Draft Order laid before Parliament under section 78(4) of the Education Act 2011, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2012 No.

EDUCATION, ENGLAND

The Alternative Provision Academies (Consequential Amendments to Acts) (England) Order 2012

Made - - - - 2012

Coming into force in accordance with regulation 1

The Secretary of State for Education makes this Order in exercise of the powers conferred by sections 54(2) and 78(2) of the Education Act 2011(**1**).

In accordance with section 78(4) of that Act, a draft of this instrument was laid before, and approved by a resolution of, each House of Parliament.

Citation and commencement

1. This Order may be cited as the Alternative Provision Academies (Consequential Amendments to Acts) (England) Order 2012 and shall come into force on the third day after the day on which it is made.

Consequential amendment

2. The consequential amendments made by the Schedule have effect.

Transitional provision

3. During any period when a provision of Chapter 1 of Part 4 of the Education and Skills Act 2008(**2**) (independent educational establishments in England) has effect only in relation to independent schools, references to independent educational institutions in section 93A of that Act (inserted by the Schedule), as it has effect in relation to that provision, are to be read as references to independent schools.

(**1**) 2011 c.21.
(**2**) 2008 c.25.

Name
Parliamentary Under Secretary of State
Date Department for Education

SCHEDULE Article 2

Consequential Amendments

Children Act 1989 (c.41)

1. The Children Act 1989 is amended as follows.

2. In section 87 (welfare of children in boarding schools and colleges)—

(a) in subsection (4)(a)(**3**) after "independent school" insert ", an alternative provision Academy that is not an independent school";

(b) in subsection (11)(a)(**4**), after "independent school" insert "or an alternative provision Academy that is not an independent school";

(c) in subsection (12), after "independent school" insert "or an alternative provision Academy that is not an independent school".

3. In section 87B(**5**) (duties of inspectors under section 87A), in subsection (2)(a)(**6**), after "independent school" insert ", an alternative provision Academy that is not an independent school".

Education Act 1996 (c.56)

4. The Education Act 1996 is amended as follows.

5. In section 327 (access for local authority to certain schools), in subsection (1)(b)(**7**) after "independent school" insert "or an alternative provision Academy that is not an independent school".

6. In section 519 (allowances for governors), in subsection (3)(b)(**8**), after "independent school" insert ", alternative provision Academy which is not an independent school".

7. In section 537A(**9**) (provision of information about individual pupils), in subsection (1)(b), after "every" insert "(i)" and after "independent school," insert "or

"(ii) alternative provision Academy that is not an independent school,"

8. In section 547 (nuisance or disturbance on school premises)—

(a) in subsection (2) after paragraph (aa) omit the "and" and after paragraph (ab)(**10**) insert—

", and

(ac) any alternative provision Academy that is not an independent school";

(b) in subsection (4)(c)(**11**), after "independent school" insert "or an alternative provision Academy that is not an independent school";

(**3**) Section 87(4) was substituted by section 105(1) and (2) of the Care Standards Act 2000 (c.14). Section 87(4)(a) was amended by SI 2010/1158.

(**4**) Section 87(10) to (12) was substituted for subsection (10) (as originally enacted) by section 105(1) and (4) of the Care Standards Act 2000. Section 87(11) was amended by SI 2010/1080.

(**5**) Section 87B was inserted by section 38 of the Deregulation and Contracting Out Act 1994 (c.40).

(**6**) Section 87B(2)(a) to (c) was substituted by section 106(2)(b) of the Care Standards Act 2000. Section 87B(2) was amended by SI 2010/1158.

(**7**) Section 327(1)(b) was substituted by section 140(1) of, and paragraph 78 of Schedule 30 to, the School Standards and Framework Act 1998 (c.31). Section 327(1)(b) was amended by section 173 of the Education Act 2002 (c. 32) and by SI 2010/1158.

(**8**) Section 519(3) was amended by section 140(1) of, and paragraph 139(1) and (3) of Schedule 30 to, the School Standards and Framework Act 1998 and SI 2010/1158.

(**9**) Section 537A was inserted by section 20 of the Education Act 1997 (c.44) and substituted by section 140(1) of, and paragraph 153 of Schedule 30 to, the School Standards and Framework Act 1998.

(**10**) Section 547(2)(aa) and (ab) was inserted by section 206 of, and paragraph 1(1) and (2) of Schedule 20 to, the Education Act 2002.

(**11**) Section 547(4) was substituted by section 206 of, and paragraph 1(1) and (5) of Schedule 20 to, the Education Act 2002.