Persons Act...
- 11 In section 38 of that Act (restriction on licences for...

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*Veterinary Surgeons Act 1966 (c. 36)*

- 12 In Schedule 3 to the Veterinary Surgeons Act 1966 (exemptions...

*Education Act 1967 (c. 3)*

- 13 In section 6(2) of the Education Act 1967 (construction as...

*Public Expenditure and Receipts Act 1968 (c. 14)*

- 14 In Schedule 3 to the Public Expenditure and Receipts Act...

*Children and Young Persons Act 1969 (c. 54)*

- 15 .....  
16 .....

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

- 17 .....

*Local Authority Social Services Act 1970 (c. 42)*

- 18 In Schedule 1 to the Local Authority Social Services Act...

*Chronically Sick and Disabled Persons Act 1970 (c. 44)*

- 19 In section 8(2) of the Chronically Sick and Disabled Persons...

*Pensions (Increase) Act 1971 (c. 56)*

- 20 In Part II of Schedule 2 to the Pensions (Increase)...

*Superannuation Act 1972 (c. 11)*

- 21 (1) Schedule 1 to the Superannuation Act 1972 shall continue—...

*Local Government Act 1972 (c. 70)*

- 22 (1) Section 104(2)(a) of the Local Government Act 1972 (teachers...  
23 In section 112(4)(b) of that Act (appointment of staff) for...  
24 In section 139(4) of that Act (acceptance of gifts of...  
25 In section 177(1) of that Act (supplementary provisions as to...

*Fair Trading Act 1973 (c. 41)*

- 26 In Schedule 4 to the Fair Trading Act 1973 (services...

*Local Government Act 1974 (c. 7)*

- 27 .....  
28 In section 31A(2) of that Act (consideration of adverse reports)...  
29 In paragraph 5(1) of Schedule 5 to that Act (matters...

*House of Commons Disqualification Act 1975 (c. 24)*

- 30 (1) Part III of Schedule 1 to the House of...

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*Sex Discrimination Act 1975 (c. 65)*

- 31 .....
- 32 In section 23A of that Act (discrimination by Further Education...
- 33 .....
- 34 In section 24(2)(c) of that Act (designated establishments) for “the...
- 35 (1) Section 25 of that Act (general duty in public...
- 36 In section 82 of that Act (general interpretation), in subsection...
- 37 In Schedule 2 to that Act (transitional exemption orders for...

*Restrictive Trade Practices Act 1976 (c. 34)*

- 38 In Schedule 1 to the Restrictive Trade Practices Act 1976...

*Race Relations Act 1976 (c. 74)*

- 39 .....
- 40 .....
- 41 .....
- 42 (1) Section 19 of that Act (general duty in public...
- 43 .....

*National Health Service Act 1977 (c. 49)*

- 44 In section 28A(2)(c) of the National Health Service Act 1977...
- 45 In section 128(1) of that Act (interpretation), in the definition...
- 46 In Schedule 1 to that Act (medical and dental inspection...

*Education Act 1980 (c.20)*

- 47 (1) Section 38 of the Education Act 1980 (citation etc.)...

*Education (Scotland) Act 1980 (c. 44)*

- 48 (1) Section 48A of the Education (Scotland) Act 1980 (corporal...

*Local Government, Planning and Land Act 1980 (c.65)*

- 49 In paragraph 10 of Schedule 10 to the Local Government,...

*Acquisition of Land Act 1981 (c. 67)*

- 50 In section 1(2) of the Acquisition of Land Act 1981...
- 51 (1) Section 17(4) of that Act (statutory undertakers) shall have...

*Greater London Council (General Powers) Act 1981 (c. xvii)*

- 52 In section 16 of the Greater London Council (General Powers)...

*Agricultural Training Board Act 1982 (c. 9)*

- 53 In section 4(5) of the Agricultural Training Board Act 1982...

*Industrial Training Act 1982 (c. 10)*

- 54 In section 5 of the Industrial Training Act 1982 (functions...

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*Local Government (Miscellaneous Provisions) Act 1982 (c. 30)*

55 In section 40 of the Local Government (Miscellaneous Provisions) Act...

*Representation of the People Act 1983 (c. 2)*

56 (1) Paragraph 22 of Schedule 1 to the Representation of...

*Education (Fees and Awards) Act 1983 (c. 40)*

57 In section 1(4) of the Education (Fees and Awards) Act...

*Registered Homes Act 1984 (c. 23)*

58 .....

*Building Act 1984 (c. 55)*

59 In section 4(1)(a) of the Building Act 1984 (exemption of...

*Greater London Council (General Powers) Act 1984 (c. xxvii)*

60 In section 10(2)(g) of the Greater London Council (General Powers)...

*Further Education Act 1985 (c. 47)*

61 In section 8(3) (short title etc.) for “the Education Act...

*Housing Act 1985 (c. 68)*

62 In Schedule 1 (tenancies which are not secure tenancies), in...

*Local Government Act 1986 (c. 10)*

63 .....

*Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)*

64 (1) Section 5 of the Disabled Persons (Services, Consultation and...

*Education (No. 2) Act 1986 (c. 61)*

65 (1) Section 50 of the Education ( No. 2) Act...

66 (1) Section 67 of that Act (short title etc.) shall...

*Reverter of Sites Act 1987 (c. 15)*

67 (1) The Reverter of Sites Act 1987 shall be amended...

*Local Government Act 1988 (c. 9)*

68 In paragraph 8(3)(a) of Schedule 1 to the Local Government...

*Criminal Justice Act 1988 (c. 33)*

69 In section 139A(6) and (7) of the Criminal Justice Act...

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*Education Reform Act 1988 (c. 40)*

- 70 .....  
 71 In section 161(1)(b)(i) of that Act (interpretation of Part II)...  
 72 In section 163(1) of that Act (new education authorities for...  
 73 In section 166(5) of that Act (responsibility for schools) for...  
 74 (1) Section 197 of that Act (Education Transfer Council) shall...  
 75 .....  
 76 (1) Section 218 of that Act (school and further and...  
 77 For section 219 of that Act there is substituted— Powers...  
 78 .....  
 79 In section 228 of that Act (transfer of property to...  
 80 In section 232 of that Act (orders and regulations)—  
 81 (1) Section 235 of that Act (general interpretation) shall be...  
 82 (1) Schedule 10 to that Act (supplementary provisions with respect...

*Copyright, Designs and Patents Act 1988 (c. 48)*

- 83 In section 174(3) of the Copyright, Patents and Designs Act...

*Children Act 1989 (c. 41)*

- 84 In section 28(4) of the Children Act 1989 (local authority...  
 85 In section 36(5) of that Act (education supervision orders:  
 presumption...  
 86 .....  
 87 In section 87(10) of that Act (welfare of children accommodated...  
 88 .....  
 89 .....  
 90 In section 91(5) of that Act (effect and duration of...  
 91 In section 105(1) of that Act (interpretation) for “the Education...  
 92 In paragraph 3(b) of Schedule 2 to that Act (local...  
 93 (1) Part III of Schedule 3 to that Act (education...  
 94 (1) Paragraph 3 of Schedule 9 to that Act (child...

*Local Government and Housing Act 1989 (c. 42)*

- 95 In section 2(6)(a) of the Local Government and Housing Act...  
 96 (1) Section 13 of that Act (voting rights of members...  
 97 .....

*Education (Student Loans) Act 1990 (c. 6)*

- 98 In section 1(3)(a) of the Education (Student Loans) Act 1990...

*Town and Country Planning Act 1990 (c. 8)*

- 99 In section 76 of the Town and Country Planning Act...

*Environmental Protection Act 1990 (c. 43)*

- 100 In section 98(2) of the Environmental Protection Act 1990 (definitions)  
 —...

*School Teachers’ Pay and Conditions Act 1991 (c. 49)*

- 101 (1) The School Teachers’ Pay and Conditions Act 1991—

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*Diocesan Boards of Education Measure 1991 (1991 No. 2)*

- 102 .....
- 103 .....
- 104 (1) Section 6 of that Measure (Board to be consulted...
- 105 .....
- 106 .....
- 107 .....

*Further and Higher Education Act 1992 (c. 13)*

- 108 .....
- 109 In section 28(3)(a) of that Act (institutions which are grant-aided...
- 110 (1) Section 37 of that Act (attribution of surpluses and...
- 111 In section 54(2) of that Act (duty to give information)...
- 112 .....
- 113 For section 57(6) of that Act (intervention in event of...
- 114 In section 89(5) of that Act (orders, regulations and directions)...
- 115 (1) Section 90 of that Act (interpretation) shall be amended...
- 116 In section 92 of that Act (Index)—
- 117 (1) Schedule 8 to that Act— (a) shall continue to...

*Tribunals and Inquiries Act 1992 (c. 53)*

- 118 (1) The Tribunals and Inquiries Act 1992 shall be amended...

*Charities Act 1993 (c. 10)*

- 119 For section 79(9) of the Charities Act 1993 (parochial charities)...
- 120 (1) Schedule 2 to that Act (exempt charities) shall continue...
- 121 At the end of paragraph 1(b) of Schedule 4 to...

*Welsh Language Act 1993 (c. 38)*

- 122 .....

*Local Government (Wales) Act 1994 (c. 19)*

- 123 (1) Section 30 of the Local Government (Wales) Act 1994...
- 124 (1) Section 31 of that Act (sub-committees of area committees)...

*Value Added Tax Act 1994 (c. 23)*

- 125 In Schedule 9 to the Value Added Tax Act 1994...

*Education Act 1994 (c. 30)*

- 126 After section 11 of the Education Act 1994 there is...
- 127 (1) Section 12 of that Act (power of schools to...
- 128 In section 19 of that Act (interpretation)—

*Disability Discrimination Act 1995 (c. 50)*

- 129 .....

*Employment Rights Act 1996 (c. 18)*

- 130 In section 134(1) of the Employment Rights Act 1996 (dismissal)...

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*Nursery Education and Grant-Maintained Schools Act 1996 (c. 57)*

- 131 (1) Section 4 of the Nursery Education and Grant-Maintained Schools...  
 132 In section 11 of that Act (citation etc.) for subsection...  
 Part II — AMENDMENTS COMING INTO FORCE ON APPOINTED DAY

*Children and Young Persons Act 1933 (c. 12)*

- 133 In section 30(1)(a) of the Children and Young Persons Act...

*Agriculture (Safety, Health and Welfare Provisions) Act 1956 (c. 49)*

- 134 In section 24(1) of the Agriculture (Safety, Health and Welfare...

*Factories Act 1961 (c. 34)*

- 135 In section 176(1) of the Factories Act 1961 (general interpretation)...

*Matrimonial Causes Act 1973 (c. 18)*

- 136 In section 29(2)(a) of the Matrimonial Causes Act 1973 (age...

*Sex Discrimination Act 1975 (c. 65)*

- 137 In section 24(2)(d) of the Sex Discrimination Act 1975 (designated...

*Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22)*

- 138 In section 5(2)(a) of the Domestic Proceedings and Magistrates' Courts...

*Employment Act 1989 (c. 38)*

- 139 In section 10 of the Employment Act 1989 (removal of...

SCHEDULE 38 — Repeals and revocations

- Part I — REPEALS COMING INTO FORCE ON 1ST NOVEMBER 1996  
 Part II — REPEALS COMING INTO FORCE ON APPOINTED DAY  
 Part III — REVOCATIONS

SCHEDULE 39 — Transitional provisions and savings

Part I — GENERAL

*General transitional provisions*

- 1 (1) The repeal and re-enactment of provisions by this Act...

*Extension of references to provisions repealed by Education Act 1993*

- 2 (1) Paragraph 1(3) above shall have effect, for the purpose...

*Construction of pre-1944 Act references*

- 3 Where immediately before the commencement of this Act any reference...

- 4 (1) This paragraph applies to enactments passed before 1st April...



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*Effect of old transitional provisions and savings*

- 5 The repeals made by this Act shall not affect the...
- 6 (1) The repeal by this Act of an enactment previously...

*Use of existing forms etc.*

- 7 Any reference to an enactment repealed by this Act which...

*Pre-commencement offences*

- 8 Nothing in this Act affects the enactments repealed by this...

Part II — SPECIFIC PROVISIONS

*Governing bodies of local authority-maintained schools*

- 9 (1) Any governing body which immediately before the commencement of...
- 10 (1) The reproduction by this Act of any reference, in...
- 11 Where any instrument under which the governing body of an...

*Special agreement schools*

- 12 (1) Any order under section 15(2) of the Education Act...

*Proposals to establish etc. maintained or grant-maintained schools*

- 13 (1) Nothing in sections 35 to 45 or in sections...

*Review of constitution of governing bodies*

- 14 (1) Subject to sub-paragraph (2), nothing in section 82 of...

*Confirmation of certain decisions of governing body*

- 15 .....

*Review of grouping*

- 16 The reference in section 94(2)(c) of this Act to an...

*Financial delegation*

- 17 (1) Without prejudice to paragraph 1(3) above—
- 18 Nothing in section 141 of this Act requires a local...

*School sessions*

- 19 For the purposes of section 147(1)(b) of this Act as...

*Exclusion of pupils*

- 20 Nothing in section 157 of this Act applies in relation...

*School premises: pre-1993 Act transfer of control agreements*

- 21 (1) This paragraph applies to any agreement to which paragraph...

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*Variation of trust deeds etc.*

- 22 In section 179(1) of this Act— (a) paragraph (b) does...

*Ballots relating to acquisition of grant-maintained status*

- 23 Section 190(2)(b) of this Act applies where after the commencement...

*Instruments and articles for grant-maintained schools incorporated under pre-1993 Act law*

- 24 (1) This paragraph applies in relation to a grant-maintained school...  
25 (1) This paragraph applies in relation to a grant-maintained school...  
26 (1) This paragraph applies in relation to a grant-maintained school...

*Appeal committees*

- 27 Nothing in— (a) section 308(3) of this Act, or  
28 Paragraph 13(4) of Schedule 22 to this Act does not...  
29 Where immediately before the commencement of this Act an appeal...  
30 Nothing in this Act affects the restriction imposed by paragraph...

*Maintenance etc. grants*

- 31 (1) The former grants code shall continue to have effect...  
32 Section 81 of the Education Reform Act 1988 (recovery from...  
33 The Education (Grant-maintained Schools) (Finance) Regulations 1990,  
so far as...

*Assessments and statements of special educational needs*

- 34 Any assessment or statement of special educational needs which—

*Applications relating to special schools*

- 35 Any application which— (a) was made to the Secretary of...

*Contracts of staff transferred to School Curriculum and Assessment  
Authority or Curriculum and Assessment Authority for Wales*

- 36 (1) The repeal by this Act of—

*Information about directions under section 365*

- 37 Nothing in section 366 of this Act applies, by virtue...

*Review of conclusions about policy relating to curriculum*

- 38 Any articles of government of a county, controlled or maintained...

*Agreed syllabuses of religious education*

- 39 (1) Nothing in this Act affects the constitution of, or...

*Arrangements for collective worship*

- 40 In section 385 of this Act— (a) subsection (4)(b) does...

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*Disqualification for purposes of Part VII*

41 Sections 472 and 473 of this Act shall apply to...

*Chairmen of Independent Schools Tribunals*

42 In its application to a person who, immediately before 31st...

*Training grants*

43 The Education (Training Grants) Regulations 1993 shall continue to have...

*Education committees etc. and members of those committees*

44 (1) Sub-paragraph (2) below applies to— (a) any education committee...

*Documents issued by divisional executives*

45 Section 566(1) of this Act applies to a document purporting—...

Part III — MISCELLANEOUS SAVINGS ETC.

46 Handicapped children

*Byelaws under Children and Young Persons Act 1933*

47 Despite the repeal by this Act of section 120(5) of...

*Disputes as to property transferred by virtue of 1944 Act*

48 Any question which, if it had arisen before the commencement...

*Modifications of deeds made prior to Education Act 1973*

49 Without prejudice to the generality of paragraph 6(2) above, any...

*Instruments made prior to Local Government Act 1972*

50 The repeal by this Act of section 192(5) and (6)...

Part IV — INTERPRETATION

51 In this Schedule “repeal” includes (so far as the context...

SCHEDULE 40 —

*Compulsory school age: general*

1 (1) Until the day appointed under section 583(3) for the...

*Section 231: powers of governing body of grant-maintained school*

2 (1) If section 7 of the Nursery Education and Grant-Maintained...

*Section 318: provision by LEAs of goods and services*

3 If paragraph 12 of Schedule 3 to the Nursery Education...

*Sections 336 and 476: disapplication of arbitration legislation*

4 If paragraphs 4 and 59 of Schedule 3 to the...

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*Section 355: the “key stages”*

- 5 Until the day appointed under section 583(3) for the coming...

*Section 357: implementation of National Curriculum*

- 6 Until the relevant commencement date, section 357(2) shall not apply,...

*Section 433: time for admission of pupils*

- 7 If paragraph 2 of Schedule 3 to the Nursery Education...

*Sections 457, 512 and 534: jobseeker’s allowances*

- 8 (1) If paragraph 17 of Schedule 2 to the Jobseekers...

*Section 560: work experience*

- 9 Until the day appointed under section 583(3) for the coming...

*Section 578 and Schedule 37: “the Education Acts”; consequential amendments*

- 10 If the provisions of Schedule 3 to the Nursery Education...

*Meaning of “the relevant commencement date”*

- 11 (1) Subject to sub-paragraph (2), in any of the preceding...

— TABLE OF DERIVATIONS

- 1 *Notes:*  
2 The following abbreviations are used in the Table:—

*Acts of Parliament*

*Subordinate legislation*

- 3 The abbreviation “Law Com. Rec. No.” followed by a number...  
4 By virtue of the Secretary of State for Education and...  
5 The Table also does not separately acknowledge the provisions of...

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**Changes and effects yet to be applied to :**

- Pt. 4 Ch. 1 repealed by [2018 anaw 2 Sch. 1 para. 4\(9\)](#)
- s. 441 heading words omitted by [2018 anaw 2 Sch. 1 para. 4\(16\)\(f\)](#)
- s. 438 heading words substituted by [2018 anaw 2 Sch. 1 para. 4\(14\)\(c\)](#)
- s. 440 heading words substituted by [2018 anaw 2 Sch. 1 para. 4\(15\)\(c\)](#)
- s. 6(2) substituted by [2008 c. 25 Sch. 1 para. 6](#)
- s. 7(b) words inserted by [2018 anaw 2 Sch. 1 para. 4\(2\)](#)
- s. 13 modified by [2002 c. 41 s. 36\(1\)\(10\)](#)
- s. 14(4B) words substituted by [2018 anaw 2 Sch. 1 para. 4\(3\)\(a\)](#)
- s. 14(6)(b) words inserted by [2018 anaw 2 Sch. 1 para. 4\(3\)\(b\)](#)
- s. 15A(3)(b) words substituted by [2018 anaw 2 Sch. 1 para. 4\(4\)](#)
- s. 15B(3)(b) words substituted by [2018 anaw 2 Sch. 1 para. 4\(5\)](#)
- s. 15ZA(6)(7) applied by [2009 c. 22 s. 95\(6\)](#) (This amendment not applied to legislation.gov.uk. S. 95 repealed (1.9.2012) by 2011 c. 21, Sch. 18 para. 8; S.I. 2012/1087, art. 3)
- s. 16 sidenote substituted by [1998 c. 31 Sch. 30 para. 64\(4\)](#) (This amendment not applied to legislation.gov.uk. Sch. 30 para. 64 repealed without ever being in force by 2009 c. 22, s. 58, Sch. 16 Pt. 1; S.I. 2010/303, art. 3, Sch. 2)
- s. 16(1) repealed in part by [1998 c. 31 Sch. 30 para. 64\(2\)\(b\)Sch. 31](#) (This amendment not applied to legislation.gov.uk. Sch. 30 para. 64 repealed without ever being in force by 2009 c. 22, s. 58, Sch. 16 Pt. 1; S.I. 2010/303, art. 3, Sch. 2)
- s. 16(1)(a) amended by [1998 c. 31 Sch. 30 para. 64\(2\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Sch. 30 para. 64 repealed without ever being in force by 2009 c. 22, s. 58, Sch. 16 Pt. 1; S.I. 2010/303, art. 3, Sch. 2)
- s. 16(1)(c) repealed by [1998 c. 31 s. 128\(2\)Sch. 30 para. 64\(2\)\(b\)Sch. 31](#) (This amendment not applied to legislation.gov.uk. Sch. 30 para. 64 repealed without ever being in force by 2009 c. 22, s. 58, Sch. 16 Pt. 1; S.I. 2010/303, art. 3, Sch. 2)
- s. 16(1)(c) repealed by [1998 c. 31 s. 128\(2\)Sch. 31](#) (This amendment not applied to legislation.gov.uk. Sch. 30 para. 64 repealed without ever being in force by 2009 c. 22, s. 58, Sch. 16 Pt. 1; S.I. 2010/303, art. 3, Sch. 2)
- s. 16(2) amended by [1998 c. 31 Sch. 30 para. 64\(3\)](#) (This amendment not applied to legislation.gov.uk. Sch. 30 para. 64 repealed without ever being in force by 2009 c. 22, s. 58, Sch. 16 Pt. 1; S.I. 2010/303, art. 3, Sch. 2)
- s. 18 substituted by [1998 c. 31 s. 128\(1\)](#) (This amendment not applied to legislation.gov.uk. Sch. 30 para. 64 repealed without ever being in force by 2009 c. 22, s. 58, Sch. 16 Pt. 1; S.I. 2010/303, art. 3, Sch. 2)
- s. 18A(2)(b) words inserted by [2018 anaw 2 Sch. 1 para. 4\(6\)\(a\)](#)
- s. 18A(2)(bb) words substituted by [2018 anaw 2 Sch. 1 para. 4\(6\)\(b\)](#)
- s. 19 excluded by [2002 c. 41 s. 36\(5\)\(c\)\(10\)](#)
- s. 19(2)(a) words substituted by [2010 c. 26 Sch. 3 para. 1](#)
- s. 19(2B)(a) words substituted by [2010 c. 26 Sch. 3 para. 1](#)
- s. 19(6) words inserted by [2018 anaw 2 Sch. 1 para. 4\(7\)\(a\)](#)
- s. 19(6) words inserted by [2018 anaw 2 Sch. 1 para. 4\(7\)\(b\)](#)
- s. 19(6) words repealed by [2010 c. 26 Sch. 4 Pt. 1](#)
- s. 313(5) word substituted by [2008 c. 25 Sch. 1 para. 7](#)
- s. 316(2)(3) excluded by [2002 c. 41 s. 36\(5\)\(d\)\(10\)](#)
- s. 326(3) restricted by [2002 c. 41 s. 36\(6\)](#)
- s. 329A modified by [2002 c. 41 s. 36\(9\)\(b\)](#)
- s. 337(1) s. 337 renumbered as s. 337(1) by [2018 anaw 2 Sch. 1 para. 4\(10\)\(a\)](#)
- s. 337(1) words inserted by [2018 anaw 2 Sch. 1 para. 4\(10\)\(b\)](#)
- s. 337(2) inserted by [2018 anaw 2 Sch. 1 para. 4\(10\)\(c\)](#)

- s. 337A words omitted by 2018 anaw 2 s. 57(2)
- s. 342(1) words inserted by 2018 anaw 2 s. 57(3)(a)(ii)
- s. 342(1) words substituted by 2018 anaw 2 s. 57(3)(a)(i)
- s. 342(5)(a) words substituted by 2018 anaw 2 s. 57(3)(b)
- s. 342(6) omitted by 2018 anaw 2 s. 57(3)(c)
- s. 347 repealed by 2018 anaw 2 s. 58
- s. 348 omitted by 2018 anaw 2 Sch. 1 para. 4(11)
- s. 349(1) words substituted by 2018 anaw 2 Sch. 1 para. 4(12)(a)(i)
- s. 349(1) words substituted by 2018 anaw 2 Sch. 1 para. 4(12)(a)(ii)
- s. 349(1A) omitted by 2018 anaw 2 Sch. 1 para. 4(12)(b)
- s. 403(1) words inserted by S.I. 2019/924 Sch. para. 2(2)
- s. 404(2) substituted by S.I. 2019/924 Sch. para. 3(3)
- s. 436A(3) words inserted by 2018 anaw 2 Sch. 1 para. 4(13)
- s. 438(1) words substituted by 2018 anaw 2 Sch. 1 para. 4(14)(a)
- s. 439(2) words inserted by 2008 c. 25 Sch. 1 para. 49
- s. 440(1) words substituted by 2018 anaw 2 Sch. 1 para. 4(15)(a)
- s. 441(1) words inserted by 2018 anaw 2 Sch. 1 para. 4(16)(a)(i)
- s. 441(1) words omitted by 2018 anaw 2 Sch. 1 para. 4(16)(a)(ii)
- s. 441(2) words omitted by 2018 anaw 2 Sch. 1 para. 4(16)(b)
- s. 441(3) words omitted by 2018 anaw 2 Sch. 1 para. 4(16)(c)(i)
- s. 441(3)(a) words omitted by 2018 anaw 2 Sch. 1 para. 4(16)(c)(ii)
- s. 441(3A) omitted by 2018 anaw 2 Sch. 1 para. 4(16)(d)
- s. 441(4)(a) words omitted by 2018 anaw 2 Sch. 1 para. 4(16)(e)(i)
- s. 441(4)(b) words omitted by 2018 anaw 2 Sch. 1 para. 4(16)(e)(ii)
- s. 442(5) words omitted by 2018 anaw 2 Sch. 1 para. 4(18)(a)(i)
- s. 442(5)(a) words omitted by 2018 anaw 2 Sch. 1 para. 4(18)(a)(ii)
- s. 442(5)(b) words omitted by 2018 anaw 2 Sch. 1 para. 4(18)(a)(iii)
- s. 444(8A)(b) words substituted by 2003 c. 44 Sch. 26 para. 49(2)
- s. 457(4)(b)(i) repealed by 2009 c. 24 Sch. 7 Pt. 1
- s. 458(1) words inserted by 2018 anaw 2 Sch. 1 para. 4(19)(a)
- s. 463(1)(b) words substituted by 2018 anaw 2 Sch. 1 para. 4(20)
- s. 483A heading words inserted by 2018 anaw 2 Sch. 1 para. 4(21)(e)
- s. 483A(1) words omitted by 2018 anaw 2 Sch. 1 para. 4(21)(a)
- s. 483A(2)(a) words substituted by 2018 anaw 2 Sch. 1 para. 4(21)(b)
- s. 483A(3) omitted by 2018 anaw 2 Sch. 1 para. 4(21)(c)
- s. 483A(4)(a) words substituted by 2018 anaw 2 Sch. 1 para. 4(21)(d)(i)
- s. 483A(4)(b) words substituted by 2018 anaw 2 Sch. 1 para. 4(21)(d)(ii)
- s. 508F inserted by 2006 c. 40 s. 81
- s. 510(2) words inserted by 2018 anaw 2 Sch. 1 para. 4(22)
- s. 512ZB(4)(a)(i) repealed by 2009 c. 24 Sch. 7 Pt. 1
- s. 512ZB(4)(b)(i) repealed by 2009 c. 24 Sch. 7 Pt. 1
- s. 512ZB(4)(aa)(ii) repealed by 2012 c. 5 Sch. 14 Pt. 1
- s. 514(2) words inserted by 2018 anaw 2 Sch. 1 para. 4(23)(a)
- s. 517(1) words omitted by 2018 anaw 2 Sch. 1 para. 4(24)(a)
- s. 517(6)(e) omitted by 2018 anaw 2 Sch. 1 para. 4(24)(b)
- s. 548(1)(a) words substituted by 2008 c. 25 Sch. 1 para. 9(2)(a)
- s. 548(1)(b) words substituted by 2008 c. 25 Sch. 1 para. 9(2)(b)
- s. 548(1)(c) words substituted by 2008 c. 25 Sch. 1 para. 9(2)(b)
- s. 548(2) words substituted by 2008 c. 25 Sch. 1 para. 9(3)
- s. 548(6)(a) words substituted by 2008 c. 25 Sch. 1 para. 9(4)(a)
- s. 548(6)(b)(i) word substituted by 2008 c. 25 Sch. 1 para. 9(4)(b)
- s. 559(4)(b) words substituted by 2003 c. 44 Sch. 26 para. 49(3)
- s. 562 modified (temp.) by 2018 anaw 2 s. 44(5)-(7)
- s. 562(1A)(b)(i) words substituted by 2020 c. 17 Sch. 24 para. 142(2)
- s. 562(2)(b) words substituted by 2020 c. 17 Sch. 24 para. 142(3)
- s. 562C omitted by 2018 anaw 2 Sch. 1 para. 4(25)
- s. 562D omitted by 2018 anaw 2 Sch. 1 para. 4(26)
- s. 562F(5)(6) omitted by 2018 anaw 2 Sch. 1 para. 4(27)

- s. 562G omitted by 2018 anaw 2 Sch. 1 para. 4(28)
- s. 562H omitted by 2018 anaw 2 Sch. 1 para. 4(29)
- s. 562J(1) power to apply (with modifications) conferred by 2018 anaw 2 s. 39(2)(a)
- s. 562J(4) power to apply regulations (with modifications) conferred by 2018 anaw 2 s. 39(2)(b)
- s. 569(2B) words omitted by 2018 anaw 2 Sch. 1 para. 4(30)(a)(i)
- s. 569(2B) words substituted by 2018 anaw 2 Sch. 1 para. 4(30)(a)(ii)
- s. 569(5)(6) omitted by 2018 anaw 2 Sch. 1 para. 4(30)(c)
- s. 569A omitted by 2018 anaw 2 Sch. 1 para. 4(31)
- s. 579(1) words inserted by 2018 anaw 2 Sch. 1 para. 4(32)(a)(iii)
- s. 579(1) words omitted by 2018 anaw 2 Sch. 1 para. 4(32)(a)(i)
- s. 579(1) words omitted by 2018 anaw 2 Sch. 1 para. 4(32)(a)(ii)
- s. 579(1) words repealed by 2012 c. 5 Sch. 14 Pt. 1
- s. 579(1A) omitted by 2018 anaw 2 Sch. 1 para. 4(32)(b)
- s. 579(3A) words inserted by 2018 anaw 2 s. 95(a)
- s. 579(3B) words inserted by 2018 anaw 2 s. 95(b)
- s. 580 entries inserted by 2008 c. 25 Sch. 1 para. 11
- s. 580 word substituted by 2018 anaw 2 Sch. 1 para. 4(33)(d)
- s. 580 words inserted by 2018 anaw 2 Sch. 1 para. 4(33)(a)
- s. 580 words omitted by 2018 anaw 2 Sch. 1 para. 4(33)(b)
- s. 580 words omitted by 2018 anaw 2 Sch. 1 para. 4(33)(c)
- s. 580 words omitted by 2018 anaw 2 Sch. 1 para. 4(33)(e)
- s. 580 words omitted by 2018 anaw 2 Sch. 1 para. 4(33)(f)
- s. 580 words substituted by 2018 anaw 2 Sch. 1 para. 4(33)(g)
- s. 580 words substituted by 2008 c. 25 Sch. 1 para. 10
- Sch. 7 para. 11(a) words substituted by 2002 c. 9 Sch. 11 para. 36(a) (This amendment not applied to legislation.gov.uk. Sch. 7 already repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 185, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1)
- Sch. 11-13 repealed by 1998 c. 31 Sch. 30 para. 185Sch. 31
- Sch. 17-19 repealed by 1998 c. 31 Sch. 30 para. 185Sch. 31
- Sch. 22 para. 1-14 repealed by 1998 c. 31 Sch. 30 para. 185Sch. 31
- Sch. 23-25A repealed by 1998 c. 31 Sch. 30 para. 185Sch. 31
- Sch. 27 para. 3 excluded by 2002 c. 41 s. 36(5)(e)(10)
- Sch. 27 para. 8 excluded by 2002 c. 41 s. 36(5)(e)(10)
- Sch. 36A para. 2 entry omitted by 2018 anaw 2 Sch. 1 para. 4(34)
- Sch. 37 para. 4-7 repealed by 1998 c. 30 Sch. 4
- Sch. 37 para. 98 repealed by 1998 c. 30 Sch. 4
- Sch. 37 para. 59 repealed by 2004 c. 22 Sch.

**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. 17A functions made exercisable concurrently by S.I. 2014/1012 art. 12(1)Sch. 2 para. 3
- s. 17A functions made exercisable concurrently by S.I. 2014/863 Sch. 2 para. 4
- s. 17A functions made exercisable concurrently by S.I. 2014/865 Sch. 2 para. 3
- s. 17A functions made exercisable concurrently by S.I. 2016/653 Sch. 3 para. 3
- s. 17A-17D inserted by 2009 c. 22 s. 45
- s. 17B-17D applied by 2009 c. 22 s. 86(8)
- s. 29(4A) inserted by 2018 anaw 2 Sch. 1 para. 4(8)
- s. 403(1ZB) inserted by S.I. 2019/924 Sch. para. 2(3)
- s. 403(2A) inserted by S.I. 2019/924 Sch. para. 2(4)
- s. 404(1B) inserted by S.I. 2019/924 Sch. para. 3(2)
- s. 405(1) s. 405 renumbered as s. 405(1) by S.I. 2019/924 Sch. para. 4(2)
- s. 405(2)-(4) inserted by S.I. 2019/924 Sch. para. 4(3)

- s. 438(6)(c)(i)(ii) substituted for words by 2018 anaw 2 Sch. 1 para. 4(14)(b)
- s. 440(4)(i)(ii) substituted for words by 2018 anaw 2 Sch. 1 para. 4(15)(b)
- s. 441A inserted by 2018 anaw 2 Sch. 1 para. 4(17)
- s. 442(6) inserted by 2018 anaw 2 Sch. 1 para. 4(18)(b)
- s. 457(4)(i)-(iia) repealed by 2012 c. 5 Sch. 14 Pt. 1
- s. 457(4)(iii) words repealed by 2012 c. 5 Sch. 14 Pt. 1
- s. 458(6) inserted by 2018 anaw 2 Sch. 1 para. 4(19)(b)
- s. 512ZB(4)(a)(i)-(iia) repealed by 2012 c. 5 Sch. 14 Pt. 1
- s. 512ZB(4)(b)(i)-(iia) repealed by 2012 c. 5 Sch. 14 Pt. 1
- s. 512ZB(4)(c)(ii) and word repealed by 2012 c. 5 Sch. 14 Pt. 1
- s. 514(8) inserted by 2018 anaw 2 Sch. 1 para. 4(23)(b)
- s. 517(8)(9) inserted by 2018 anaw 2 Sch. 1 para. 4(24)(c)
- s. 537AA inserted by 2008 c. 25 Sch. 1 para. 8
- s. 548(7A)(7B) inserted by 2008 c. 25 Sch. 1 para. 9(5)
- s. 569(2BA)(2BB) inserted by 2018 anaw 2 Sch. 1 para. 4(30)(b)
- s. 578(1) words repealed by 2005 c. 18 Sch. 19 Pt. 1
- s. 579(3C) inserted by 2018 anaw 2 s. 95(c)
- Sch. 7 para. 11(b)(c) words substituted by 2002 c. 9 Sch. 11 para. 36(b) (This amendment not applied to legislation.gov.uk. Sch. 7 already repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 185, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1)



## **APPENDIX 2**

**Interim Statement**  
**on**  
**Pupil Product Ratios from new housing developments**  
**June 2021**

Gloucestershire County Council (GCC), as Local Education Authority, has a statutory duty to ensure adequate school places are available to meet the needs of the County. This is particularly important when considering the direct impact arising from housing developments.

Following a recent Planning Appeal Decision<sup>1</sup>, GCC have undertaken to review their Pupil Product Ratios (PPRs) which are used to calculate the impact of new development on school capacity and in turn justify the developer contributions being sought towards the provision of additional education infrastructure.

GCC is committed to undertaking a full review of its PPRs over the next six months, which will subsequently be consulted upon. In the meantime, GCC has reviewed its PPRs, taking account of comments made by the Planning Inspector in the above appeal, and, using information that is currently available, proposes to adjust its calculations per 100 dwellings.

School Place Planning Areas and associated forecasts are contained within the School Places Strategy 2021-2026. These forecasts take account of completed development but not committed development. Regard will need to be had to developments that are under-construction when considering available capacity.

Cognisant Report

It was suggested that the Cognisant Report, used to formulate the GCC PPRs was self-selecting and not necessarily representative of residents of housing developments as a whole.

It has subsequently been confirmed by Cognisant that they conducted a separate assessment of whether children were resident at a random selection of 10% of the sample households. This was based upon a visual assessment of the property. For example, were there children's bicycles or toys in the garden, or were there stickers or children's artwork in the windows, etc.

This assessment was used to judge the likelihood of 'differential participation' by households with or without children, and to weight the results of the survey.

<sup>1</sup> APP/G1630/W/20/3257625 Land Off the A38, Coombe Hill, Gloucestershire.

<sup>2</sup> 2 and 3 miles are walking distances from the development to the school.

Consequently, the survey responses were confirmed to be representative of the housing developments as a whole and no adjustment to PPRs is required for this item.

### Home Education

GCC Education records of elective home education registrations show that in 2019, 271 out of 48,020 (0.6%) primary pupils and 503 out of 33,082 (1.2%) secondary pupils were home educated.

The average length of time for elective home education was 18 months with 62% of pupils returning to GCC state-funded schools each year.

It is not the case therefore that all children who are home educated, remain home educated through their statutory school age. Over half of the children subsequently return and require a school place.

Consequently, the discount allowed for this item is conservative and exceeds the likely reduction in demand due to home education.

### Independent School Education

GCC School Census data 2020 and the Independent Schools Council 2019 census report ([www.isc.co.uk](http://www.isc.co.uk)) show that in 2019, 799 out of 48,020 (2.0%) primary and 7189 secondary pupils attended independent schools in the GCC area.

The Independent Schools Council 2019 census report shows that between 6% and 9% of GCC pupils residing in the County attend an independent school so a discount of 9% will be applied to the secondary PPR until more information is available.

### Vacant Homes

Council Tax records (<https://www.gov.uk/government/statistics/council-taxbase-2020-in-england>) for all dwellings in Gloucestershire as at October 2020 show that 2.1% were vacant. The vacancy figure for each GCC District varies between 1.2% and 2.7%. A discount of 2.1% will be applied.

### Second Homes

Council Tax records (<https://www.gov.uk/government/statistics/council-taxbase-2020-in-england>) for all dwellings in Gloucestershire as at October 2020 show that 1.5% were second homes. The figure for second homes for each GCC District varies between 0.6% and 4.0%. A discount of 1.5% will be applied.

1 APP/G1630/W/20/3257625 Land Off the A38, Coombe Hill, Gloucestershire.

2 2 and 3 miles are walking distances from the development to the school.

Accordingly a 6.2% discount to the Primary School PPRs and 13.8% discount to the Secondary PPRs, as established through the Cognisant Report November 2019, and set out on the County Council's webpage will be applied.

Phase of education	PPR Nov 2019	Discount	Interim PPR June 2021
Primary	41 places per 100 dwellings	6.2%	38.5 places per 100 dwellings
Secondary	20 places per 100 dwellings	13.8%	17 places per 100 dwellings
Post 16	7 places per 100 dwellings	13.8%	6 places per 100 dwellings

### Household Formation

Concerns were raised by the Planning Inspector that the PPRs take no account of the fact that house moves take place over short distances with the result that many prospective children are already in attendance within Gloucestershire schools. The Inspector considered that *"the County's view that such house moves would be backfilled by new residents with equal demands on the school system is mistaken because, as is well known, average household sizes nationally are falling as a result of the fragmentation of families, delays in family formation and the greater longevity of elderly households whose children have left home."*

There are no national datasets or survey results that consider such fragmentation of families or household formations that result. However, both the Census 2011 and the Cognisant report November 2019, provide data on the number of households that do not have any children, this would include households resulting from family fragmentation, where children have left home (or are no longer in the education system), elderly residents and adults that do not have children (i.e. not from fragmented households).

1 APP/G1630/W/20/3257625 Land Off the A38, Coombe Hill, Gloucestershire.

2 2 and 3 miles are walking distances from the development to the school.