

## **Coronavirus Act 2020 Cancellation of Disapplication of sections 5(1), 48(3) and 49(1) and (2) of the Education Act 2005 (England) Notice 2021**

The Secretary of State for Education, in exercise of the powers conferred by section 38(1) of, and paragraph 5 of Schedule 17 to, the Coronavirus Act 2020<sup>1</sup>, issues the following notice.

### *Cancellation of disapplication of sections 5(1), 48(3) and 49(1) and (2) of the Education Act 2005*

1. Subject to paragraphs 2 to 8 below, the Secretary of State for Education by this notice cancels the Disapplication Notice.

### *Transitional and savings provisions*

2. The disapplication of sections 48(3), 49(1) and 49(2) of the 2005 Act continues to have effect in accordance with the provisions of the Disapplication Notice until the end of the 30th April 2021.
3. During the transitional period, the Chief Inspector will not be in breach of her duty under section 5(1)(a) of the 2005 Act to inspect a relevant school at such intervals as are prescribed by regulations 3 and 3A of the 2005 Regulations.
4. Where during the transitional period the Chief Inspector carries out an inspection under section 8(2) of the 2005 Act of a relevant school to which regulation 3A(1) of the 2005 Regulations does not apply that inspection is to be treated as meeting the condition set out in regulation 3(8) of the 2005 Regulations regardless of the length of time that has elapsed since the previous section 5 inspection or relevant section 8 inspection of that school.
5. In paragraph 4, “relevant section 8 inspection” has the same meaning as in regulation 3(7) of the 2005 Regulations.
6. Where during the transitional period the Chief Inspector carries out an inspection under section 8(2) of the 2005 Act of a relevant school to which regulation 3A(1) of the 2005 Regulations applies that inspection is to be treated as meeting the condition set out in regulation 3A(5) of the 2005 Regulations regardless of the length of time that has elapsed since the previous relevant section 8 inspection of that school.
7. In paragraph 6 “relevant section 8 inspection” has the same meaning as in regulation 3A(3) of the 2005 Regulations.

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<sup>1</sup> 2020 c. 7.

8. In this Notice –

- a. **“the 2005 Act”** means the Education Act 2005<sup>2</sup>;
- b. **“the 2005 Regulations”** means the Education (School Inspection) (England) Regulations 2005<sup>3</sup>;
- c. **“the Chief Inspector”** means Her Majesty’s Chief Inspector of Education, Children’s Services and Skills;
- d. **“the Disapplication Notice”** means the Coronavirus Act 2020 Disapplication of sections 5(1), 48(3) and 49(1) and (2) of the Education Act 2005 (England) (No. 4) Notice 2021, made on 20th March 2021<sup>4</sup>;
- e. **“relevant school”** means a school to which section 5 of the 2005 Act applies and in relation to which-
  - i. except for section 5(1) of the 2005 Act having been disapplied by the Secretary of State for Education in the exercise of powers conferred by section 38(1) of and paragraph 5 of Schedule 17 to the Coronavirus Act 2020, the Chief Inspector had or has a duty to inspect under section 5(1) of the 2005 Act and regulations 3 and 3A of the 2005 Regulations by 31st July 2020 or by 31st July 2021; and
  - ii. no such inspection in accordance with that duty is, or has been, carried out.
- f. **“section 5 inspection”** means an inspection of a school under section 5 of the 2005 Act; and
- g. **“transitional period”** means the period commencing with this Notice coming into effect and ending with the earliest of-
  - i. the end of 31st December 2021; or
  - ii. the coming into force of regulations amending the 2005 Regulations to amend the prescribed intervals at which the Chief Inspector must inspect a relevant school for the purposes of section 5(1)(a) of the 2005 Act.

9. This notice has effect from the beginning of the day after the day on which it is signed.

Signed by or on behalf of the Secretary of State for Education:



Date of signature: 27th April 2021

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<sup>2</sup> 2005 c.18.

<sup>3</sup> S.I. 2005/2038.

<sup>4</sup> The notice can be viewed at this link: <https://www.gov.uk/government/publications/disapplication-notice-school-inspections-legislation-changes>.