



Education Act 1997

1997 CHAPTER 44

PART V

SUPERVISION OF CURRICULUM FOR SCHOOLS AND EXTERNAL QUALIFICATIONS

CHAPTER III

PROVISIONS SUPPLEMENTARY TO CHAPTERS I AND II

Dissolution of existing bodies

^{F1}33 **Dissolution of existing bodies.**

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Textual Amendments

F1 S. 33 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 7](#)

Transfer of property and staff

^{F2}34 **Transfer of property.**

.....

Textual Amendments

F2 S. 34 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 7](#)

Status: Point in time view as at 01/04/2006.

Changes to legislation: Education Act 1997, Chapter III is up to date with all changes known to be in force on or before 15 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

35 Transfer of staff.

- (1) This section applies to any person who—
- (a) is employed by the National Council for Vocational Qualifications (“the NCVQ”) or the School Curriculum and Assessment Authority (“the SCAA”) immediately before section 21 comes into force, and
 - (b) is designated as respects the Qualifications and Curriculum Authority ^{F3}... by order of the Secretary of State;
- and in this section “the relevant Authority” means, in relation to any such person, [^{F4}the Qualifications and Curriculum Authority].
- (2) A contract of employment between a person to whom this section applies and the NCVQ or the SCAA shall have effect, from the day on which the order under subsection (1)(b) comes into force, as if originally made between him and the relevant Authority.
- (3) Without prejudice to subsection (2)—
- (a) all the rights, powers, duties and liabilities of the NCVQ or the SCAA under or in connection with a contract to which that subsection applies shall by virtue of that subsection be transferred to the relevant Authority on the day on which the order under subsection (1)(b) comes into force, and
 - (b) anything done before that day by or in relation to the NCVQ or the SCAA in respect of that contract or the employee shall be deemed from that day to have been done by or in relation to the relevant Authority.
- (4) Subsections (2) and (3) are without prejudice to any right of an employee to terminate his contract of employment if his working conditions are changed substantially to his detriment; but such a change shall not be taken to have occurred by reason only of the change in employer effected by subsection (2).
- (5) In subsection (4) the reference to an employee’s working conditions includes a reference to any rights (whether accrued or contingent) under any pension or superannuation scheme of which he was a member by virtue of his employment with the NCVQ or the SCAA (as the case may be).
- (6) An order under subsection (1)(b) may designate a person either individually or as falling within a class or description of employee.
- (7) No order under subsection (1)(b) may be made after the end of the period of six months beginning with the day on which section 21 comes into force.
- (8) Any order under subsection (1)(b) made before the day on which section 21 comes into force shall come into force on that day.
- (9) The Secretary of State may by order provide that there shall be substituted for the period mentioned in subsection (7) such shorter period as he may specify in the order, being a period ending no earlier than the day on which the order comes into force.

Textual Amendments

- F3** Words in s. 35(1)(b) omitted (1.4.2006) by virtue of [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 21(a)** (with art. 7)

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- F4** Words in s. 35(1) substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 21(b)** (with art. 7)

Levy on bodies awarding accredited qualifications

36 Levy on bodies awarding qualifications accredited by relevant ^{F5}body] .

- (1) The Secretary of State may by regulations provide for a levy to be payable to the relevant ^{F6}body] by persons who award vocational qualifications accredited by that ^{F6}body] .
- (2) Regulations under this section shall—
- (a) specify the rate of the levy or the method by which it is to be calculated (and, without prejudice to the generality of section 54(3), may make different provision in relation to different cases);
 - (b) make provision as to the times when, and the manner in which, payments are to be made in respect of the levy;
 - (c) provide for the relevant ^{F7}body] to withdraw their accreditation of a qualification in cases of non-payment of the levy.
- (3) Any sums received by ^{F8}the relevant body] in respect of the levy shall be applied by them in giving such financial assistance to other bodies as the Secretary of State may specify with a view to assisting ^{F9}that relevant body] to secure the development and improvement of standards in relation to vocational qualifications.
- (4) In this section “the ^{F10}relevant body]” means—
- (a) the Qualifications and Curriculum Authority in the case of a qualification accredited by that Authority; and
 - (b) ^{F11}the National Assembly for Wales] in the case of a qualification accredited by ^{F12}the Assembly] .

Textual Amendments

- F5** Word in s. 36 heading substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 22** (with art. 7)
- F6** Word in s. 36(1) substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 23(a)** (with art. 7)
- F7** Word in s. 36(2)(c) substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 23(b)** (with art. 7)
- F8** Words in s. 36(3) substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 23(c)(i)** (with art. 7)
- F9** Words in s. 36(3) substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 23(c)(ii)** (with art. 7)

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- F10** Words in s. 36(4) substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 23(d)(i)** (with art. 7)
- F11** Words in s. 36(4)(b) substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 23(d)(ii)** (with art. 7)
- F12** Words in s. 36(4)(b) substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 23(d)(iii)** (with art. 7)

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