



Learning and Skills Act 2000

2000 CHAPTER 21

PART I

LEARNING AND SKILLS COUNCIL FOR ENGLAND

The Council

1 The Council.

- (1) There shall be a body corporate called the Learning and Skills Council for England.
- (2) The Council is to consist of not less than [^{F1}10] and not more than 16 members appointed by the Secretary of State, and he must appoint one of them as chairman.
- (3) In appointing a member the Secretary of State must have regard to the desirability of appointing a person who has experience relevant to the Council's functions.
- (4) Schedule 1 contains provisions about the Council.
- (5) [^{F2}Except as provided in section 11, 12 or 13 of the Further Education and Training Act 2007], the Council's functions are to be carried out in relation to England only.

Textual Amendments

- F1** Figure in s. 1(2) substituted (21.2.2008) by [Further Education and Training Act 2007 \(c. 25\), ss. 1, 32\(5\); S.I. 2008/313, art. 2\(a\)](#)
- F2** Words in s. 1(5) inserted (23.12.2007) by [Further Education and Training Act 2007 \(c. 25\), s. 32\(5\), Sch. 1 para. 13; S.I. 2007/3505, art. 2\(h\)](#)

Status: Point in time view as at 26/01/2009.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 03 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)

Main duties

2 Education and training for persons aged 16 to 19.

- (1) The Council must secure the provision of proper facilities for—
 - (a) education (other than higher education) suitable to the requirements of persons who are above compulsory school age but have not attained the age of 19,
 - (b) training suitable to the requirements of such persons,
 - (c) organised leisure-time occupation connected with such education, and
 - (d) organised leisure-time occupation connected with such training.
- (2) Facilities are proper if they are—
 - (a) of a quantity sufficient to meet the reasonable needs of individuals, and
 - (b) of a quality adequate to meet those needs.
- (3) In performing the duty imposed on it by subsection (1) the Council must—
 - (a) take account of the places where facilities are provided, the character of facilities and the way they are equipped;
 - (b) take account of the different abilities and aptitudes of different persons;
 - (c) take account of the education and training required in different sectors of employment for employees and potential employees;
 - (d) take account of facilities whose provision the Council thinks might reasonably be secured by other persons;
 - [^{F3}(da) act with a view to encouraging diversity in the education and training available to individuals
 - (db) act with a view to increasing opportunities for individuals to exercise choice;]
 - (e) make the best use of the Council’s resources and in particular avoid provision which might give rise to disproportionate expenditure.
- (4) Provision is not to be considered as giving rise to disproportionate expenditure only because that provision is more expensive than comparable provision.
- (5) For the purposes of this section—
 - (a) education includes both full-time and part-time education;
 - (b) training includes both full-time and part-time training;
 - (c) training includes vocational, social, physical and recreational training;
 - (d) higher education is education provided by means of a course of any description mentioned in Schedule 6 to the ^{M1}Education Reform Act 1988.

Textual Amendments

F3 S. 2(3)(da)(db) inserted (23.12.2007) by [Further Education and Training Act 2007 \(c. 25\), ss. 6\(1\), 32\(5\)](#); S.I. 2007/3505, art. 2(a)

Marginal Citations

M1 1988 c. 40.

3 Education and training for persons over 19.

- (1) The Council must secure the provision of reasonable facilities for—

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- (a) education (other than higher education) suitable to the requirements of persons who have attained the age of 19,
 - (b) training suitable to the requirements of such persons,
 - (c) organised leisure-time occupation connected with such education, and
 - (d) organised leisure-time occupation connected with such training.
- (2) Facilities are reasonable if (taking account of the Council's resources) the facilities are of such a quantity and quality that the Council can reasonably be expected to secure their provision.
- (3) In performing the duty imposed on it by subsection (1) the Council must—
- (a) take account of the places where facilities are provided, the character of facilities and the way they are equipped;
 - (b) take account of the different abilities and aptitudes of different persons;
 - (c) take account of the education and training required in different sectors of employment for employees and potential employees;
 - (d) take account of facilities whose provision the Council thinks might reasonably be secured by other persons;
 - [^{F4}(da) act with a view to encouraging diversity in the education and training available to individuals
 - (db) act with a view to increasing opportunities for individuals to exercise choice;]
 - (e) make the best use of the Council's resources and in particular avoid provision which might give rise to disproportionate expenditure.
- (4) Provision is not to be considered as giving rise to disproportionate expenditure only because that provision is more expensive than comparable provision.
- (5) For the purposes of this section—
- (a) education includes both full-time and part-time education;
 - (b) training includes both full-time and part-time training;
 - (c) training includes vocational, social, physical and recreational training;
 - (d) higher education is education provided by means of a course of any description mentioned in Schedule 6 to the ^{M2}Education Reform Act 1988.
- (6) References in this Part to post-16 education are to—
- (a) education falling within section 2(1)(a) or subsection (1)(a) above, and
 - (b) organised leisure-time occupation connected with such education.
- (7) References in this Part to post-16 training are to—
- (a) training falling within section 2(1)(b) or subsection (1)(b) above, and
 - (b) organised leisure-time occupation connected with such training.

Textual Amendments

F4 S. 3(3)(da)(db) inserted (23.12.2007) by [Further Education and Training Act 2007 \(c. 25\), ss. 6\(2\), 32\(5\)](#); [S.I. 2007/3505, art. 2\(a\)](#)

Marginal Citations

M2 1988 c. 40.

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4 Encouragement of education and training.

The Council must—

- (a) encourage individuals to undergo post-16 education and training;
- (b) encourage employers to participate in the provision of post-16 education and training;
- (c) encourage employers to contribute to the costs of post-16 education and training.

Main powers

5 Provision of financial resources.

- (1) The Council may secure the provision of financial resources to—
- (a) persons providing or proposing to provide post-16 education or training;
 - (b) persons providing or proposing to provide goods or services in connection with the provision by others of post-16 education or training;
 - (c) persons receiving or proposing to receive post-16 education or training;
 - (d) persons providing or proposing to provide courses falling within paragraph 1(g) or (h) of Schedule 6 to the ^{M3}Education Reform Act 1988 (courses in preparation for professional examinations at a higher level or providing education at a higher level);
 - (e) institutions within the further or higher education sector (within the meaning of section 91 of the ^{M4}Further and Higher Education Act 1992) which provide or propose to provide secondary education (other than post-16 education);
- [^{F5}(ea) persons providing or proposing to provide, wholly or partly at the premises of an employer, education or training that is suitable to the requirements of pupils who—
- (i) have attained the age of 15 or will attain that age in the current school year, but
 - (ii) have not ceased to be of compulsory school age;]
 - (f) persons undertaking or proposing to undertake research relating to education or training;
 - (g) persons providing or proposing to provide facilities described in section 8(1) or (2);
 - (h) persons carrying out means tests under arrangements made under section 9;
 - (i) persons providing or proposing to provide information, advice or guidance about education or training or connected matters (including employment).
- (2) The Council may secure the provision of financial resources under subsection (1)—
- (a) by providing resources itself;
 - (b) by making arrangements for the provision of resources by another person;
 - (c) by making arrangements for the provision of resources by persons jointly (whether or not including the Council).
- (3) In exercising its power under subsection (1)(c) the Council may secure the provision of financial resources by reference to any fees or charges payable by the person receiving or proposing to receive the education or training or to any other matter (such as transport or childcare).

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[^{F6}(4) For the purposes of subsection (1)(ea) “ compulsory school age ”, “ pupil ” and “ school year ” have the same meaning as in the Education Act 1996.]

Textual Amendments

- F5** S. 5(1)(ea) inserted (1.10.2002 for E., 2.1.2008 for W.) by [Education Act 2002 \(c. 32\)](#), **ss. 178(2)(a), 216(4)** (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2002/2439](#), [art. 3](#); [S.I. 2007/3611](#), [art. 4\(1\)](#), [Sch. Pt. 1](#)
- F6** S. 5(4) inserted (1.10.2002 for E., 2.1.2008 for W.) by [Education Act 2002 \(c. 32\)](#), **ss. 178(2)(b), 216(4)** (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2002/2439](#), [art. 3](#); [S.I. 2007/3611](#), [art. 4\(1\)](#), [Sch. Pt. 1](#)

Commencement Information

- II** S. 5 wholly in force at 1.3.2001; s. 5 not in force at Royal Assent see s. 154; s. 5(1)(f)(2) in force at 1.9.2000 by [S.I. 2000/2114](#), [art. 2\(3\)](#), **Sch. Pt. III**; s. 5(1)(a)-(e)(g)-(i)(3) in force at 1.3.2001 by [S.I. 2001/654](#), [art. 2](#), **Sch. Pt. I**

Marginal Citations

- M3** 1988 c. 40.
M4 1992 c. 13.

6 Financial resources: conditions.

- (1) If the Council itself provides financial resources it may impose conditions; and the conditions may include any provisions described below.
- (2) The conditions may—
- require the Council or a person designated by it to be allowed access to a person’s accounts and documents and to be given rights in relation to a person’s computers and associated apparatus and material;
 - require a person to whom financial resources are provided to give to the Council information it requests for the purpose of carrying out its functions.
- (3) The conditions may require a person providing or proposing to provide education or training (the provider) to make arrangements providing for all or any of the following—
- for the provider to charge fees by reference to specified criteria;
 - for the provider to make awards by reference to specified criteria;
 - for the provider to recover amounts from persons receiving education or training or from employers (or from both);
 - for amounts to be determined by reference to specified criteria where provision is made under paragraph (c);
 - for specified exemptions to operate where provision is made under paragraph (c);
 - for the provider to make provision specified in a report of an assessment conducted under section [^{F7}139A or] 140.
- (4) ^{F8}
- (5) The conditions may—
- enable the Council to require the repayment (in whole or part) of sums paid by the Council if any of the conditions subject to which the sums were paid is not complied with;

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- (b) require the payment of interest in respect of any period in which a sum due to the Council in accordance with any condition is unpaid.

(6) ^{F8}

Textual Amendments

- F7** Words in s. 6(3)(f) inserted (26.11.2008) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(1)(g), [Sch. 1 para. 76\(a\)](#)
- F8** S. 6(4)(6) repealed (1.9.2002) by [2001 c. 10](#), ss. 34(7), 42(6), [Sch. 9](#) (with s. 43(13)); [S.I. 2002/2217](#), [art. 3](#), [Sch. 1 Pt. 1](#)

Commencement Information

- I2** S. 6 wholly in force at 1.3.2001; s. 6 not in force at Royal Assent see s. 154; s. 6(1)(2)(5) in force at 1.9.2000 by [S.I. 2000/2114](#), [art. 2\(3\)](#), [Sch. Pt. III](#); s. 6(3)(4)(6) in force at 1.3.2001 by [S.I. 2001/654](#), [art. 2 Sch Pt. I](#)

7 Funding of school sixth-forms.

- (1) The Council may make a grant to a local education authority—
- (a) on the condition that the grant be applied as part of the authority's [^{F9}schools budget] for a [^{F10}funding period], and
 - (b) with a view to the grant being used for the purposes of, or for purposes connected with, the provision by schools of education suitable to the requirements of persons above compulsory school age.
- (2) A grant made under this section may be made on conditions in addition to the condition mentioned in subsection (1)(a) (including conditions of a kind which could be imposed under section 6).

[^{F11}(3) In this section—

“ funding period ” means a financial year or, if some other period is prescribed in relation to England under subsection (1B) of section 45 of the School Standards and Framework Act 1998 (maintained schools to have budget shares), that other period;

“ schools budget ” has the same meaning as in Part 2 of that Act (framework for maintained schools).]

Textual Amendments

- F9** Words in s. 7(1)(a) substituted (1.10.2002 for E., 2.1.2008 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 21 para. 124\(2\)](#) (with ss. 210(8), 214(4)); [S.I. 2002/2439](#), [art. 3](#) (with [art. 4 Sch. para. 2](#)); [S.I. 2007/3611](#), [art. 4\(1\)](#), [Sch. Pt. 1](#)
- F10** Words in s. 7(1)(a) substituted (1.11.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 18 para. 12\(2\)](#) (with s. 119); [S.I. 2005/2034](#), [art. 8](#)
- F11** S. 7(3) substituted (1.11.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 18 para. 12\(3\)](#) (with s. 119); [S.I. 2005/2034](#), [art. 8](#)

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8 Links between education and training and employment.

- (1) The Council may secure the provision of facilities for the gaining of work experience by young persons receiving education.
- (2) The Council may secure the provision of facilities designed to form links between (on the one hand) employers and (on the other) persons falling within subsection (3).
- (3) The persons falling within this subsection are—
 - (a) persons who provide education or training, and
 - (b) persons who receive it and who have not attained the age of 19.
- (4) A person is a young person in the period which—
 - (a) starts with the beginning of the year in which he attains the age of 15, and
 - (b) ends with the end of the year in which he attains the age of 19.
- (5) A year is a year beginning with 1 September.

9 Assessments and means tests.

- (1) The Council may develop schemes for the assessment of the performance of persons in providing post-16 education and training.
- (2) The Council may take the assessments into account in deciding how to exercise its powers under section 5.
- (3) The Council may—
 - (a) carry out means tests;
 - (b) arrange for other persons to carry out means tests.
- (4) The Council may take the results of the tests into account in exercising its power under section 5(1)(c) [^{F12}or 11A(1)(b)].

Textual Amendments

F12 Words in s. 9(4) inserted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 176(2), 188(3)**; [S.I. 2007/935](#), **art. 5(y)**

10 Qualifying accounts and arrangements.

- (1) The Council may promote—
 - (a) the holding of accounts which qualify under section 104;
 - (b) the making of arrangements which qualify under section 105.
- (2) The Council—
 - (a) may be specified as a body with which arrangements under section 105 may be made;
 - (b) may be designated by the Secretary of State under section 107(1) or (3) and may act in accordance with such a designation;
 - (c) may make arrangements under provision made under section 108(5)(d);
 - (d) may be designated by the Secretary of State in exercise of a power conferred on him under section 108(6)(b) or (7)(b) and may act in accordance with such a designation.

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11 Further education: governors.

- (1) The Council may appoint a person to be a member of the governing body of an institution which—
- (a) falls within the further education sector (within the meaning given by section 91(3) of the ^{M5}Further and Higher Education Act 1992), and
 - (b) mainly serves the population of England.
- (2) But no more than two members of the governing body of a given institution may at any given time have been appointed under this section.

Marginal Citations

M5 1992 c. 13.

Other functions

[^{F13}11A Support schemes relating to education and training for persons aged 10 to 15

- (1) The Council may—
- (a) make and carry on one or more schemes for the purpose of encouraging 10 to 15 year olds to undergo relevant education or training, and
 - (b) secure the provision of financial resources to such persons who are receiving or proposing to receive relevant education or training in pursuance of such a scheme.
- (2) Sections 5(2) and (3) and 6(1), (2) and (5) apply in relation to the provision of financial resources under subsection (1)(b) as they apply in relation to the provision of financial resources under section 5(1)(c).
- (3) In this section—
- “ 10 to 15 year olds ” means persons who have attained the age of 10 but have not ceased to be of compulsory school age;
- “ relevant education ” means—
- (a) education (other than higher education) suitable to the requirements of 10 to 15 year olds, and
 - (b) organised leisure-time occupation connected with such education;
- “ relevant training ” means—
- (a) training suitable to the requirements of 10 to 15 year olds, and
 - (b) organised leisure-time occupation connected with such training.
- (4) Subsection (5) of section 2 has effect for the purposes of the definitions of “relevant education” and “relevant training” in subsection (3) above as it has effect for the purposes of that section.]

Textual Amendments

F13 S. 11A inserted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 176(1)**, 188(3); [S.I. 2007/935](#), art. 5(y)

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12 Research and information.

- (1) The Council may carry out research relating to any matter relevant to any of its functions.
- (2) The Council must provide the Secretary of State with such information or advice as he requests about any matter in relation to which the Council has a function.
- (3) The Council may provide the Secretary of State with such information or advice as it thinks fit about any matter in relation to which it has a function.
- (4) The Council may provide any person designated by the Secretary of State with such information as the Council thinks fit about any matter in relation to which it has a function.
- (5) The Council must establish systems for collecting information which is designed to secure that its decisions with regard to education and training are made on a sound basis.
- (6) The Council may secure the provision of facilities for providing information, advice or guidance about education or training or connected matters (including employment).

Commencement Information

- I3** S. 12 wholly in force at 1.3.2001; s. 12 not in force at Royal Assent see s. 154; s. 12(1)(3)-(5) in force at 1.9.2000 by [S.I. 2000/2114](#), [art. 2\(3\)](#), [Sch. Pt. III](#); s. 12(2)(6) in force at 1.3.2001 by [S.I. 2001/654](#), [art. 2](#), [Sch Pt. I](#)

13 Persons with learning difficulties.

- (1) In discharging its functions under sections 2, 3, 5(1)(a) to (d) and (g) [^{F14}, 8 and 11A] the Council must have regard—
 - (a) to the needs of persons with learning difficulties, and
 - (b) in particular, to any report of an assessment conducted under section [^{F15}139A or] 140.
- (2) If the Council is satisfied that it cannot secure the provision of facilities for education or training which are sufficient in quantity and adequate in quality for a person with a learning difficulty who is over compulsory school age but who has not attained the age of 19 unless it also secures the provision of boarding accommodation for him, the Council must secure the provision of boarding accommodation for him.
- (3) If the Council is satisfied that it cannot secure the provision of reasonable facilities for education or training for a person with a learning difficulty who has attained the age of 19 but not the age of 25 unless it also secures the provision of boarding accommodation for him, the Council must secure the provision of boarding accommodation for him.
- (4) If the Council is satisfied that it cannot secure the provision of reasonable facilities for education or training for a person with a learning difficulty who has attained the age of 25 unless it also secures the provision of boarding accommodation for him, the Council may secure the provision of boarding accommodation for him.
- (5) A person has a learning difficulty if—
 - (a) he has a significantly greater difficulty in learning than the majority of persons of his age, or

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- (b) he has a disability which either prevents or hinders him from making use of facilities of a kind generally provided by institutions providing post-16 education or training.
- (6) But a person is not to be taken to have a learning difficulty solely because the language (or form of language) in which he is or will be taught is different from a language (or form of language) which has at any time been spoken in his home.
- [^{F16}(7) In its application for the purposes of subsection (1) in relation to the functions of the Council under section 11A, the reference in subsection (5)(b) to “post-16 education or training” is to be read as a reference to “relevant education or training” (within the meaning of section 11A).]

Textual Amendments

- F14** Words in s. 13(1) inserted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 176(3)(a)**, 188(3); S.I. 2007/935, art. 5(y)
- F15** Words in s. 13(1)(b) inserted (26.11.2008) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(1)(g), **Sch. 1 para. 76(b)**
- F16** S. 13(7) inserted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 176(3)(b)**, 188(3); S.I. 2007/935, art. 5(y)

Modifications etc. (not altering text)

- C1** S. 13(5)(6) applied (26.1.2009) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 78(1)**, 173(4); S.I. 2008/3077, art. 4(a)

14 Equality of opportunity.

- (1) In exercising its functions the Council must have due regard to the need to promote equality of opportunity—
- (a) between persons of different racial groups,
 - (b) between men and women, and
 - (c) between persons who are disabled and persons who are not.
- (2) As soon as is reasonably practicable after the end of each financial year of the Council it must publish a report containing—
- (a) a statement of the arrangements made under subsection (1) and having effect in the year;
 - (b) an assessment of how effective the arrangements were in promoting equality of opportunity.
- (3) The report must also contain a statement of the arrangements which the Council has made, or proposes to make, under subsection (1) in respect of the financial year immediately following that referred to in subsection (2).
- (4) The Council must send a copy of the report to the Secretary of State.
- (5) “Racial group” has the same meaning as in the ^{M6}Race Relations Act 1976.
- (6) Disabled persons are persons who are disabled for the purposes of the ^{M7}Disability Discrimination Act 1995.

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Marginal Citations

- M6 1976 c. 74.
- M7 1995 c. 50.

[^{F17}14A Consultation

- (1) In exercising its functions the Council must have regard to any guidance given from time to time by the Secretary of State about consultation with—
 - (a) persons receiving or proposing to receive post-16 education or training,
 - (b) employers, or
 - (c) such other persons as may be specified in such guidance, in connection with the taking of decisions affecting them.
- (2) Any guidance under this section about consultation with persons falling within paragraph (a) of subsection (1) must provide for the views of such a person to be considered in the light of his age and understanding.]

Textual Amendments

- F17** S. 14A inserted (23.12.2007) by [Further Education and Training Act 2007 \(c. 25\)](#), [ss. 7, 32\(5\)](#); [S.I. 2007/3505](#), [art. 2\(a\)](#)

15 Plans.

- (1) The Council—
 - (a) must make and publish a plan for [^{F18}each academic year];
 - (b) may make and publish such other plans as it thinks fit.
- ^{F19}(2)
- (3) A plan for [^{F20}an academic year] must be published before the year starts.
- (4) A plan for [^{F21}an academic year] must include—
 - (a) proposals as to how the Council intends to achieve in [^{F22}the academic year] any objectives which should be achieved in the year in conformity with directions of the Secretary of State or with conditions imposed under section 27;
 - (b) the Council’s financial proposals for the year.
- [^{F23}(5) In this section “academic year” means—
 - (a) the period starting with the 1 April following the date on which section 8 of the Further Education and Training Act 2007 comes into force and ending with the second 31 July following that 1 April;
 - (b) each successive period of 12 months.]

Textual Amendments

- F18** Words in s. 15(1)(a) substituted (23.12.2007) by [Further Education and Training Act 2007 \(c. 25\)](#), [ss. 8\(2\), 32\(5\)](#); [S.I. 2007/3505](#), [art. 2\(a\)](#)

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- F19** S. 15(2) repealed (23.12.2007) by [Further Education and Training Act 2007 \(c. 25\)](#), ss. 8(3), 32(5), [Sch. 2](#); S.I. 2007/3505, art. 2(a)(i)
- F20** Words in s. 15(3) substituted (23.12.2007) by [Further Education and Training Act 2007 \(c. 25\)](#), ss. [8\(4\)](#), 32(5); S.I. 2007/3505, art. 2(a)
- F21** Words in s. 15(4) substituted (23.12.2007) by [Further Education and Training Act 2007 \(c. 25\)](#), ss. [8\(5\)\(a\)](#), 32(5); S.I. 2007/3505, art. 2(a)
- F22** Words in s. 15(4)(a) substituted (23.12.2007) by [Further Education and Training Act 2007 \(c. 25\)](#), ss. [8\(5\)\(b\)](#), 32(5); S.I. 2007/3505, art. 2(a)
- F23** S. 15(5) inserted (23.12.2007) by [Further Education and Training Act 2007 \(c. 25\)](#), ss. [8\(6\)](#), 32(5); S.I. 2007/3505, art. 2(a)

16 Strategy.

- (1) The Council must formulate a strategy in relation to its functions and keep it under review.
- (2) The Council must have regard to the strategy in exercising its functions.
- (3) The strategy must include proposals as to how the Council intends to develop the skills of persons in employment; but this does not affect the generality of subsection (1).
- (4) The Council must incorporate in the strategy proposals as to—
 - (a) how it intends to achieve any objectives contained in directions of the Secretary of State;
 - (b) how it intends to achieve such objectives within any time limits contained in such directions.

17 Use of information by Council.

In carrying out its functions the Council must have regard to information supplied to it by any body designated by the Secretary of State for the purposes of this section.

18 Supplementary functions.

- (1) The Council may do anything which appears to it to be necessary or expedient for the purpose of or in connection with the exercise of its other functions.
- (2) In particular it may—
 - (a) acquire and dispose of land and other property;
 - (b) enter into contracts;
 - (c) invest sums not immediately needed for the purpose of exercising its other functions;
 - (d) accept financial resources (whether as gifts or otherwise);
 - (e) accept gifts of land and other property.
- (3) But the Council has no power—
 - (a) to borrow money;
 - (b) to lend money unless the Secretary of State consents;
 - ^{F24}(c) to form, participate in forming or invest in a company unless the Secretary of State consents;

Status: Point in time view as at 26/01/2009.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 03 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)

- (d) to form, participate in forming or otherwise become a member of a charitable incorporated organisation (within the meaning of section 69A of the Charities Act 1993) unless the Secretary of State consents.]
- (4) The Secretary of State may by order confer or impose on the Council such supplementary powers or duties relating to the provision of post-16 education or training as he thinks fit.
- (5) For the purposes of subsection (4) a power or duty is supplementary if—
- (a) it is exercisable in connection with functions of the Secretary of State, and
 - (b) it is relevant to the provision of facilities for post-16 education or training.
- [^{F25}(6) The Secretary of State may by order confer or impose on the Council such powers or duties falling within subsection (7) as he thinks fit.
- (7) A power or duty falls within this subsection if it is exercisable in connection with—
- (a) the Secretary of State's function under section 509AA(9) of the Education Act 1996 (power to direct LEA to make arrangements additional to those specified in transport policy statement), or
 - (b) any function of the Secretary of State under any of sections 496 to 497B of the Education Act 1996 as regards anything done, proposed to be done or omitted to be done by a local education authority in England under section 509AA or 509AB of that Act.]

[^{F26}(8) The reference in this section to investing in a company includes a reference to becoming a member of the company and to investing in it by the acquisition of any assets, securities or rights or otherwise.]

Textual Amendments

- F24** S. 18(3)(c)(d) substituted for s. 18(3)(c) (23.10.2007) by [Further Education and Training Act 2007 \(c. 25\)](#), **ss. 9(2)**, 32(1)
- F25** S. 18(6)(7) inserted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 83(4)**, 188(3); S.I. 2007/935, art. 5(o)
- F26** S. 18(8) inserted (23.10.2007) by [Further Education and Training Act 2007 \(c. 25\)](#), **ss. 9(3)**, 32(1)

Modifications etc. (not altering text)

- C2** S. 18 modified (23.10.2007) by [Further Education and Training Act 2007 \(c. 25\)](#), **ss. 9(4)**, 32(1)

[^{F27}Regional councils

Textual Amendments

- F27** Ss. 18A-18C and cross-heading inserted (31.1.2008 for the insertion of s. 18A(2)-(4), 1.9.2008 in so far as not already in force) by [Further Education and Training Act 2007 \(c. 25\)](#), **ss. 2**, 32(5); S.I. 2007/3505, art. 3(a); S.I. 2008/313, art. 3

18A Regional councils

- (1) The Council must establish a committee (to be called a regional learning and skills council) for each area of England specified by the Secretary of State.

Status: Point in time view as at 26/01/2009.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 03 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)

- (2) The Secretary of State may by regulations make provision about regional councils
- (3) Regulations under subsection (2) may, in particular, make provision about—
- (a) the membership of a regional council;
 - (b) the appointment of the members of a regional council;
 - (c) the appointment of a member of a regional council as chairman;
 - (d) the holding and vacation of office as a member or chairman of a regional council (including a person's re-appointment, resignation and removal from office);
 - (e) the appointment by the Council of its employees as staff of a regional council;
 - (f) the delegation of functions by a regional council to its chairman;
 - (g) the delegation by the chairman of a regional council of functions that he is authorised to exercise to a member of the regional council;
 - (h) the delegation of functions by a regional council, with the consent of the Council, to a member of staff of the regional council
 - (i) the payment by the Council of such salaries and such travelling, subsistence and other allowances to the chairman and other members of a regional council as the Secretary of State may determine
 - (j) the provision of information to the Secretary of State;
 - (k) the attendance of a representative of the Secretary of State at, and the participation of such a representative in, any meeting of a regional council;
 - (l) the validity of the proceedings of a regional council;
 - (m) the regulation by a regional council of its own procedure.
- (4) Regulations made by virtue of subsection (3)(a) may provide for the membership of a regional council to include persons who are not members of the Council.
- (5) A consent given under subsection (3)(h) by the Council may relate to a particular function or to such descriptions of function as may be specified in the consent.

18B Functions of regional councils

- (1) A regional council—
- (a) must perform in relation to its area such of the Council's duties as the Council specifies;
 - (b) may exercise in relation to its area such of the Council's powers as the Council specifies.
- (2) A regional council—
- (a) must perform in relation to such places outside its area as the Council specifies such of the Council's duties as the Council specifies;
 - (b) may exercise in relation to such places outside its area as the Council specifies such of the Council's powers as the Council specifies.

18C Guidance to regional councils

- (1) In relation to each financial year of the Council it must prepare guidance for each regional council.
- (2) The guidance must include objectives which a regional council should achieve in seeking to carry out its functions.

Status: Point in time view as at 26/01/2009.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 03 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)

- (3) The guidance must set a regional council's budget for the financial year.
- (4) The Council must consult the regional development agencies and local authorities on the guidance.
- (5) After consulting under subsection (4) and (if appropriate) altering the guidance the Council must issue the guidance to the regional council.
- (6) The guidance in relation to the financial year of the Council in which section 2 of the Further Education and Training Act 2007 comes into force must be prepared as soon as reasonably practicable after that section comes into force.
- (7) The guidance in relation to any subsequent financial year of the Council must be prepared in time for the guidance to be issued before the financial year starts.
- (8) A regional development agency is a development agency established by section 1 of the Regional Development Agencies Act 1998.]

Local councils

^{F28}19 **Local councils.**

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Textual Amendments

F28 Ss. 19-24 repealed (21.2.2008) by [Further Education and Training Act 2007 \(c. 25\)](#), ss. 3(2)(a), 32(5), [Sch. 2](#); [S.I. 2008/313](#), art. 2(b)(i)

^{F28}20 **Functions of local councils.**

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Textual Amendments

F28 Ss. 19-24 repealed (21.2.2008) by [Further Education and Training Act 2007 \(c. 25\)](#), ss. 3(2)(a), 32(5), [Sch. 2](#); [S.I. 2008/313](#), art. 2(b)(i)

^{F28}21 **Guidance to local councils.**

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Textual Amendments

F28 Ss. 19-24 repealed (21.2.2008) by [Further Education and Training Act 2007 \(c. 25\)](#), ss. 3(2)(a), 32(5), [Sch. 2](#); [S.I. 2008/313](#), art. 2(b)(i)

^{F28}22 **Plans of local councils.**

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Status: Point in time view as at 26/01/2009.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 03 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)

Textual Amendments

F28 Ss. 19-24 repealed (21.2.2008) by [Further Education and Training Act 2007 \(c. 25\)](#), ss. 3(2)(a), 32(5), [Sch. 2](#); S.I. 2008/313, art. 2(b)(i)

^{F28}23 Duty of local education authorities.

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Textual Amendments

F28 Ss. 19-24 repealed (21.2.2008) by [Further Education and Training Act 2007 \(c. 25\)](#), ss. 3(2)(a), 32(5), [Sch. 2](#); S.I. 2008/313, art. 2(b)(i)

^{F28}24 Guidance and plans: timing.

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Textual Amendments

F28 Ss. 19-24 repealed (21.2.2008) by [Further Education and Training Act 2007 \(c. 25\)](#), ss. 3(2)(a), 32(5), [Sch. 2](#); S.I. 2008/313, art. 2(b)(i)

Miscellaneous

[^{F29}24A Strategies for functions of Council

- (1) The Secretary of State may by order specify an area in England as an area for which a body specified in the order may formulate and keep under review a strategy setting out how such functions of the Council as are specified in the order are to be carried out in relation to the area.
- (2) An order under subsection (1) may specify an area comprising the whole of England.
- (3) An order under subsection (1) may not specify an area in England consisting only of Greater London or a part of Greater London.
- (4) The Secretary of State may give to a body specified in an order under subsection (1) directions and guidance in relation to the formulation and review of its strategy, in particular in relation to—
 - (a) the form and content of the strategy;
 - (b) the updating of the strategy;
 - (c) the steps to be taken when the body is formulating or reviewing the strategy;
 - (d) the matters to which the body is to have regard when formulating or reviewing the strategy;
 - (e) the consultation to be carried out when the body is formulating or reviewing the strategy.

Status: Point in time view as at 26/01/2009.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 03 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)

- (5) It is the duty of a body specified in an order under subsection (1) to comply with any directions given to it by the Secretary of State under subsection (4).
- (6) It is the duty of a body specified in an order under subsection (1) to have regard to any guidance given to it by the Secretary of State under subsection (4).
- (7) The Council may pay to a body specified in an order under subsection (1) such sums as appear to the Council appropriate for enabling the body to meet costs and expenses incurred, or to be incurred, by it in formulating its strategy or keeping it under review.

Textual Amendments

F29 Ss. 24A-24C inserted (21.2.2008) by [Further Education and Training Act 2007 \(c. 25\)](#), ss. 4, 32(5); S.I. 2008/313, art. 2(c)

24B Strategy for functions of Council: Greater London

- (1) The Secretary of State must by regulations provide for the establishment of a body for the purposes of discharging the functions set out in subsection (2).
- (2) The body established under this section must—
 - (a) formulate a strategy setting out how specified functions of the Council are to be carried out in Greater London, and
 - (b) keep it under review.
- (3) Specified functions are functions of the Council specified for the purposes of this section by order of the Secretary of State.
- (4) The Secretary of State may give to the body established under this section directions and guidance in relation to the formulation and review of its strategy, in particular in relation to—
 - (a) the form and content of the strategy;
 - (b) the updating of the strategy;
 - (c) the steps to be taken when the body is formulating or reviewing the strategy;
 - (d) the matters to which the body is to have regard when formulating or reviewing the strategy;
 - (e) the consultation to be carried out when the body is formulating or reviewing the strategy.
- (5) It is the duty of the body established under this section to comply with any directions given to it by the Secretary of State under subsection (4).
- (6) It is the duty of the body established under this section to have regard to any guidance given to it by the Secretary of State under subsection (4).
- (7) Where the body established under this section formulates a strategy under this section, or in consequence of a review of the strategy modifies it, the body must publish the strategy or modified strategy in such manner as it thinks fit .
- (8) Regulations under this section must include—
 - (a) provision for the body to consist of the Mayor of London and such other persons as are appointed by the Mayor in accordance with the regulations;
 - (b) provision for the Mayor to be the chairman of the body.

Status: Point in time view as at 26/01/2009.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 03 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)

- (9) The Council may pay to the body established under this section such sums as appear to the Council appropriate for enabling the body to meet costs and expenses incurred, or to be incurred, by it in formulating its strategy or keeping it under review.
- (10) The Council may pay to the Greater London Authority such sums as appear to the Council appropriate for enabling the Authority to meet costs and expenses incurred, or to be incurred, by the Mayor in connection with the exercise of functions conferred on him by regulations under this section or as chairman of the body established under this section.

Textual Amendments

F29 Ss. 24A-24C inserted (21.2.2008) by [Further Education and Training Act 2007 \(c. 25\)](#), ss. 4, 32(5); S.I. 2008/313, art. 2(c)

24C Duty of Council

- (1) The Council must carry out any function to which a strategy under section 24A or 24B relates in accordance with that strategy.
- (2) Subsection (1) is subject to the following provisions of this section.
- (3) The Council may not carry out a function in accordance with such a strategy if in doing so it would fail to comply with a duty imposed on it by or under any enactment other than subsection (1).
- (4) If provision in the Council's strategy under section 16 conflicts with provision in a strategy under section 24A (or section 24B), the Council may disregard the provision in the strategy under section 24A (or section 24B) so far as it conflicts with the provision in the Council's strategy under section 16.
- (5) If provision in a strategy under section 24A conflicts with provision in another strategy, being a strategy under section 24A or section 24B, the Council may disregard such conflicting provision in one of the strategies or in both of them.
- (6) The Council may disregard a strategy under section 24A (or section 24B) if the body whose strategy it is, in formulating or reviewing the strategy—
 - (a) failed to comply with directions given under section 24A(4) (or section 24B(4)), or
 - (b) failed to have regard to guidance given under section 24A(4) (or section 24B(4)).
- (7) Nothing in subsection (1) requires the Council to carry out any of its functions in a manner that it is satisfied—
 - (a) would be unreasonable, or
 - (b) might give rise to disproportionate expenditure.
- (8) If the Council proposes not to carry out, or does not carry out, a function to which a strategy under section 24A or 24B relates in accordance with the strategy—
 - (a) the Council must refer the matter to the Secretary of State;
 - (b) the body whose strategy it is may refer the matter to the Secretary of State.

Status: Point in time view as at 26/01/2009.

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- (9) On a reference under subsection (8) the Secretary of State may give such direction to the Council as he thinks fit as to the carrying out of the function.
- (10) The Council must comply with any direction that the Secretary of State may give it under subsection (9).]

Textual Amendments

F29 Ss. 24A-24C inserted (21.2.2008) by [Further Education and Training Act 2007 \(c. 25\)](#), ss. 4, 32(5); S.I. 2008/313, art. 2(c)

25 Directions.

- (1) The Secretary of State may give directions to the Council; and the directions may include any provisions described in subsections (2) to (4).
- (2) Directions may contain—
 - (a) objectives which the Council should achieve in seeking to carry out its functions;
 - (b) time limits within which the Council should achieve the objectives;
 - (c) provision relating to the management of the Council.
- (3) Subsection (4) applies if the Secretary of State is satisfied that the Council—
 - (a) has failed to discharge a duty imposed by or under any Act, or
 - (b) has acted or is proposing to act unreasonably with respect to the exercise of a power conferred or the performance of a duty imposed by or under any Act.
- (4) In such a case directions may contain such provision as the Secretary of State thinks fit as to the exercise of the Council's powers and performance of its duties.
- (5) Directions may contain provision described in subsection (4) despite any enactment making the exercise of a power or performance of a duty contingent on the Council's opinion.
- (6) Directions may not concern the provision of financial resources in respect of activities carried on by a particular person or persons.
- (7) If the Secretary of State asks the Council to do so, it must advise him on the formulation of objectives and time limits.
- (8) The Council must comply with any directions given to it by the Secretary of State.

26 Committees.

Schedule 3 contains provisions about committees.

27 Grants to Council.

- (1) The Secretary of State may make grants to the Council of such amounts and subject to such conditions as he thinks fit; and the conditions may include any provisions described below.
- (2) The conditions may set the Council's budget for any of its financial years.

Status: Point in time view as at 26/01/2009.

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- (3) The conditions may—
- (a) require the Council to use the grants for specified purposes;
 - (b) require the Council to comply with specified requirements in respect of every person (or every person of a specified class or description) in securing the provision of specified financial resources to such persons;
 - (c) enable the Secretary of State to require the repayment, in whole or in part, of sums paid by him if any condition imposed is not complied with;
 - (d) require the payment of interest in respect of any period during which a sum due to the Secretary of State in accordance with any condition remains unpaid.
- (4) Requirements which may be imposed under subsection (3)(b) include in particular requirements that, if the Council itself provides specified financial resources, it is to impose specified conditions.
- (5) The Secretary of State may not impose conditions which relate to the Council's securing of the provision of financial resources to a particular person or persons.

28 Annual report.

- (1) As soon as is reasonably practicable after the end of each financial year of the Council it must prepare a report on its activities in that year and send a copy of the report to the Secretary of State.
- (2) A report—
- (a) must be in such form and contain such information as the Secretary of State may specify in directions to the Council;
 - (b) must set out any other directions given to the Council under this Part in the financial year to which the report relates.
- (3) Following receipt of a copy of a report under this section the Secretary of State must lay a copy of it before each House of Parliament and arrange for copies of it to be published in such manner as he thinks appropriate.

29 Council's financial year.

A financial year of the Council is—

- (a) the period starting with the date on which it is established and ending with the second 31 March following that date;
- (b) each successive period of 12 months.

PART II

[^{F30}FURTHER EDUCATION AND SIXTH FORM EDUCATION: WALES]

Textual Amendments

F30 Pt. 2 heading substituted (1.4.2006) by [National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 1(1), **Sch. 1 para. 49** (with art. 7)

Status: Point in time view as at 26/01/2009.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 03 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)

F31 ...

Textual Amendments

F31 S. 30 crossheading omitted (1.4.2006) by virtue of [National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 1(1), **Sch. 1 para. 50** (with art. 7)

F32 30 **The Council.**

Textual Amendments

F32 S. 30 omitted (1.4.2006) by virtue of [National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 1(1), **Sch. 1 para. 50** (with art. 7)

Main duties

31 Education and training for persons aged 16 to 19.

- (1) The [^{F33}National Assembly for Wales (the National Assembly)] must secure the provision of proper facilities for—
 - (a) education (other than higher education) suitable to the requirements of persons who are above compulsory school age but have not attained the age of 19,
 - (b) training suitable to the requirements of such persons,
 - (c) organised leisure-time occupation connected with such education, and
 - (d) organised leisure-time occupation connected with such training.
- (2) Facilities are proper if they are—
 - (a) of a quantity sufficient to meet the reasonable needs of individuals, and
 - (b) of a quality adequate to meet those needs.
- (3) In performing the duty imposed on it by subsection (1) the [^{F34}National Assembly] must—
 - (a) take account of the places where facilities are provided, the character of facilities and the way they are equipped;
 - (b) take account of the different abilities and aptitudes of different persons;
 - (c) take account of the education and training required in different sectors of employment for employees and potential employees;
 - (d) take account of facilities whose provision the [^{F34}National Assembly] thinks might reasonably be secured by other persons;
 - ^{F35}(e)
- ^{F36}(4)
- (5) For the purposes of this section—
 - (a) education includes both full-time and part-time education;

Status: Point in time view as at 26/01/2009.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 03 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)

- (b) training includes both full-time and part-time training;
- (c) training includes vocational, social, physical and recreational training;
- (d) higher education is education provided by means of a course of any description mentioned in Schedule 6 to the ^{M8}Education Reform Act 1988.

Textual Amendments

F33 Words in s. 31(1) substituted (1.4.2006) by National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 51(a)** (with art. 7)

F34 Words in s. 31(3) substituted (1.4.2006) by National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 51(b)** (with art. 7)

F35 S. 31(3)(e) omitted (1.4.2006) by virtue of National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 51(c)** (with art. 7)

F36 S. 31(4) omitted (1.4.2006) by virtue of National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 51(d)** (with art. 7)

Commencement Information

I4 S. 31 not in force at Royal Assent see s. 154; s. 31 in force for W. at 1.4.2001 by S.I. 2001/1274, art. 2, **Sch. Pt. I**

Marginal Citations

M8 1988 c. 40.

32 Education and training for persons over 19.

- (1) The [^{F37}National Assembly] must secure the provision of reasonable facilities for—
- (a) education (other than higher education) suitable to the requirements of persons who have attained the age of 19,
 - (b) training suitable to the requirements of such persons,
 - (c) organised leisure-time occupation connected with such education, and
 - (d) organised leisure-time occupation connected with such training.
- ^{F38}(2)
- (3) In performing the duty imposed on it by subsection (1) the [^{F39}National Assembly] must—
- (a) take account of the places where facilities are provided, the character of facilities and the way they are equipped;
 - (b) take account of the different abilities and aptitudes of different persons;
 - (c) take account of the education and training required in different sectors of employment for employees and potential employees;
 - (d) take account of facilities whose provision the [^{F39}National Assembly] thinks might reasonably be secured by other persons;
 - ^{F40}(e)
- ^{F41}(4)

Status: Point in time view as at 26/01/2009.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 03 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)

- (5) For the purposes of this section—
- (a) education includes both full-time and part-time education;
 - (b) training includes both full-time and part-time training;
 - (c) training includes vocational, social, physical and recreational training;
 - (d) higher education is education provided by means of a course of any description mentioned in Schedule 6 to the ^{M9}Education Reform Act 1988.
- (6) References in this Part to post-16 education are to—
- (a) education falling within section 31(1)(a) or subsection (1)(a) above, and
 - (b) organised leisure-time occupation connected with such education.
- (7) References in this Part to post-16 training are to—
- (a) training falling within section 31(1)(b) or subsection (1)(b) above, and
 - (b) organised leisure-time occupation connected with such training.

Textual Amendments

- F37** Words in s. 32(1) substituted (1.4.2006) by National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 52(a)** (with art. 7)
- F38** S. 32(2) omitted (1.4.2006) by virtue of National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 52(b)** (with art. 7)
- F39** Words in s. 32(3) substituted (1.4.2006) by National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 52(c)** (with art. 7)
- F40** S. 32(3)(e) omitted (1.4.2006) by virtue of National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 52(d)** (with art. 7)
- F41** S. 32(4) omitted (1.4.2006) by virtue of National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 52(e)** (with art. 7)

Commencement Information

- I5** S. 32 not in force at Royal Assent see s. 154; s. 32 in force for W. at 1.4.2001 by S.I. 2001/1274 , art. 2 , **Sch. Pt. I**

Marginal Citations

- M9** 1988 c. 40 .

33 Encouragement of education and training.

The [^{F42}National Assembly] must—

- (a) encourage individuals to undergo post-16 education and training;
- (b) encourage employers to participate in the provision of post-16 education and training;
- (c) encourage employers to contribute to the costs of post-16 education and training.

Status: Point in time view as at 26/01/2009.

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Textual Amendments

- F42** Words in s. 33 substituted (1.4.2006) by [National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 1(1), **Sch. 1 para. 53** (with art. 7)

Commencement Information

- I6** S. 33 not in force at Royal Assent see s. 154; s. 33 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), art. 2, **Sch. Pt. I**

Main powers

34 Provision of financial resources.

- (1) The [^{F43}National Assembly] may secure the provision of financial resources to—
- (a) persons providing or proposing to provide post-16 education or training;
 - (b) persons providing or proposing to provide goods or services in connection with the provision by others of post-16 education or training;
 - (c) persons receiving or proposing to receive post-16 education or training;
 - (d) persons providing or proposing to provide courses falling within paragraph 1(g) or (h) of Schedule 6 to the ^{M10}Education Reform Act 1988 (courses in preparation for professional examinations at a higher level or providing education at a higher level);
 - (e) institutions within the further or higher education sector (within the meaning of section 91 of the ^{M11}Further and Higher Education Act 1992) which provide or propose to provide secondary education (other than post-16 education);
 - (f) persons undertaking or proposing to undertake research relating to education or training;
 - (g) persons providing or proposing to provide facilities designed to form links between (on the one hand) employers and (on the other) persons who provide or receive education or training;
 - (h) persons carrying out means tests under arrangements made under section 37;
 - (i) persons providing or proposing to provide information, advice or guidance about education or training or connected matters (including employment).
- (2) The [^{F44}National Assembly] may secure the provision of financial resources under subsection (1)—
- (a) by providing resources itself;
 - (b) by making arrangements for the provision of resources by another person;
 - (c) by making arrangements for the provision of resources by persons jointly (whether or not including the [^{F44}National Assembly]).
- (3) In exercising its power under subsection (1)(c) the [^{F43}National Assembly] may secure the provision of financial resources by reference to any fees or charges payable by the person receiving or proposing to receive the education or training or to any other matter (such as transport or childcare).

Status: Point in time view as at 26/01/2009.

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Textual Amendments

- F43** Words in s. 34(1)(3) substituted (1.4.2006) by National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 54(a)** (with art. 7)
- F44** Words in s. 34(2) substituted (1.4.2006) by National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 54(b)** (with art. 7)

Commencement Information

- I7** S. 34 not in force at Royal Assent see s. 154; s. 34 in force for W. at 1.4.2001 by S.I. 2001/1274, art. 2, **Sch. Pt. I**

Marginal Citations

- M10** 1988 c. 40.
M11 1992 c. 13.

35 Financial resources: conditions.

- (1) If the [^{F45}National Assembly] itself provides financial resources [^{F46}under section 34] it may impose conditions; and the conditions may include any provisions described below.
- (2) The conditions may—
- require the [^{F47}National Assembly] or a person designated by it to be allowed access to a person's accounts and documents and to be given rights in relation to a person's computers and associated apparatus and material;
 - require a person to whom financial resources are provided to give to the [^{F48}National Assembly] information it requests for the purpose of carrying out its functions.
- (3) The conditions may require a person providing or proposing to provide education or training (the provider) to make arrangements providing for all or any of the following—
- for the provider to charge fees by reference to specified criteria;
 - for the provider to make awards by reference to specified criteria;
 - for the provider to recover amounts from persons receiving education or training or from employers (or from both);
 - for amounts to be determined by reference to specified criteria where provision is made under paragraph (c);
 - for specified exemptions to operate where provision is made under paragraph (c);
 - for the provider to make provision specified in a report of an assessment conducted under section [^{F49}139A or] 140.
- (4) ^{F50}
- (5) The conditions may—
- enable the [^{F51}National Assembly] to require the repayment (in whole or part) of sums paid by the [^{F51}National Assembly] if any of the conditions subject to which the sums were paid is not complied with;

Status: Point in time view as at 26/01/2009.

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- (b) require the payment of interest in respect of any period in which a sum due to the ^{F51}National Assembly] in accordance with any condition is unpaid.
- (6) ^{F50}

Textual Amendments

- F45** Words in s. 35(1) substituted (1.4.2006) by National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 55(a)(i)** (with art. 7)
- F46** Words in s. 35(1) inserted (1.4.2006) by National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 55(a)(ii)** (with art. 7)
- F47** Words in s. 35(2) substituted (1.4.2006) by National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 55(b)(i)** (with art. 7)
- F48** Words in s. 35(2) inserted (1.4.2006) by National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 55(b)(ii)** (with art. 7)
- F49** Words in s. 35(3)(f) inserted (26.11.2008) by Education and Skills Act 2008 (c. 25), s. 173(1)(g), **Sch. 1 para. 76(c)**
- F50** S. 35(4)(6) repealed (1.9.2002) by 2001 c. 10, ss. 34(8), 42(6), Sch. 9 (with s. 43(13)); S.I. 2002/2217, **art. 3, Sch. 1 Pt. 1**
- F51** Words in s. 35(5) substituted (1.4.2006) by National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 55(c)** (with art. 7)

Commencement Information

- I8** S. 35 not in force at Royal Assent see s. 154; s. 35 in force for W. at 1.4.2001 by S.I. 2001/1274, **art. 2, Sch. Pt. 1**

36 Funding of school sixth-forms.

- (1) The ^{F52}National Assembly] may make a grant to a local education authority—
- (a) on the condition that the grant be applied as part of the authority's ^{F53}schools budget] for a financial year, and
 - (b) with a view to the grant being used for the purposes of, or for purposes connected with, the provision by schools of education suitable to the requirements of persons above compulsory school age.
- (2) A grant made under this section may be made on conditions in addition to the condition mentioned in subsection (1)(a) (including conditions of a kind which could be imposed under section 35).
- (3) “[^{F54}Schools budget]” has the same meaning as in Part II of the ^{M12}School Standards and Framework Act 1998 (framework for maintained schools).

Textual Amendments

- F52** Words in s. 36(1) substituted (1.4.2006) by National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 56** (with art. 7)

Status: Point in time view as at 26/01/2009.

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F53 Words in s. 36(1)(a) substituted (4.12.2003 for W., 6.11.2006 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 21 para. 125\(2\)](#) (with ss. 210(8), 214(4); S.I. 2003/2959, regs. 1(1), 5); S.I. 2003/2961, art. 5, Sch. Pt. 2; S.I. 2006/2895, art. 2

F54 Words in s. 36(3) substituted (4.12.2003 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 21 para. 125\(3\)](#) (with ss. 210(8), 214(4); S.I. 2003/2959, regs. 1(1), 5); S.I. 2003/2961, art. 5, Sch. Pt. II; S.I. 2006/2895, art. 2

Commencement Information

I9 S. 36 not in force at Royal Assent see s. 154; s. 36 in force for W. at 1.4.2002 by [S.I. 2001/2705](#), art. 2, [Sch. Pt. I](#)

Marginal Citations

M12 1998 c. 31.

37 Assessments and means tests.

- (1) The [^{F55}National Assembly] may develop schemes for the assessment of the performance of persons in providing post-16 education and training.
- (2) The [^{F55}National Assembly] may take the assessments into account in deciding how to exercise its powers under section 34.
- (3) The [^{F55}National Assembly] may—
 - (a) carry out means tests;
 - (b) arrange for other persons to carry out means tests.
- (4) The [^{F55}National Assembly] may take the results of the tests into account in exercising its power under section 34(1)(c).

Textual Amendments

F55 Words in s. 37(1)-(4) substituted (1.4.2006) by [National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 1(1), [Sch. 1 para. 57](#) (with art. 7)

Commencement Information

I10 S. 37 not in force at Royal Assent see s. 154; s. 37 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), art. 2, [Sch. Pt. I](#)

38 Qualifying accounts and arrangements.

- (1) The [^{F56}National Assembly] may promote—
 - (a) the holding of accounts which qualify under section 104;
 - (b) the making of arrangements which qualify under section 105.

^{F57}(2)

Status: Point in time view as at 26/01/2009.

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Textual Amendments

F56 Words in s. 38(1) substituted (1.4.2006) by [National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 1(1), **Sch. 1 para. 58(a)** (with art. 7)

F57 S. 38(2) omitted (1.4.2006) by virtue of [National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 1(1), **Sch. 1 para. 58(b)** (with art. 7)

Commencement Information

I11 S. 38 not in force at Royal Assent see s. 154; s. 38 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), art. 2, **Sch. Pt. I**

39 Further education: governors.

- (1) The [^{F58}National Assembly] may appoint a person to be a member of the governing body of an institution which—
- (a) falls within the further education sector (within the meaning given by section 91(3) of the ^{M13}Further and Higher Education Act 1992), and
 - (b) mainly serves the population of Wales.
- (2) But no more than two members of the governing body of a given institution may at any given time have been appointed under this section.

Textual Amendments

F58 Words in s. 39(1) substituted (1.4.2006) by [National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 1(1), **Sch. 1 para. 59** (with art. 7)

Commencement Information

I12 S. 39 not in force at Royal Assent see s. 154; s. 39 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), art. 2, **Sch. Pt. I**

Marginal Citations

M13 1992 c. 13.

Other functions

40 Research and information.

- F59(1)
- F59(2)
- F59(3)
- F59(4)

Status: Point in time view as at 26/01/2009.

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- (5) The [F60National Assembly] must establish systems for collecting information which is designed to secure that its decisions with regard to education and training are made on a sound basis.
- (6) The [F60National Assembly] may secure the provision of facilities for providing information, advice or guidance about education or training or connected matters (including employment).

Textual Amendments

- F59** S. 40(1)-(4) omitted (1.4.2006) by virtue of National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 60(a)** (with art. 7)
- F60** Words in s. 40(5)(6) substituted (1.4.2006) by National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 60(b)** (with art. 7)

Commencement Information

- I13** S. 40 not in force at Royal Assent see s. 154; s. 40 in force for W. at 1.4.2001 by S.I. 2001/1274, art. 2, **Sch. Pt. I**

41 Persons with learning difficulties.

- (1) In discharging its functions under sections 31, 32 and 34(1)(a) to (d) and (g) the [F61National Assembly] must have regard—
 - (a) to the needs of persons with learning difficulties, and
 - (b) in particular, to any report of an assessment conducted under section [F62139A or] 140.
- (2) If the [F63National Assembly] is satisfied that it cannot secure the provision of facilities for education or training which are sufficient in quantity and adequate in quality for a person with a learning difficulty who is over compulsory school age but who has not attained the age of 19 unless it also secures the provision of boarding accommodation for him, the [F63National Assembly] must secure the provision of boarding accommodation for him.
- (3) If the [F63National Assembly] is satisfied that it cannot secure the provision of reasonable facilities for education or training for a person with a learning difficulty who has attained the age of 19 but not the age of 25 unless it also secures the provision of boarding accommodation for him, the [F63National Assembly] must secure the provision of boarding accommodation for him.
- (4) If the [F63National Assembly] is satisfied that it cannot secure the provision of reasonable facilities for education or training for a person with a learning difficulty who has attained the age of 25 unless it also secures the provision of boarding accommodation for him, the [F63National Assembly] may secure the provision of boarding accommodation for him.
- (5) A person has a learning difficulty if—
 - (a) he has a significantly greater difficulty in learning than the majority of persons of his age, or

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- (b) he has a disability which either prevents or hinders him from making use of facilities of a kind generally provided by institutions providing post-16 education or training.
- (6) But a person is not to be taken to have a learning difficulty solely because the language (or form of language) in which he is or will be taught is different from a language (or form of language) which has at any time been spoken in his home.

Textual Amendments

F61 Words in s. 41(1) substituted (1.4.2006) by National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 61(a)** (with art. 7)

F62 Words in s. 41(1)(b) inserted (26.11.2008) by Education and Skills Act 2008 (c. 25), s. 173(1)(g), **Sch. 1 para. 76(d)**

F63 Words in s. 41(2)(3)(4) substituted (1.4.2006) by National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 61(b)** (with art. 7)

Commencement Information

I14 S. 41 not in force at Royal Assent see s. 154; s. 41 in force for W. at 1.4.2001 by S.I. 2001/1274, art. 2, **Sch. Pt. I**

F64 42 Equality of opportunity.

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Textual Amendments

F64 Ss. 42-51 omitted (1.4.2006) by virtue of National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 62** (with art. 7)

F64 43 Plans.

.....

Textual Amendments

F64 Ss. 42-51 omitted (1.4.2006) by virtue of National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 62** (with art. 7)

F64 44 Strategy.

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Textual Amendments

F64 Ss. 42-51 omitted (1.4.2006) by virtue of [National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 1(1), **Sch. 1 para. 62** (with art. 7)

F64 45 Use of information by Council.

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Textual Amendments

F64 Ss. 42-51 omitted (1.4.2006) by virtue of [National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 1(1), **Sch. 1 para. 62** (with art. 7)

F64 46 Supplementary functions.

.....

Textual Amendments

F64 Ss. 42-51 omitted (1.4.2006) by virtue of [National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 1(1), **Sch. 1 para. 62** (with art. 7)

Miscellaneous

F64 47 Directions.

.....

Textual Amendments

F64 Ss. 42-51 omitted (1.4.2006) by virtue of [National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 1(1), **Sch. 1 para. 62** (with art. 7)

F64 48 Committees.

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Textual Amendments

F64 Ss. 42-51 omitted (1.4.2006) by virtue of [National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 1(1), **Sch. 1 para. 62** (with art. 7)

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F64 49 Grants to Council.

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Textual Amendments

F64 Ss. 42-51 omitted (1.4.2006) by virtue of National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 62** (with art. 7)

F64 50 Annual report.

.....

Textual Amendments

F64 Ss. 42-51 omitted (1.4.2006) by virtue of National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 62** (with art. 7)

F64 51 Council's financial year.

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Textual Amendments

F64 Ss. 42-51 omitted (1.4.2006) by virtue of National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 62** (with art. 7)

PART III

INSPECTIONS IN ENGLAND

CHAPTER 1

THE ADULT LEARNING INSPECTORATE

The Inspectorate

F65 52 The Inspectorate.

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Status: Point in time view as at 26/01/2009.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 03 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)

Textual Amendments

F65 Ss. 52-72 repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), Sch. 14 para. 56, [Sch. 18 Pt. 5](#); S.I. 2007/935, art. 5(gg)(ii)

^{F65}53 The Inspectorate’s remit.

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Textual Amendments

F65 Ss. 52-72 repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), Sch. 14 para. 56, [Sch. 18 Pt. 5](#); S.I. 2007/935, art. 5(gg)(ii)

Functions of the Inspectorate and the Chief Inspector

^{F65}54 Functions of the Inspectorate and Chief Inspector.

.....

Textual Amendments

F65 Ss. 52-72 repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), Sch. 14 para. 56, [Sch. 18 Pt. 5](#); S.I. 2007/935, art. 5(gg)(ii)

^{F65}55 Inspections under section 54.

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Textual Amendments

F65 Ss. 52-72 repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), Sch. 14 para. 56, [Sch. 18 Pt. 5](#); S.I. 2007/935, art. 5(gg)(ii)

^{F65}56 General powers.

.....

Textual Amendments

F65 Ss. 52-72 repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), Sch. 14 para. 56, [Sch. 18 Pt. 5](#); S.I. 2007/935, art. 5(gg)(ii)

^{F65}57 Right of entry and offences.

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Status: Point in time view as at 26/01/2009.

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Textual Amendments

F65 Ss. 52-72 repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), Sch. 14 para. 56, **Sch. 18 Pt. 5**; S.I. 2007/935, art. 5(gg)(ii)

F65 58 Action plans.

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Textual Amendments

F65 Ss. 52-72 repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), Sch. 14 para. 56, **Sch. 18 Pt. 5**; S.I. 2007/935, art. 5(gg)(ii)

F65 59 Annual report.

.....

Textual Amendments

F65 Ss. 52-72 repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), Sch. 14 para. 56, **Sch. 18 Pt. 5**; S.I. 2007/935, art. 5(gg)(ii)

CHAPTER II

HER MAJESTY’S CHIEF INSPECTOR OF SCHOOLS IN ENGLAND

The Chief Inspector’s extended remit

F65 60 The extended remit.

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Textual Amendments

F65 Ss. 52-72 repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), Sch. 14 para. 56, **Sch. 18 Pt. 5**; S.I. 2007/935, art. 5(gg)(ii)

Additional functions

F65 61 Additional functions of the Chief Inspector.

.....

Status: Point in time view as at 26/01/2009.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 03 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)

Textual Amendments

F65 Ss. 52-72 repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), Sch. 14 para. 56, [Sch. 18 Pt. 5](#); S.I. 2007/935, art. 5(gg)(ii)

^{F65}62 **Inspection of further education institutions.**

.....

Textual Amendments

F65 Ss. 52-72 repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), Sch. 14 para. 56, [Sch. 18 Pt. 5](#); S.I. 2007/935, art. 5(gg)(ii)

^{F65}63 **Right of entry and offences.**

.....

Textual Amendments

F65 Ss. 52-72 repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), Sch. 14 para. 56, [Sch. 18 Pt. 5](#); S.I. 2007/935, art. 5(gg)(ii)

^{F65}64 **Action plans.**

.....

Textual Amendments

F65 Ss. 52-72 repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), Sch. 14 para. 56, [Sch. 18 Pt. 5](#); S.I. 2007/935, art. 5(gg)(ii)

^{F65}65 **Area inspections.**

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Textual Amendments

F65 Ss. 52-72 repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), Sch. 14 para. 56, [Sch. 18 Pt. 5](#); S.I. 2007/935, art. 5(gg)(ii)

^{F65}66 **Reports of area inspections.**

.....

Status: Point in time view as at 26/01/2009.

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Textual Amendments

F65 Ss. 52-72 repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), Sch. 14 para. 56, [Sch. 18 Pt. 5](#); S.I. 2007/935, art. 5(gg)(ii)

F65 67 Action plans following section 65 inspections.

.....

Textual Amendments

F65 Ss. 52-72 repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), Sch. 14 para. 56, [Sch. 18 Pt. 5](#); S.I. 2007/935, art. 5(gg)(ii)

F65 68 Further powers of the Chief Inspector.

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Textual Amendments

F65 Ss. 52-72 repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), Sch. 14 para. 56, [Sch. 18 Pt. 5](#); S.I. 2007/935, art. 5(gg)(ii)

CHAPTER III

THE COMMON INSPECTION FRAMEWORK AND JOINT INSPECTIONS

The Common Inspection Framework

F65 69 The framework.

.....

Textual Amendments

F65 Ss. 52-72 repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), Sch. 14 para. 56, [Sch. 18 Pt. 5](#); S.I. 2007/935, art. 5(gg)(ii)

F65 70 Preparation of the framework.

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Textual Amendments

F65 Ss. 52-72 repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), Sch. 14 para. 56, [Sch. 18 Pt. 5](#); S.I. 2007/935, art. 5(gg)(ii)

Status: Point in time view as at 26/01/2009.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 03 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)

Joint inspections

F6571 Joint inspections.

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Textual Amendments

F65 Ss. 52-72 repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), Sch. 14 para. 56, [Sch. 18 Pt. 5](#); S.I. 2007/935, art. 5(gg)(ii)

CHAPTER IV

GENERAL

F6572 Defamation.

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Textual Amendments

F65 Ss. 52-72 repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), Sch. 14 para. 56, [Sch. 18 Pt. 5](#); S.I. 2007/935, art. 5(gg)(ii)

PART IV

INSPECTIONS IN WALES

New titles

73 Inspectors of Education and Training in Wales.

- (1) Her Majesty’s Chief Inspector of Schools in Wales is renamed Her Majesty’s Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru.
- (2) Her Majesty’s Inspectors of Schools in Wales are renamed Her Majesty’s Inspectors of Education and Training in Wales or Arolgwyr Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru.
- (3) In any provision of, or made under, any enactment—
 - (a) for “Her Majesty’s Chief Inspector of Schools in Wales” substitute “ Her Majesty’s Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru ”; and
 - (b) for “Her Majesty’s Inspectors of Schools in Wales” substitute “ Her Majesty’s Inspectors of Education and Training in Wales or Arolgwyr Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru ”.

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Commencement Information

I15 S. 73 not in force at Royal Assent see s. 154; s. 73 in force (W.) at 1.1.2001 by [S.I. 2000/3230](#), [art. 2](#), [Sch.](#)

74 Some defined terms.

(1) In this Part—

^{F66} ...

“the National Assembly” means the National Assembly for Wales.

(2) In this Part, any reference to the Chief Inspector for Wales is to be read as a reference to the person mentioned in section 73(1).

Textual Amendments

F66 Words in s. 74(1) omitted (1.4.2006) by virtue of [National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005](#) ([S.I. 2005/3238](#)), [art. 1\(1\)](#), [Sch. 1 para. 63](#) (with [art. 7](#))

Commencement Information

I16 S. 74 not in force at Royal Assent see s. 154; s. 74 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), [art. 2](#), [Sch. Pt. 1](#)

Extended remit

75 The extended remit of the Chief Inspector for Wales.

(1) The following kinds of education and training are brought within the remit of the Chief Inspector for Wales by this Part—

- (a) education or training for persons aged 16 or over where the provider of the education or training is given financial support by the [^{F67}National Assembly in the discharge of its functions under Part 2] or by a local education authority in Wales (either generally or for a specific purpose);
- (b) education or training for persons aged 16 or over where the [^{F67}National Assembly in the discharge of its functions under Part 2] is, or a local education authority in Wales are, contemplating giving the provider of the education financial support (either generally or for a specific purpose);
- (c) education or training provided for persons of compulsory school age in an institution in Wales which is within the further education sector;
- (d) further education provided by a school under section 80 of the ^{M14}School Standards and Framework Act 1998;
- (e) such other education or training in Wales as may be prescribed by regulations made by the National Assembly.

(2) Neither paragraph (a) nor paragraph (b) of subsection (1) applies—

- (a) to education of a kind that may be inspected under [^{F68}Part 1 of the Education Act 2005]; or

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- (b) if the financial support mentioned in that paragraph is given for a specific purpose, to education or training at which that support is not directed.

Textual Amendments

- F67** Words in s. 75(1) substituted (1.4.2006) by [National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 1(1), **Sch. 1 para. 64** (with art. 7)
- F68** Words in s. 75(2)(a) substituted (1.9.2006) by [Education Act 2005 \(c. 18\)](#), s. 125(4), **Sch. 9 para. 24**; [S.I. 2006/1338](#), art. 4(1), **Sch. 2**

Commencement Information

- I17** S. 75 not in force at Royal Assent see s. 154; s. 75 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), art. 2, **Sch. Pt. I**

Marginal Citations

- M14** 1998 c. 31.

Additional functions

76 Additional functions of the Chief Inspector for Wales.

- (1) The Chief Inspector for Wales must keep the National Assembly informed about—
- the quality of the education and training which is brought within the remit of the Chief Inspector for Wales by this Part;
 - the standards achieved by those receiving that education and training; and
 - whether the financial resources made available to those providing it are managed efficiently and used so as to provide value for money.
- (2) When asked to do so by the National Assembly, the Chief Inspector for Wales must—
- give the National Assembly advice on such matters, relating to education and training brought within the remit of the Chief Inspector for Wales by this Part, as the National Assembly may specify;
 - inspect such education or training, or such class of education or training, within that remit as the National Assembly may specify;
 - report on the result of an inspection conducted under this section.
- (3) The Chief Inspector for Wales is to have such other functions in connection with education and training brought within the remit of the Chief Inspector for Wales by this Part as the National Assembly may specify.
- (4) The functions specified under subsection (3) may include functions with respect to training of or for teachers, lecturers, trainers or other persons engaged in the provision of education or training which is brought within the remit of the Chief Inspector for Wales by this Part.
- (5) In exercising functions under this Part, the Chief Inspector for Wales must have regard to—
- advice given by the National Assembly; and
 - such aspects of the National Assembly’s policy as the National Assembly may specify.

Status: Point in time view as at 26/01/2009.

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Commencement Information

I18 S. 76 not in force at Royal Assent see s. 154; s. 76 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), [art. 2](#), [Sch. Pt. I](#)

77 Inspections.

- (1) The Chief Inspector for Wales must inspect education and training brought within the remit of the Chief Inspector for Wales by this Part.
- (2) Inspections are to be conducted at such intervals as may be prescribed.
- (3) The Chief Inspector for Wales must report in writing on—
 - (a) the quality of the education or training inspected;
 - (b) the standards achieved by those receiving that education or training; and
 - (c) whether the financial resources made available to the provider of the education or training are managed efficiently and used in a way which provides value for money.
- (4) The report under subsection (3) must be made within such period as may be prescribed.
- (5) The Chief Inspector for Wales must without delay send a copy of the report under subsection (3) to—
 - (a) the National Assembly;
 - ^{F69}(b)
 - (c) any local education authority providing funds for the education or training inspected; and
 - (d) the provider of the inspected education or training.
- (6) Copies may also be sent to such other persons as the Chief Inspector for Wales considers appropriate.
- (7) A copy may be supplied under subsection (6) free of charge or on payment of such fee, not exceeding the cost of supplying the copy, as the Chief Inspector for Wales may determine.
- (8) The Chief Inspector for Wales must arrange for the report to be published in such manner as he considers appropriate.
- (9) “Prescribed” means prescribed in regulations made by the National Assembly.

Textual Amendments

F69 S. 77(5)(b) omitted (1.4.2006) by virtue of [National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), [art. 1\(1\)](#), [Sch. 1 para. 65](#) (with [art. 7](#))

Commencement Information

I19 S. 77 not in force at Royal Assent see s. 154; s. 77 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), [art. 2](#), [Sch. Pt. I](#)

Status: Point in time view as at 26/01/2009.

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78 General powers.

- (1) The Chief Inspector for Wales may give advice to the National Assembly on any matter relating to education or training brought within the remit of the Chief Inspector for Wales by this Part.
- (2) The Chief Inspector for Wales may inspect, and report on, any education or training of that kind.
- (3) The Chief Inspector for Wales may inspect any education or training—
 - (a) which is not of that kind, but
 - (b) which would be if it were funded in one of the ways mentioned in section 75, if the provider of the education or training asks the Chief Inspector for Wales to do so.
- (4) The Chief Inspector for Wales may charge for the cost of an inspection conducted under subsection (3).
- (5) Subsections (5) to (8) of section 77 apply to a report under subsection (2) as they apply to a report under that section.
- (6) The Chief Inspector for Wales may arrange for a report of an inspection carried out as a result of a request under subsection (3) to be published.

Commencement Information

I20 S. 78 not in force at Royal Assent see s. 154; s. 78 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), [art. 2](#), [Sch. Pt. I](#)

79 Right of entry and offences.

- (1) When conducting an inspection under this Part, the Chief Inspector for Wales has, at all reasonable times—
 - (a) a right of entry to premises on which the education or training being inspected is provided;
 - (b) a right of entry to premises of the provider of that education or training which are used in connection with that provision;
 - (c) a right to inspect, and take copies of, any records kept by that person, and any other documents containing information relating to the education or training, which the inspector requires for the purposes of the inspection.
- (2) In respect of education or training provided by an employer in the workplace, the right of entry conferred by subsection (1) may be exercised only if the employer has been given reasonable notice in writing.
- (3) The right to inspect records conferred by subsection (1)(c) includes the right to have access to, and to inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the records in question.
- (4) That right also includes the right to such assistance from—
 - (a) the person by whom or on whose behalf the computer is or has been so used, or
 - (b) any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material,

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as the Chief Inspector for Wales may reasonably require.

- (5) It is an offence wilfully to obstruct the Chief Inspector for Wales in the exercise of functions in relation to an inspection under this Part.
- (6) A person guilty of such an offence is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Commencement Information

I21 S. 79 not in force at Royal Assent see s. 154; s. 79 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), [art. 2](#), [Sch. Pt. I](#)

80 Action plans.

- (1) This section applies if the Chief Inspector for Wales publishes a report of an inspection.
- (2) But it does not apply to a report of an inspection conducted—
 - (a) as a result of a request under section 78(3); or
 - (b) under section 83.
- (3) The provider of the education or training which is the subject of the report must prepare a written statement of the action which he proposes to take in the light of the report and the period within which he proposes to take it.
- (4) The person making the statement must—
 - (a) publish it within such period, and in such manner, as may be prescribed by regulations made by the National Assembly; and
 - (b) send copies of it to such persons as may be so prescribed.

Commencement Information

I22 S. 80 not in force at Royal Assent see s. 154; s. 80 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), [art. 2](#), [Sch. Pt. I](#)

^{F70}81 Inspections of careers services etc.

.....

Textual Amendments

F70 S. 81 repealed (1.4.2007) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 19 Pt. 1](#); [S.I. 2006/1338](#), [art. 5](#), [Sch. 3](#)

82 Inspections of education and training provided under 1973 Act arrangements.

- (1) The Chief Inspector for Wales may, at the request of the Secretary of State or [^{F71}the Chief Inspector for England], inspect any education or training provided in Wales by the Secretary of State in accordance with arrangements made under section 2 of the ^{M15}Employment and Training Act 1973.

Status: Point in time view as at 26/01/2009.

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- (2) A report of an inspection conducted under this section at the request of the Secretary of State must be given to the Secretary of State.
 - (3) The Secretary of State may arrange for the report to be published in such manner as he considers appropriate.
 - (4) A report of an inspection conducted under this section at the request of [^{F72}the Chief Inspector for England must be given to that Chief Inspector].
 - (5) [^{F73}The Chief Inspector for England] may arrange for the report to be published in such manner as [^{F74}he] considers appropriate.
 - (6) The Chief Inspector for Wales must send a copy of any report under subsection (2) or (4) to the National Assembly.
- [^{F75}(7) In this section “the Chief Inspector for England” means Her Majesty's Chief Inspector of Education, Children's Services and Skills.]

Textual Amendments

- F71** Words in s. 82(1) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\), s. 188\(3\), Sch. 14 para. 57\(2\)](#); S.I. 2007/935, art. 5(gg)
- F72** Words in s. 82(4) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\), s. 188\(3\), Sch. 14 para. 57\(3\)](#); S.I. 2007/935, art. 5(gg)
- F73** Words in s. 82(5) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\), s. 188\(3\), Sch. 14 para. 57\(4\)](#); S.I. 2007/935, art. 5(gg)
- F74** Word in s. 82(5) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\), s. 188\(3\), Sch. 14 para. 57\(4\)](#); S.I. 2007/935, art. 5(gg)
- F75** S. 82(7) added (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\), s. 188\(3\), Sch. 14 para. 57\(5\)](#); S.I. 2007/935, art. 5(gg)

Commencement Information

- I23** S. 82 not in force at Royal Assent see s. 154; s. 82 in force for W. at 1.4.2001 by [S.I. 2001/1274, art. 2, Sch. Pt. I](#)

Marginal Citations

- M15** 1973 c. 50.

83 Area inspections.

- (1) If asked to do so by the National Assembly, the Chief Inspector for Wales must inspect—
 - (a) the quality and availability of a specified description of education or training, in a specified area in Wales, for persons who are aged [^{F76}15] or over;
 - (b) the standards achieved by those receiving that education or training; and
 - (c) whether the financial resources made available to those providing that education and training are managed efficiently and used in a way which provides value for money.
- (2) The Chief Inspector for Wales may, without being asked to, conduct such an inspection.

Status: Point in time view as at 26/01/2009.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 03 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)

- (3) If financial resources have been applied by the [^{F77}National Assembly] or a local education authority in respect of education or training which is being inspected under this section, the inspection may extend to considering the manner in which those resources have been applied and whether they have been applied in a way which provides value for money.
- (4) The education or training that may be made the subject of an area inspection is any education or training within the remit of the Chief Inspector for Wales (whether as a result of this Part or of any other enactment).
- (5) A provider of education or training which is the subject of an area inspection must provide such information as the Chief Inspector for Wales may reasonably require in connection with the inspection.
- (6) The [^{F77}National Assembly] and any local education authority within the area which is the subject of an area inspection must provide such information as the Chief Inspector for Wales may reasonably require in connection with the inspection.
- (7) The National Assembly may by regulations make further provision with respect to the obligation to provide information imposed by this section.
- (8) On completing an area inspection, the Chief Inspector for Wales must make a written report.
- (9) Subsections (4), (5)(a) to (c) and (6) to (9) of section 77 apply to a report under this section as they apply to a report under that section.
- (10) “Area inspection” means an inspection under this section.
- [^{F78}(11) In subsection (1)(a) “ persons who are aged 15 ” includes persons for whom education is being provided at a school who will attain that age in the current school year; and for this purpose “ school ” and “ school year ” have the same meaning as in the Education Act 1996.]

Textual Amendments

- F76** Word in s. 83(1)(a) substituted (1.8.2003 for W., 6.11.2006 for E.) by [Education Act 2002 \(c. 32\), ss. 178\(4\)\(a\), 216\(4\)](#) (with ss. 210(8), 214(4)); S.I. 2003/1718, art. 4, Sch. Pt. I; S.I. 2006/2895, art. 2
- F77** Words in s. 83(3)(6) substituted (1.4.2006) by [National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 1(1), **Sch. 1 para. 66** (with art. 7)
- F78** S. 83(11) inserted (1.8.2003 for W., 6.11.2006 for E.) by [Education Act 2002 \(c. 32\), ss. 178\(4\)\(b\), 216\(4\)](#) (with ss. 210(8), 214(4)); S.I. 2003/1718, art. 4, Sch. Pt. I; S.I. 2006/2895, art. 2

Commencement Information

- I24** S. 83 not in force at Royal Assent see s. 154; s. 83 in force for W. at 1.4.2001 by [S.I. 2001/1274, art. 2, Sch. Pt. I](#)

84 Action plans following section 83 inspections.

- (1) This section applies if the Chief Inspector for Wales publishes a report of an area inspection conducted under section 83.
- ^{F79}(2)

Status: Point in time view as at 26/01/2009.

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- (3) The National Assembly may direct a local education authority whose area is wholly or partly in the area covered by the report to prepare a written statement of the action which they propose to take in the light of the report and the period within which they propose to take it.
- (4) In preparing the statement ^{F80} ... the authority must consult such persons as the National Assembly may direct.
- (5) The person making the statement must—
 - (a) publish it within such period, and in such manner, as may be prescribed by regulations made by the National Assembly; and
 - (b) send copies of it to such persons as may be so prescribed.

Textual Amendments

- F79** S. 84(2) omitted (1.4.2006) by virtue of [National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 1(1), [Sch. 1 para. 67\(a\)](#) (with art. 7)
- F80** Words in s. 84(4) omitted (1.4.2006) by virtue of [National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 1(1), [Sch. 1 para. 67\(b\)](#) (with art. 7)

Commencement Information

- I25** S. 84 not in force at Royal Assent see s. 154; s. 84 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), art. 2, [Sch. Pt. 1](#)

85 Studies across Wales or of provision made outside Wales.

- (1) The National Assembly may direct the Chief Inspector for Wales to carry out—
 - (a) a survey of Wales, or of a specified area within Wales, in respect of specified matters relating to policy concerned with education or training for persons aged 16 or over; or
 - (b) a comparative study of the provision made outside Wales in respect of specified matters relating to such education or training.
- (2) The Chief Inspector for Wales may, without being directed to, carry out a survey or study of that kind.

Commencement Information

- I26** S. 85 not in force at Royal Assent see s. 154; s. 85 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), art. 2, [Sch. Pt. 1](#)

86 Annual reports.

- (1) The annual report of the Chief Inspector for Wales required by [^{F81}section 21(1)(a) of the Education Act 2005] must include an account of the exercise of functions of the Chief Inspector for Wales under this Part.

Status: Point in time view as at 26/01/2009.

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- (2) The power conferred by that section to make other reports includes a power to make reports with respect to matters relating to education or training which is brought within the remit of the Chief Inspector for Wales by this Part.

Textual Amendments

F81 Words in s. 86(1) substituted (1.9.2006) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 9 para. 25](#); [S.I. 2006/1338](#), art. 4(1), [Sch. 2](#)

Commencement Information

I27 S. 86 not in force at Royal Assent see s. 154; s. 86 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), art. 2, [Sch. Pt. I](#)

87 Annual plan of the Chief Inspector for Wales.

- (1) The Chief Inspector for Wales must, for the purposes of the consultation required under section 104(4) of the 1998 Act (funding of HM Chief Inspector of Education and Training for Wales), prepare a plan for each financial year.
- (2) The plan must be submitted to the National Assembly by such time before the beginning of the financial year to which it relates as the National Assembly may direct.
- (3) The plan must contain estimates of—
- (a) the expenditure necessary, in the financial year to which the plan relates, in order to secure that the functions of the Chief Inspector for Wales are discharged effectively; and
 - (b) the income which the Chief Inspector for Wales will receive in that financial year and which may be applied towards meeting the expenses of the Chief Inspector for Wales.
- (4) The plan must also contain proposals for the management of any funds which may be provided by the National Assembly for that financial year.
- (5) The Chief Inspector for Wales may, after the plan has been approved under section 104(4A) of the 1998 Act, publish it in such manner and at such time as appear to the Chief Inspector for Wales to be appropriate.
- (6) “The 1998 Act” means the ^{M16}Government of Wales Act 1998.

Commencement Information

I28 S. 87 not in force at Royal Assent see s. 154; s. 87 in force (W.) at 1.1.2001 by [S.I. 2000/3230](#), art. 2, [Sch.](#)

Marginal Citations

M16 1998 c. 38.

88 Defamation.

- (1) For the purposes of the law of defamation, any report under this Part is privileged unless its publication is shown to have been made with malice.

Status: Point in time view as at 26/01/2009.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 03 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)

(2) Nothing in subsection (1) limits any privilege subsisting apart from that subsection.

Commencement Information

I29 S. 88 not in force at Royal Assent see s. 154; s. 88 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), [art. 2](#), [Sch. Pt. I](#)

PART V

MISCELLANEOUS AND GENERAL

Further Education Funding Councils

89 Dissolution of FEFC for England.

- (1) On the appointed day—
- (a) the Further Education Funding Council for England shall be dissolved, and
 - (b) all property, rights and liabilities to which it was entitled or subject immediately before that day shall by virtue of this section become property, rights and liabilities of the Learning and Skills Council for England.
- (2) The appointed day is the day appointed under section 154 for the commencement of this section.

^{F82}90 Preliminary transfers: FEFC for England.

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Textual Amendments

F82 S. 90 repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 14 para. 58\(a\)](#), [Sch. 18 Pt. 5](#); [S.I. 2007/935](#), art. 5(gg)(ii)

^{F83}91 Dissolution of FEFC for Wales.

.....

Textual Amendments

F83 S. 91 omitted (1.4.2006) by virtue of [National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 1(1), [Sch. 1 para. 68](#) (with art. 7)

Status: Point in time view as at 26/01/2009.

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Other transfers

92 Transfers: England.

- (1) The Secretary of State may make a scheme providing for the transfer of any of his property, rights and liabilities to any of the listed persons.
- (2) The Secretary of State may make a scheme providing for the transfer of any of the property, rights and liabilities of a listed person to any other listed person.
- (3) The Secretary of State may make a scheme providing for the transfer to any listed person of any of the property, rights and liabilities of a person with whom the Secretary of State has made arrangements under section 2 of the ^{M17}Employment and Training Act 1973 (arrangements regarding employment).
- (4) The listed persons are—
 - (a) the Learning and Skills Council for England;
 - ^{F84}(b)
 - ^{F84}(c)
- (5) A scheme under this section may include such supplementary, incidental, consequential or transitional provisions as the Secretary of State thinks are appropriate.
- (6) A scheme under this section comes into force on the day it specifies for it to come into force.
- (7) When a scheme under this section comes into force it has effect to transfer (in accordance with its provisions) the property, rights and liabilities to which it applies.
- (8) If a scheme under subsection (1) includes provision for the transfer of liabilities, the day specified by the scheme for it to come into force must not fall after the end of the period of 3 years starting with the day appointed under section 154 for the commencement of section 89.
- (9) The day specified by a scheme under subsection (2) or (3) for the scheme to come into force must not fall after the end of the period of 3 years starting with the day appointed under section 154 for the commencement of section 89.
- (10) A scheme under subsection (3) is invalid unless it is made with the consent of the person from whom the transfer is to be made.

Textual Amendments

F84 S. 92(4)(b)(c) repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), Sch. 14 para. 58(b), **Sch. 18 Pt. 5**; S.I. 2007/935, art. 5(gg)(ii)

Marginal Citations

M17 1973 c. 50.

^{F85}**93 Transfers: Wales.**

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Status: Point in time view as at 26/01/2009.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 03 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)

Textual Amendments

- F85** S. 93 omitted (1.4.2006) by virtue of National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 69** (with art. 7)

Transfers: further provision

94 Stamp duty.

- (1) A transfer effected by virtue of section 89^{F86} ... is not to give rise to liability to stamp duty.
- (2) Stamp duty is not to be chargeable on a scheme made under [^{F87}section 92].

Textual Amendments

- F86** Words in s. 94(1) omitted (1.4.2006) by virtue of National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 70(a)** (with art. 7)
- F87** Words in s. 94(2) substituted (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 14 para. 59**; S.I. 2007/935, art. 5(gg)

[^{F88}94A. Stamp duty land tax

- (1) For the purposes of stamp duty land tax, a land transaction effected by a scheme under section 92 or 93 is exempt from charge.
- (2) Relief under this section must be claimed in a land transaction return or an amendment of such a return.
- (3) In this section—
 - “land transaction” has the meaning given by section 43(1) of the Finance Act 2003;
 - “land transaction return” has the meaning given by section 76(1) of that Act.]

Textual Amendments

- F88** S. 94A inserted (1.12.2003) by The Stamp Duty Land Tax (Consequential Amendment of Enactments) Regulations 2003 (S.I. 2003/2867), reg. 1, **Sch. para. 31**

95 Contracts of employment.

- (1) This section applies if rights and liabilities under a contract of employment are transferred by virtue of—
 - (a) section 89^{F89} ... or
 - (b) a scheme under [^{F90}section 92].

Status: Point in time view as at 26/01/2009.

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- (2) Anything done by or in relation to the transferor in respect of the employee before the day on which the transfer takes effect is to be treated on and after that day as done by or in relation to the transferee.
- (3) For the purposes of Part XI of the ^{M18}Employment Rights Act 1996 (redundancy payments etc) the employee is not to be regarded as having been dismissed by virtue of the transfer.
- (4) For the purposes of that Act the employee's period of employment with the transferor is to count as a period of employment with the transferee, and the change of employment is not to break the continuity of the period of employment.
- (5) The preceding provisions do not prejudice any right of the employee to terminate the contract of employment if a substantial change is made to his detriment in his working conditions, but no such right arises by reason only of the change in employer effected by the transfer.
- (6) For the purposes of this section—
 - (a) the transferor is the person from whom the rights and liabilities are transferred;
 - (b) the transferee is the person to whom the rights and liabilities are transferred.

Textual Amendments

- F89** Words in s. 95(1)(a) omitted (1.4.2006) by virtue of [National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 1(1), **Sch. 1 para. 71(a)** (with art. 7)
- F90** Words in s. 95(1)(b) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), **Sch. 14 para. 60**; S.I. 2007/935, art. 5(gg)

Commencement Information

- I30** S. 95 wholly in force at 1.1.2001; s. 95 not in force at Royal Assent see s. 154; s. 95 in force (E.) at 1.9.2000 by [S.I. 2000/2114](#), art. 2(3), **Sch. Pt. III**; s. 95 in force (W.) at 1.1.2001 by [S.I. 2000/3230](#), art. 2, **Sch**

Marginal Citations

- M18** 1996 c. 18.

External qualifications

96 Persons under 19.

- (1) This section applies to a course of education or training—
 - (a) which is provided (or proposed to be provided) by or on behalf of a school or institution or employer,
 - (b) which leads to an external qualification, and
 - (c) which is provided (or proposed to be provided) for pupils who are of compulsory school age or for pupils who are above that age but have not attained the age of 19.
- (2) Unless the external qualification is approved under section 98 or 99, the course must not be—

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- (a) funded by an authorised body (as defined in section 100), or
 - (b) provided by or on behalf of a maintained school.
- (3) In relation to a maintained school, the local education authority and the governing body must carry out their functions with a view to securing that subsection (2)(b) is not contravened.
- (4) The course mentioned in subsection (1) may be one of two or more components leading to the same qualification.
- (5) An external qualification is a qualification awarded or authenticated by an outside person, other than a qualification resulting from any of these courses—
- (a) a course for the further training of teachers or youth and community workers;
 - (b) a post-graduate course (including a higher degree course);
 - (c) a first degree course;
 - (d) a course for the Diploma of Higher Education;
 - (e) a course for the Certificate in Education.
- (6) A qualification is awarded by an outside person if it is awarded by a person other than—
- (a) the school or institution or employer, or
 - (b) a member of the staff of the school or institution or employer.
- (7) A qualification is authenticated by an outside person if it is awarded by the school or institution or employer and is authenticated by a person other than—
- (a) the school or institution or employer, or
 - (b) a member of the staff of the school or institution or employer.
- (8) These are maintained schools—
- (a) a community, foundation or voluntary school;
 - (b) a community or foundation special school.

Modifications etc. (not altering text)

C3 S. 96 restricted (with effect in accordance with art. 2 of the affecting S.I.) by [Coventry City Council and the North West Federation of Schools \(International General Certificate of Secondary Education\) Order 2005 \(S.I. 2005/1739\)](#), arts. 1(1), 2

Commencement Information

I31 S. 96 wholly in force at 1.9.2001; s. 96 not in force at Royal Assent see s. 154; s. 96 in force at 1.9.2001 by [S.I. 2001/654](#), **art. 2 Sch. Pt. III**; [S.I. 2001/1274](#), **art. 2 Sch. Pt. II**

97 Persons over 19.

- (1) This section applies if an institution or employer—
- (a) receives financial resources from an authorised body (as defined in section 100), and
 - (b) provides for persons who have attained the age of 19 a course of education or training which leads to an external qualification.

Status: Point in time view as at 26/01/2009.

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- (2) The authorised body must carry out its functions with a view to securing that, unless the external qualification is approved under section 98 or 99, the institution or employer does not make a payment which—
 - (a) is a payment in respect of the qualification,
 - (b) is made to the outside person who awards or authenticates the qualification, and
 - (c) can reasonably be said to consist of or come from the financial resources received from the authorised body (or those resources and others).
- (3) The course mentioned in subsection (1) may be one of two or more components leading to the same qualification.
- (4) An external qualification is a qualification awarded or authenticated by an outside person, other than a qualification resulting from any of these courses—
 - (a) a course for the further training of teachers or youth and community workers;
 - (b) a post-graduate course (including a higher degree course);
 - (c) a first degree course;
 - (d) a course for the Diploma of Higher Education;
 - (e) a course for the Certificate in Education.
- (5) A qualification is awarded by an outside person if it is awarded by a person other than the institution or employer or a member of its or his staff.
- (6) A qualification is authenticated by an outside person if it is awarded by the institution or employer and is authenticated by a person other than the institution or employer or a member of its or his staff.
- (7) A payment in respect of a qualification includes a payment in respect of—
 - (a) devising, administering, verifying or certifying the qualification;
 - (b) setting or moderating examinations for the purposes of the qualification;
 - (c) registering, assessing or examining candidates.

Commencement Information

I32 S. 97 wholly in force at 1.9.2002; s. 97 not in force at Royal Assent see s. 154; s. 97 in force for W. at 1.9.2002 by [S.I. 2001/2705, art. 2\(2\), Sch. Pt. II](#); s. 97 in force for E. at 1.8.2002 by [S.I. 2002/279, art. 2\(3\)\(a\)](#)

98 Approved qualifications: England.

- (1) This section has effect for the purposes of sections 96 and 97 in their application to England.
- (2) A qualification is approved at a given time if—
 - (a) it is then approved by the Secretary of State, or
 - (b) it is then approved by a body then designated by him for the purposes of this section.
- (3) Approval may be given generally or in relation to particular cases.
- (4) An approval given by a designated body is ineffective unless the Secretary of State consents to the approval.

Status: Point in time view as at 26/01/2009.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 03 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)

- (5) The Secretary of State may at any time revoke—
 - (a) a designation;
 - (b) an approval given by him;
 - (c) an approval given by a designated body.
- (6) A designated body may at any time revoke an approval given by it.
- (7) If the Secretary of State asks the Qualifications and Curriculum Authority to do so, it must advise him on any approval he proposes to give under subsection (2)(a).
- (8) If a designated body asks the Qualifications and Curriculum Authority to do so, it must advise the body on any approval the body proposes to give under subsection (2)(b).

99 Approved qualifications: Wales.

- (1) This section has effect for the purposes of sections 96 and 97 in their application to Wales.
- (2) A qualification is approved at a given time if—
 - (a) it is then approved by the National Assembly for Wales, or
 - (b) it is then approved by a body then designated by the National Assembly for the purposes of this section.
- (3) Approval may be given generally or in relation to particular cases.
- (4) An approval given by a designated body is ineffective unless the National Assembly consents to the approval.
- (5) The National Assembly may at any time revoke—
 - (a) a designation;
 - (b) an approval given by the National Assembly;
 - (c) an approval given by a designated body.
- (6) A designated body may at any time revoke an approval given by it.

^{F91}(7)

^{F92}(8)

Textual Amendments

F91 S. 99(7) 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. 30** (with art. 7)

F92 S. 99(8) 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. 30** (with art. 7)

Commencement Information

I33 S. 99 not in force at Royal Assent see s. 154; s. 99 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), art. 2, **Sch. Pt. I**

Status: Point in time view as at 26/01/2009.

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100 Authorised bodies.

- (1) For the purposes of sections 96 and 97 in their application to England these are authorised bodies—
 - (a) the Learning and Skills Council for England;
 - (b) a local education authority;
 - (c) a body specified by order by the Secretary of State for the purposes of this section.
- (2) For the purposes of sections 96 and 97 in their application to Wales these are authorised bodies—
 - (a) the [^{F93}National Assembly for Wales];
 - (b) a local education authority;
 - (c) a body specified by order by the National Assembly for Wales for the purposes of this section.

Textual Amendments

- F93** Words in s. 100(2) substituted (1.4.2006) by [National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 1(1), [Sch. 1 para. 72](#) (with art. 7)

Commencement Information

- I34** S. 100 not in force at Royal Assent see s. 154; s. 100(1) wholly in force at 1.9.2001 by [S.I. 2001/654](#), [art. 2 Sch. Pt. III](#); s. 100(2) in force for W. at 1.4.2001 by [S.I. 2001/1274](#), art. 2, [Sch. Pt. II](#)

101 Enforcement: England.

- (1) This section has effect for the purposes of sections 96 and 97 in their application to England, and it applies if the Secretary of State is satisfied that—
 - (a) a local education authority or specified body has failed to comply with section 96(2)(a) or is proposing to do so,
 - (b) a local education authority or governing body has failed to comply with section 96(3) or is proposing to do so, or
 - (c) a local education authority or specified body has failed to comply with section 97(2) or is proposing to do so.
- (2) The Secretary of State may give such directions to the authority or body as he thinks fit.
- (3) An authority or body must comply with any directions given to it under this section.
- (4) A specified body is a body specified under section 100(1)(c).

102 Enforcement: Wales.

- (1) This section has effect for the purposes of sections 96 and 97 in their application to Wales, and it applies if the National Assembly for Wales is satisfied that—
 - (a) a local education authority or specified body has failed to comply with section 96(2)(a) or is proposing to do so,
 - (b) a local education authority or governing body has failed to comply with section 96(3) or is proposing to do so, or

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- (c) a local education authority or specified body has failed to comply with section 97(2) or is proposing to do so.
- (2) The National Assembly may give such directions to the authority or body as it thinks fit.
- (3) An authority or body must comply with any directions given to it under this section.
- (4) A specified body is a body specified under section 100(2)(c).

Commencement Information

I35 S. 102 not in force at Royal Assent see s. 154; s. 102 in force for W. at 1.9.2001 by [S.I. 2001/1274, art. 2, Sch. Pt. II](#)

103 Amendments relating to external qualifications.

- (1) The ^{M19}Education Act 1997 shall be amended as follows.
- (2) In section 24 (functions of Qualifications and Curriculum Authority in relation to external qualifications) in subsection (2) for paragraphs (h) and (i) substitute—
“(gg) to make arrangements (whether or not with others) for the development, setting or administration of tests or tasks which fall to be undertaken with a view to obtaining such qualifications and which fall within a prescribed description.”
- (3) In subsection (3) of section 24 for “(g)” substitute “(gg)”.
- (4) In section 30 (functions of Qualifications, Curriculum and Assessment Authority for Wales in relation to external qualifications)—
 - (a) in subsection (1) omit “or by subsection (3)”;
 - (b) in subsection (2) for “(g)” substitute “(gg)”;
 - (c) omit subsection (3).
- (5) In section 37 (requirement for approval of certain courses leading to external qualifications) omit subsections (1) to (4) and in subsection (5) the words “, which are superseded by this section,”.

Commencement Information

I36 S. 103 partly in force; s. 103 not in force at Royal Assent see s. 154; s. 103(1)(5) in force (E.) at 1.9.2001 by [S.I. 2001/654, art. 2, Sch. Pt. III](#); s. 103(1)(2)(3) in force (W.) for specified purposes at 1.4.2001 by [S.I. 2001/1274, art. 2, Sch. Pt. I](#); s. 103(4) in force (W.) at 1.4.2001 by [S.I. 2001/1274, art. 2, Sch. Pt. I](#); s. 103(5) in force (W.) at 1.9.2001 by [S.I. 2001/1274, art. 2 Sch. Pt. II](#); s. 103(2)(3) in force (E.) at 1.4.2002 in so far as not already in force by [S.I. 2002/279, art. 2\(2\)\(a\)](#)

Marginal Citations

M19 1997 c. 44.

Status: Point in time view as at 26/01/2009.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 03 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)

Qualifying accounts and arrangements

104 Qualifying accounts.

- (1) Subsection (2) applies if a provision contained in or made under an enactment requires an account to qualify under this section (or to qualify under it at a particular time).
- (2) The provision is to be taken to require the account to satisfy conditions specified by the Secretary of State in regulations made under this section (or to satisfy them at the time concerned).
- (3) These conditions may be included—
 - (a) conditions as to the description of individual who may hold an account;
 - (b) conditions as to the description of institution with which an account may be held;
 - (c) conditions requiring an account not to be a joint one, or not to be held on behalf of a person other than the holder, or not to be held with another account of a specified description, or not to be connected with another account;
 - (d) conditions requiring an account to be identified by a specified name.
- (4) Conditions as to the description of institution with which an account may be held may themselves specify the description or may allow the Secretary of State to specify it in a way he thinks fit.
- (5) The regulations may provide that a specification of a description of institution with which an account may be held may include a requirement for institutions to have the benefit of approvals which have been given by the Secretary of State and not withdrawn.
- (6) The regulations may contain provision securing that an individual may not simultaneously hold more than one account which qualifies under this section.
- (7) The power to make regulations under this section is to be exercised by the Scottish Ministers so far as those regulations are to have effect for the purposes of any provision of, or made under, an Act of the Scottish Parliament authorising grants to be paid to, or in respect of, individuals in connection with their education or training; and for this purpose references in this section to the Secretary of State are to be treated as references to the Scottish Ministers.
- (8) For the purposes of this section an enactment includes an Act of the Scottish Parliament.

105 Qualifying arrangements.

- (1) Subsection (2) applies if a provision contained in or made under an enactment requires arrangements to qualify under this section (or to qualify under it at a particular time).
- (2) The provision is to be taken to require the arrangements to satisfy conditions specified by the Secretary of State in regulations made under this section (or to satisfy them at the time concerned).
- (3) These conditions may be included—
 - (a) conditions as to the description of individual who may enter into arrangements;

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- (b) conditions as to the description of body with which arrangements may be made;
 - (c) conditions as to the nature of the arrangements and the way they are to be made;
 - (d) conditions requiring the arrangements to be identified by a specified name.
- (4) Conditions as to the description of body with which arrangements may be made may themselves specify the description or may allow the Secretary of State to specify it in a way he thinks fit.
- (5) The regulations may provide that a specification of a description of body with which arrangements may be made may include a requirement for bodies to have the benefit of approvals which have been given by the Secretary of State and not withdrawn.
- (6) The regulations may contain provision securing that an individual may not simultaneously—
- (a) be a party to more than one set of arrangements which qualify under this section, or
 - (b) be a party to arrangements which qualify under this section and to arrangements falling within subsection (7).
- (7) Arrangements fall within this subsection if they are—
- (a) arrangements which qualify under such provision of the law of Scotland as in the opinion of the Secretary of State corresponds to this section, or
 - (b) arrangements which qualify under section 106.

106 Qualifying arrangements: Northern Ireland.

- (1) Subsection (2) applies if a provision contained in or made under an enactment requires arrangements to qualify under this section (or to qualify under it at a particular time).
- (2) The provision is to be taken to require the arrangements to satisfy conditions specified by [^{F94} the Department for Employment and Learning] in Northern Ireland in regulations made under this section (or to satisfy them at the time concerned).
- (3) Subsections (3) to (7) of section 105 apply to regulations under this section as they apply to regulations under that section; and for this purpose—
- (a) references in those subsections to the Secretary of State are to be treated as references to the Department;
 - (b) the reference in subsection (7)(b) to arrangements which qualify under this section is to be treated as a reference to arrangements which qualify under section 105.

Textual Amendments

F94 Words in s. 106(2) substituted (N.I.) (20.7.2001) by 2001 c. 15 (N.I.), s. 1(2)(a)

107 Qualifying arrangements: further provision.

- (1) The Secretary of State (or a person designated by him) may make arrangements with a body in connection with the making by that body of arrangements which qualify under section 105.

Status: Point in time view as at 26/01/2009.

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- (2) Arrangements under subsection (1) may include provision for the remuneration of a body and the payment of its expenses.
- (3) Arrangements under subsection (1) may include provision for a person designated by the Secretary of State to carry out on his behalf such of his functions under the arrangements as he specifies.
- (4) The Secretary of State may pay—
 - (a) to a person designated by him under subsection (1) to make arrangements with a body, or
 - (b) to a person designated by him under subsection (3) to carry out functions on his behalf,
 remuneration or amounts to meet the person's expenses.
- (5) [^{F95}The Department for Employment and Learning] in Northern Ireland (or a person designated by it) may make arrangements with a body in connection with the making by that body of arrangements which qualify under section 106.
- (6) Subsections (2) to (4) apply to arrangements under subsection (5) as they apply to arrangements under subsection (1); and for this purpose references in subsections (2) to (4) to the Secretary of State are to be treated as references to the Department.

Textual Amendments

F95 Words in s. 107(5) substituted (N.I.) (20.7.2001) by 2001 c. 15 (N.I.), s. 1(2)(a)

108 Grants.

- (1) The Secretary of State may make regulations authorising grants to be paid to or in respect of individuals in connection with their education or training.
- (2) The regulations must provide that grants may be paid only to or in respect of individuals—
 - (a) who hold accounts which qualify under section 104,
 - (b) who are parties to arrangements which qualify under section 105, or
 - (c) who hold such accounts and are parties to such arrangements.
- (3) The regulations may provide that grants may not be paid unless other specified conditions are satisfied.
- (4) These conditions may be included—
 - (a) conditions as to the way the accounts qualifying under section 104 are operated (including conditions requiring them to contain a specified balance);
 - (b) conditions as to the way the arrangements qualifying under section 105 are conducted;
 - (c) conditions as to the employment or self-employment of individuals;
 - (d) conditions requiring individuals not to be receiving or have received specified benefits;
 - (e) conditions as to the kinds of education or training which qualify.
- (5) The regulations may provide—

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- (a) that the amounts of grants, and when and how they are paid, are to be decided by the Secretary of State;
 - (b) that grants may be paid on such terms as the Secretary of State decides and that the terms may include terms requiring repayment in specified circumstances;
 - (c) that if grants are payable under the regulations they may be paid to persons providing education or training;
 - (d) that if grants are payable under the regulations they may be paid by the Secretary of State or by other persons under arrangements made with him;
 - (e) that if such arrangements are made the Secretary of State may pay the persons concerned remuneration or amounts to meet their expenses.
- (6) Conditions as to the kinds of education or training which qualify may include provision for the kinds to be specified—
- (a) by the Secretary of State in a way he thinks fit, or
 - (b) if he so decides, by a person who (at the time of the specification) is designated by the Secretary of State and who specifies in a way the Secretary of State stipulates.
- (7) The regulations may provide that a specification of the kinds of education or training which qualify may include a requirement for the education or training to be provided by persons for the time being approved—
- (a) by the Secretary of State, or
 - (b) if he so decides, by a person who (at the time of the approval) is designated by the Secretary of State.

109 Grants: Northern Ireland.

- (1) [^{F96}The Department for Employment and Learning] in Northern Ireland may make regulations authorising grants to be paid to or in respect of individuals in connection with their education or training.
- (2) The regulations must provide that grants may be paid only to or in respect of individuals—
- (a) who hold accounts which qualify under section 104,
 - (b) who are parties to arrangements which qualify under section 106, or
 - (c) who hold such accounts and are parties to such arrangements.
- (3) Subsections (3) to (7) of section 108 apply to regulations under this section as they apply to regulations under that section; and for this purpose—
- (a) references in those subsections to the Secretary of State are to be treated as references to the Department;
 - (b) the reference in subsection (4)(b) to arrangements which qualify under section 105 is to be treated as a reference to arrangements which qualify under section 106.

Textual Amendments

F96 Words in s. 109(1) substituted (N.I.) (20.7.2001) by 2001 c. 15 (N.I.), s. 1(2)(a)

Status: Point in time view as at 26/01/2009.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 03 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)

Sixth-form education

110 Secondary education.

- (1) After section 2(2) of the ^{M20}Education Act 1996 (definition of secondary education) there shall be inserted—

“(2A) Education is also secondary education for the purposes of this Act (subject to subsection (5)) if it is provided by an institution which—

- (a) is maintained by a local education authority, and
- (b) is principally concerned with the provision of full-time education suitable to the requirements of pupils who are over compulsory school age but under the age of 19.

(2B) Where—

- (a) a person is in full-time education,
- (b) he receives his education partly at a school and, by virtue of arrangements made by the school, partly at another institution, and
- (c) the education which he receives at the school would be secondary education if it was full-time education at the school,

the person’s education, both at the school and at the other institution, is secondary education for the purposes of this Act (subject to subsection (5)).”

- (2) Subsections (3) to (5) apply to an institution which would become a school on the coming into force of subsection (1) (by virtue of section 4(1) of the ^{M21}Education Act 1996 (schools)).
- (3) An institution to which this subsection applies shall not be treated as being a school by virtue of section 4(1) of that Act unless it has been established as a new school in accordance with section 28(1)(a) or (2)(a) or 31(1)(a) of the ^{M22}School Standards and Framework Act 1998 (community or foundation mainstream or special school).
- (4) A local education authority may not continue to maintain an institution to which this subsection applies in pursuance of section 15A of the ^{M23}Education Act 1996 (education for 16 to 18 year olds).
- (5) Section 51(3A) of the ^{M24}Further and Higher Education Act 1992 (incorporation of further education institutions) shall not apply in relation to an institution to which this subsection applies.

Commencement Information

I37 S. 110 wholly in force at 1.8.2002; s. 110 not in force at Royal Assent see s. 154; s. 110(1) in force (E.) for certain purposes at 1.9.2000, s. 110(2) in force (E.) for certain purposes at 1.9.2000 and s. 110(3) in force (E.) at 1.9.2000 by [S.I. 2000/2114, art. 2\(3\), Sch. Pt. III](#); s. 110(1) wholly in force for E. at 1.4.2001 by [S.I. 2001/654, art. 2, Sch. Pt. II](#); s. 110 wholly in force for W. at 1.4.2001 by [S.I. 2001/1274, art. 2, Sch. Pt. I](#); s. 110(2)(4)(5) in force for E. at 1.8.2002 in so far as not already in force by [S.I. 2002/279, art. 2\(3\)\(b\)](#)

Marginal Citations

M20 1996 c. 56.
M21 1996 c. 56.
M22 1998 c. 31.

Status: Point in time view as at 26/01/2009.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 03 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)

M23 1996 c. 56.

M24 1992 c. 13.

111 Further education corporations.

(1) The following shall be substituted for section 16(2) and (3) of the ^{M25}Further and Higher Education Act 1992 (incorporation of further education institutions)—

“(2) Subsection (1) above does not apply to an institution which is maintained by a local education authority.

(3) The Secretary of State may by order make provision for the establishment of a body corporate for the purpose of conducting an institution which—

- (a) is maintained by a local education authority, and
- (b) in his opinion, is principally concerned with the provision of full-time education suitable to the requirements of persons over compulsory school age who have not attained the age of nineteen years.”

(2) Section 51 of that Act (publication of proposals) shall be amended as follows—

(a) for subsection (3)(b) substitute—

“(b) an order under section 16(3) of this Act, other than an order made for the purpose of giving effect to a proposal by a council,”,

and

(b) after subsection (3) insert—

“(3A) A draft proposal or order in respect of an institution which is maintained by a local education authority shall not be published without the consent of the governing body and the local education authority.”

Commencement Information

I38 S. 111 wholly in force at 1.4.2001; s. 111 not in force at Royal Assent see s. 154; s. 111 in force for E. at 1.10.2000 by [S.I. 2000/2559, art. 2\(1\)](#), [Sch. Pt. I](#); s. 111 in force for W. at 1.4.2001 by [S.I. 2001/1274, art. 2](#), [Sch. Pt. I](#)

Marginal Citations

M25 1992 c. 13.

112 Further education institutions: designation.

In section 28(3) of the ^{M26}Further and Higher Education Act 1992 (designation of institutions for funding) the following shall be inserted after subsection (3)—

“(3A) The Secretary of State shall not make an order under this section in respect of a voluntary aided school without the consent of the governing body and the local education authority.”

Status: Point in time view as at 26/01/2009.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 03 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)

Commencement Information

I39 S. 112 wholly in force at 1.4.2001; s. 112 not in force at Royal Assent see s. 154; s. 112 in force for E. at 1.10.2000 by [S.I. 2000/2559, art. 2\(1\), Sch. Pt. I](#); s. 112 in force for W. at 1.4.2001 by [S.I. 2001/1274, art. 2, Sch. Pt. I](#)

Marginal Citations

M26 1992 c. 13.

113 [F97Sixth forms requiring significant improvement]

(1) Schedule 7 ([F98sixth forms requiring significant improvement]) shall have effect.

[F99(2) Expressions used in that Schedule and in Chapter 2 or 4 of Part 1 of the Education Act 2005 have—

- (a) in relation to schools in England, the same meaning as in Chapter 2 of that Part, and
- (b) in relation to schools in Wales, the same meaning as in Chapter 4 of that Part.]

(3) Sections 496 and 497 of the ^{M27}Education Act 1996 (intervention) shall have effect in relation to powers and duties conferred or imposed by virtue of Schedule 7 as if—

- (a) those powers and duties were conferred or imposed by the ^{M28}Education Act 1996, and
- (b) the bodies specified in sections 496(2) and 497(2) were any local education authority ^{F100}... and the governing body of any maintained school (within the meaning given by section 20(7) of the ^{M29}School Standards and Framework Act 1998).

Textual Amendments

F97 S. 113 heading substituted (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 5 para. 2\(2\)](#); [S.I. 2005/2034, art. 4](#); [S.I. 2006/1338, art. 3, Sch. 1](#)

F98 Words in s. 113(1) substituted (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 5 para. 2\(2\)](#); [S.I. 2005/2034, art. 4](#); [S.I. 2006/1338, art. 3, Sch. 1](#)

F99 S. 113(2) substituted (1.9.2005 for E. for specified purposes, 1.9.2006 for W.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 5 para. 2\(3\)](#); [S.I. 2005/2034, art. 4](#); [S.I. 2006/1338, art. 3, Sch. 1](#); [S.I. 2006/1338, art. 3, Sch. 1](#)

F100 Words in s. 113(3)(b) repealed (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\), s. 188\(3\), Sch. 3 para. 35, Sch. 18 Pt. 3](#); [S.I. 2007/935, art. 7\(o\)\(q\)](#)

Modifications etc. (not altering text)

C4 S. 113: functions transferred (E.) (1.4.2002) by [Contracting Out \(Local Education Authority Functions\) \(England\) Order 2002 \(S.I. 2002/928\), art. 3, Sch. 3 para. \(p\)](#)

Commencement Information

I40 S. 113 wholly in force at 1.4.2002; s. 113 not in force at Royal Assent see s. 154; s. 113(1)(2) in force for certain purposes (E.) at 1.10.2000 by [S.I. 2000/2559, art. 2\(1\), Sch. Pt. I](#); s. 113 wholly in force for E. at 1.4.2001 by [S.I. 2001/654, art. 2, Sch. Pt. II](#); s. 113 wholly in force for W. at 1.4.2002 by [S.I. 2001/2705, art. 2, Sch. Pt. I](#)

Status: Point in time view as at 26/01/2009.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 03 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)

Marginal Citations

M27 1996 c. 56.

M28 1996 c. 56.

M29 1998 c. 31.

[^{F101} 113A Restructuring of sixth-form education

- (1) The Learning and Skills Council for England may make proposals under this section—
- (a) with a view to meeting recommendations made in the report of an area inspection under [^{F102} section 128 of the Education and Inspections Act 2006],
 - (b) with a view to promoting one or more of the relevant objectives, or
 - (c) if—
 - (i) they are made in addition to proposals relating to education or training other than in schools, and
 - (ii) the combined proposals are made with a view to promoting one or more of the relevant objectives.
- (2) The [^{F103} National Assembly for Wales] may make proposals under this section—
- (a) with a view to meeting recommendations made in the report of an area inspection under section 83,
 - (b) with a view to promoting one or more of the relevant objectives, or
 - (c) if—
 - (i) they are made in addition to proposals relating to education or training other than in schools, and
 - (ii) the combined proposals are made with a view to promoting one or more of the relevant objectives.
- (3) For the purposes of this section, the following are “relevant objectives”—
- (a) an improvement in the educational or training achievements of persons who are above compulsory school age but below the age of 19;
 - (b) an increase in the number of such persons who participate in education or training suitable to the requirements of such persons;
 - (c) an expansion of the range of educational or training opportunities suitable to the requirements of such persons.
- (4) Proposals under this section are proposals for one or more of the following—
- (a) the establishment by a local education authority [^{F104} in Wales] of one or more new community, foundation, community special or foundation special schools to provide secondary education suitable to the requirements of persons who are above compulsory school age but below the age of 19 (and no other secondary education);
 - [^{F105} (aa) the establishment by a local education authority in England of one or more new foundation or foundation special schools to provide secondary education suitable to the requirements of persons who are above compulsory school age but below the age of 19 (and no other secondary education);]
 - (b) an alteration to one or more maintained schools which relates to the provision of secondary education suitable to the requirements of such persons and is of a description prescribed by regulations;

Status: Point in time view as at 26/01/2009.

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- (c) the discontinuance of one or more maintained schools which provide secondary education suitable to the requirements of such persons (and no other secondary education).

[Proposals under this section are to be published.]

^{F106}(4A)

- (5) Proposals [^{F107}under subsection (1) are to be] submitted to the relevant authority, which shall—
- (a) approve them, with or without modification or subject to the occurrence of any event, or
 - (b) reject them.

[In respect of proposals under subsection (2), the relevant authority shall, in accordance ^{F108}(5A) with regulations made under subsection (9), determine whether to—

- (a) confirm them, with or without modification or subject to the occurrence of any event; or
- (b) withdraw them.]

(6) Schedule 7A (implementation of proposals) has effect.

(7) In exercising any function conferred by or under this section, the Learning and Skills Council for England ^{F109} ... must have regard to any guidance given from time to time by the relevant authority.

(8) Proposals under [^{F110}subsection (1)] may be made either alone or in addition to proposals under section 51 of the Further and Higher Education Act 1992 (c. 13) (proposals for further education corporations).

(9) Regulations may make provision about proposals under this section and may in particular make provision about—

- (a) the information to be included in, or provided in relation to, the proposals;
- (b) publication of the proposals;
- (c) consultation on the proposals (before or after publication);
- (d) the making of objections to or comments on the proposals;
- (e) withdrawal or modification of the proposals;
- (f) approval of [^{F111}proposals under subsection (1)] by the relevant authority.

[confirmation of proposals under subsection (2) by the relevant authority]

^{F112}(g)

(10) For the purposes of sections 496 and 497 of the Education Act 1996 (c. 56) (powers to prevent unreasonable exercise of functions and general default powers), the provisions of this section and Schedule 7A shall be treated as if they were provisions of that Act.

(11) For the purposes of this section and Schedule 7A—

“ alteration ” means an alteration of whatever nature, including the transfer of the school to a new site but excluding any change—

- (a) in the religious character of the school, or
- (b) whereby the school would acquire or lose a religious character;

“ maintained school ” means a community, foundation or voluntary school or a community or foundation special school;

“ regulations ” means—

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- (a) in relation to proposals by the Learning and Skills Council for England, regulations made by the Secretary of State, and
- (b) in relation to proposals by the [^{F113}National Assembly for Wales], regulations made by the National Assembly for Wales;
“relevant authority” means—
 - (a) in relation to the Learning and Skills Council for England, the Secretary of State; and
 - (b) in relation to the [^{F114}National Assembly for Wales], the National Assembly for Wales;“secondary education” has the same meaning as in section 2 of the Education Act 1996.]

Textual Amendments

- F101** S. 113A inserted (1.4.2003 for E., 1.8.2004 for W.) by Education Act 2002 (c. 32), **ss. 72(1)**, 216(4) (with **ss. 210(8)**, 214(4)); S.I. 2003/124, art. 4; S.I. 2004/1728, art. 4, Sch. Pt. 1
- F102** Words in s. 113A(1)(a) substituted (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 14 para. 61**; S.I. 2007/935, art. 5(gg)
- F103** Words in s. 113A(2) substituted (1.4.2006) by National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 73(a)** (with art. 7)
- F104** Words in s. 113A(4)(a) inserted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 3 para. 36(a)**; S.I. 2007/935, art. 7(o)
- F105** S. 113A(4)(aa) inserted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 3 para. 36(b)**; S.I. 2007/935, art. 7(o)
- F106** S. 113A(4A) inserted (1.4.2006) by National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 73(b)** (with art. 7)
- F107** Words in s. 113A(5) substituted (1.4.2006) by National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 73(c)** (with art. 7)
- F108** S. 113A(5A) inserted (1.4.2006) by National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 73(d)** (with art. 7)
- F109** Words in s. 113A(7) omitted (1.4.2006) by virtue of National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 73(e)** (with art. 7)
- F110** Words in s. 113A(8) substituted (1.4.2006) by National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 73(f)** (with art. 7)
- F111** Words in s. 113A(9)(f) substituted (1.4.2006) by National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 73(g)** (with art. 7)
- F112** S. 113A(9)(g) inserted (1.4.2006) by National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 73(h)** (with art. 7)
- F113** Words in s. 113A(11) substituted (1.4.2006) by National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 73(i)(i)** (with art. 7)
- F114** Words in s. 113A(11) substituted (1.4.2006) by National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 73(i)(ii)** (with art. 7)

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Modifications etc. (not altering text)

- C5** S. 113A power to modify conferred (1.4.2003 for E.) by [Education Act 2002 \(c. 32\)](#), **ss. 74(2)(b)**, 216(4) (with **ss. 210(8)**, 214(4)); S.I. 2003/124, art. 4
- C6** S. 113A modified (1.6.2003 for E.) by [Education Act 2002 \(c. 32\)](#), **ss. 74(1)(c)**, 216(4) (with **ss. 210(8)**, 214(4)); S.I. 2003/1115, art. 3

Support for 13 to 19 year olds: England

F115 114 Provision of services.

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Textual Amendments

- F115** Ss. 114-121 repealed (26.1.2009 for specified purposes, 12.1.2010 in so far as not already in force) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 79**, 173(4), **Sch. 2**; S.I. 2008/3077, art. 4(b)(h)(iii); S.I. 2009/3316, art. 2

F115 115 Consultation and coordination.

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Textual Amendments

- F115** Ss. 114-121 repealed (26.1.2009 for specified purposes, 12.1.2010 in so far as not already in force) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 79**, 173(4), **Sch. 2**; S.I. 2008/3077, art. 4(b)(h)(iii); S.I. 2009/3316, art. 2

F115 116 Local education authorities.

.....

Textual Amendments

- F115** Ss. 114-121 repealed (26.1.2009 for specified purposes, 12.1.2010 in so far as not already in force) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 79**, 173(4), **Sch. 2**; S.I. 2008/3077, art. 4(b)(h)(iii); S.I. 2009/3316, art. 2

F115 117 Educational institutions: information and access.

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Textual Amendments

- F115** Ss. 114-121 repealed (26.1.2009 for specified purposes, 12.1.2010 in so far as not already in force) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 79**, 173(4), **Sch. 2**; S.I. 2008/3077, art. 4(b)(h)(iii); S.I. 2009/3316, art. 2

Status: Point in time view as at 26/01/2009.

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F115 118 Inspection.

.....

Textual Amendments

F115 Ss. 114-121 repealed (26.1.2009 for specified purposes, 12.1.2010 in so far as not already in force) by [Education and Skills Act 2008 \(c. 25\)](#), ss. 79, 173(4), **Sch. 2**; S.I. 2008/3077, art. 4(b)(h)(iii); S.I. 2009/3316, art. 2

F115 119 Information: supply by Secretary of State.

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Textual Amendments

F115 Ss. 114-121 repealed (26.1.2009 for specified purposes, 12.1.2010 in so far as not already in force) by [Education and Skills Act 2008 \(c. 25\)](#), ss. 79, 173(4), **Sch. 2**; S.I. 2008/3077, art. 4(b)(h)(iii); S.I. 2009/3316, art. 2

F115 120 Information: supply by public bodies.

.....

Textual Amendments

F115 Ss. 114-121 repealed (26.1.2009 for specified purposes, 12.1.2010 in so far as not already in force) by [Education and Skills Act 2008 \(c. 25\)](#), ss. 79, 173(4), **Sch. 2**; S.I. 2008/3077, art. 4(b)(h)(iii); S.I. 2009/3316, art. 2

F115 121 Supplementary.

.....

Textual Amendments

F115 Ss. 114-121 repealed (26.1.2009 for specified purposes, 12.1.2010 in so far as not already in force) by [Education and Skills Act 2008 \(c. 25\)](#), ss. 79, 173(4), **Sch. 2**; S.I. 2008/3077, art. 4(b)(h)(iii); S.I. 2009/3316, art. 2

122 Careers services.

The following shall be inserted after section 10A of the ^{M30}Employment and Training Act 1973 (careers services)—

“10B Inspection.

(1) Her Majesty’s Chief Inspector of Schools in England—

Status: Point in time view as at 26/01/2009.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 03 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)

- (a) shall advise the Secretary of State on request about matters relating to services provided in England in pursuance of section 8 or 9,
 - (b) may give the Secretary of State other advice about those matters,
 - (c) shall, when requested to do so by the Secretary of State, inspect and report on the provision of those services by any person or institution, and
 - (d) may undertake such other inspections of the provision of those services by persons or institutions as he thinks fit.
- (2) A request under subsection (1)(c)—
- (a) may be general or in relation to specific matters,
 - (b) may relate to a specific person or institution providing services, or to a specific class of person or institution, and
 - (c) may relate to a specific area.
- (3) An inspection under subsection (1)(c) or (d) may not relate to services provided for persons who have attained the age of 20.
- (4) A reference in subsection (1) to the provision of services includes a reference to the management and use of resources in providing services.
- (5) Subsections (6) to (8) apply to an inspection under subsection (1)(c) or (d) of services provided in pursuance of arrangements under section 10(1) of this Act.
- (6) A person carrying out or participating in the inspection shall have the same powers as an Inspector of Schools under the following provisions of the School Inspections Act 1996—
- (a) section 3(3)(a) and (b) (right of access), and
 - (b) section 42 (computer records).
- (7) Section 42A of the 1996 Act (publication of reports) shall apply.
- (8) A person who wilfully obstructs a person in carrying out or participating in the inspection—
- (a) shall be guilty of an offence, and
 - (b) shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.”

Marginal Citations

M30 1973 c. 50.

Support for 11 to 25 year olds: Wales

123 Provision of services.

- (1) The National Assembly for Wales may direct a local authority—
- (a) to provide youth support services;
 - (b) to secure the provision of youth support services;
 - (c) to participate in the provision of youth support services.

Status: Point in time view as at 26/01/2009.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 03 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)

- (2) In this section “youth support services” means services which in the opinion of the National Assembly will encourage, enable or assist young persons (directly or indirectly)—
- (a) to participate effectively in education or training,
 - (b) to take advantage of opportunities for employment, or
 - (c) to participate effectively and responsibly in the life of their communities.
- (3) In this section “young persons” means persons who have attained the age of 11 but not the age of 26.
- (4) A direction under subsection (1)—
- (a) may include provision for grants, loans and other kinds of financial assistance to be provided by the National Assembly (whether or not on conditions),
 - (b) may require local authorities to have regard to guidance issued by the National Assembly, and
 - (c) may require local authorities when making arrangements with other persons to require those persons to have regard to guidance issued by the National Assembly.
- (5) A direction under subsection (1)—
- (a) may relate to a particular class of young person;
 - (b) may make different provision for different classes of young person;
 - (c) may be revoked or varied by a later direction.

Commencement Information

I41 S. 123 not in force at Royal Assent see s. 154; s. 123 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), [art. 2](#), [Sch. Pt. I](#)

124 Local authority: duty and powers.

- (1) A local authority—
- (a) shall comply with a direction given to it under section 123(1), and
 - (b) may provide, secure the provision of or participate in the provision of youth support services otherwise than in accordance with paragraph (a).
- (2) Action which a local authority takes in pursuance of subsection (1)—
- (a) may relate to a particular class of young persons;
 - (b) may relate to services for a person from another area.
- (3) In complying with a direction under section 123(1) a local authority shall have regard to the expediency of co-operation with voluntary organisations.
- (4) For the purpose of subsection (1) a local authority may—
- (a) incur expenditure;
 - (b) employ officers;
 - (c) enter into agreements for the supply of goods or services;
 - (d) do anything else (other than forming companies) which they consider necessary or expedient.

Status: Point in time view as at 26/01/2009.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 03 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)

- (5) Nothing in or done under section 123 shall prejudice any power of a local authority to provide services or incur expenditure.

Commencement Information

I42 S. 124 not in force at Royal Assent see s. 154; s. 124 in force for W. at 1.4.2001 by [S.I. 2001/1274, art. 2, Sch. Pt. I](#)

125 Consultation and coordination.

- (1) Before complying with a direction under section 123(1) by providing, securing the provision of or participating in the provision of services for residents of a particular place or area, a local authority shall consult each of the following with responsibility for all or part of the area—
- (a) a ^{F116}Local Health Board],
 - (b) a chief officer of police,
 - (c) a police authority,
 - (d) a probation committee
 - ^{F117}(da) a provider of probation services,] and
 - (e) a youth offending team.
- (2) The local authority shall also—
- (a) consult any voluntary body which provides services for young persons in the place or area concerned and which the local authority think it appropriate to consult,
 - ^{F118}(b)
 - (c) consult any authority or person with whom arrangements have been made for the place or area concerned under section 10(1) or (3)(a), (b) or (c) of the ^{M31}Employment and Training Act 1973 (careers services),
 - (d) consult any relevant organisation established for the purpose of enabling voluntary bodies to co-operate and co-ordinate their activities,
 - (e) consult such other persons as the local authority think appropriate, and
 - (f) provide such opportunities as the local authority think appropriate for young persons in the place or area concerned to express their views.
- (3) Subsection (4) applies where a local authority—
- (a) provide or propose to provide youth support services for the residents of a particular place or area, or
 - (b) secure or propose to secure the provision of youth support services for the residents of a particular place or area.
- (4) Where this subsection applies, persons and bodies listed in subsection (1) with responsibility for all or part of that place or area shall—
- (a) exercise their functions so as to support and assist the services provided, secured or proposed by the local authority, and
 - (b) coordinate the exercise of their functions, so far as seems reasonable, with persons providing those services.
- (5) Subsection (4) shall not require persons or bodies to take action which would significantly interfere with the efficient or effective exercise of their functions.

Status: Point in time view as at 26/01/2009.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 03 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)

Textual Amendments

- F116** Words in s. 125(1)(a) substituted (1.4.2007) by [References to Health Authorities Order 2007 \(S.I. 2007/961\)](#), art. 1(1), **Sch. para. 31(2)**
- F117** S. 125(1)(da) inserted (1.4.2008) by [The Offender Management Act 2007 \(Consequential Amendments\) Order 2008 \(S.I. 2008/912\)](#), art. 1, **Sch. 1 para. 16(4)**
- F118** S. 125(2)(b) omitted (1.4.2006) by virtue of [National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 1(1), **Sch. 1 para. 74** (with art. 7)

Commencement Information

- I43** S. 125 not in force at Royal Assent see s. 154; s. 125 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), art. 2, **Sch. Pt. I**

Marginal Citations

- M31** 1973 c. 50.

126 Educational institutions: information and access.

- (1) Where a person is involved in the provision of services in pursuance of section 123(1) (a) or (b), an educational institution to which this section applies shall, for the purpose of the provision of those services—
- provide him on request with the name and address of a pupil or student;
 - provide him on request with the name and address of a parent of a pupil or student;
 - provide him on request with information in the institution's possession about a pupil or student;
 - permit him to have access to a pupil or student on the institution's premises at reasonable times;
 - make available to him, so far as is reasonably convenient, facilities on the institution's premises for providing services to individual pupils or students or groups of pupils or students.
- (2) Information shall not be provided under subsection (1)(c)—
- in the case of a pupil or student who has not attained the age of 16, if a parent of his has instructed the institution not to provide information of that kind under this section, or
 - in the case of a pupil or student who has attained the age of 16, if he has instructed the institution not to provide information of that kind under this section.
- (3) This section applies to the following institutions—
- community, foundation and voluntary schools,
 - community or foundation special schools (other than those established in hospitals),
 - city technology colleges and city colleges for the technology of the arts,
 - pupil referral units,
 - institutions within the further education sector, and
 - institutions in receipt of funding from the ^{F119}National Assembly for Wales in the discharge of its functions under Part 2].

Status: Point in time view as at 26/01/2009.

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Textual Amendments

F119 Words in s. 126(3)(f) substituted (1.4.2006) by [National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 1(1), **Sch. 1 para. 75** (with art. 7)

Commencement Information

I44 S. 126 not in force at Royal Assent see s. 154; s. 126 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), art. 2, **Sch. Pt. I**

127 Inspection.

- (1) Her Majesty's Chief Inspector of Education and Training in Wales—
 - (a) shall advise the National Assembly for Wales on request about matters relating to services provided in pursuance of section 123(1),
 - (b) may give the National Assembly other advice about those matters,
 - (c) shall, when requested to do so by the National Assembly, inspect and report on the provision of those services, and
 - (d) may undertake such other inspections of the provision of those services as he thinks fit.
- (2) The National Assembly shall consult the Chief Inspector before making a request under subsection (1)(a) or (c).
- (3) A request under subsection (1)(c)—
 - (a) may be general or in relation to specific matters,
 - (b) may relate to a specific person or institution providing services, or to a specific class of person or institution, and
 - (c) may relate to a specific area.
- (4) A reference in subsection (1) to the provision of services includes a reference to the management and use of resources in providing services.

Commencement Information

I45 S. 127 not in force at Royal Assent see s. 154; s. 127 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), art. 2, **Sch. Pt. I**

128 Conduct and effect of inspections.

- (1) This section applies where a service is inspected pursuant to a request under section 127(1)(c) or in accordance with section 127(1)(d).
- ^[F120](2) A person carrying out or participating in the inspection shall have the same powers as an Inspector has under the following provisions of the Education Act 2005—
 - (a) section 24(3)(a) and (d) (right of access), and
 - (b) section 58 (computer records).]
- (3) ^[F121]Section 29] of that Act (publication of reports) shall apply.

Status: Point in time view as at 26/01/2009.

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- (4) Where the Chief Inspector arranges for the publication of a report of an inspection, the person who provides the inspected service shall—
- (a) prepare a written statement of the action which he proposes to take in the light of the report and the period within which he proposes to take it,
 - (b) publish the statement within such period, and in such manner, as may be prescribed by regulations made by the National Assembly for Wales, and
 - (c) send copies of the statement to such persons as may be prescribed by regulations made by the National Assembly.
- (5) Where a local authority provides an inspected service, or secures or participates in the provision of an inspected service, the authority—
- (a) shall ensure that the action specified in any statement prepared under subsection (4)(a) is sufficient to remedy any weakness mentioned in the report, and
 - (b) shall take all reasonable steps to ensure that the action specified in the statement is taken within the period specified.
- (6) If the National Assembly consider that a local authority is failing to comply with its duties under subsection (5)—
- (a) the National Assembly may give directions to the local authority about the performance of those duties, and
 - (b) the authority shall comply with the directions.

Textual Amendments

F120 S. 128(2) substituted (1.9.2006) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 9 para. 27\(2\)](#); [S.I. 2006/1338](#), art. 4(1), [Sch. 2](#)

F121 Words in s. 128(3) substituted (1.9.2006) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 9 para. 27\(3\)](#); [S.I. 2006/1338](#), art. 4(1), [Sch. 2](#)

Commencement Information

I46 S. 128 not in force at Royal Assent see s. 154; s. 128 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), art. 2, [Sch. Pt. I](#)

129 Supplementary.

- (1) In sections 123 to 128—

“local authority” means a county council or a county borough council,
[^{F122}“Local Health Board” has the meaning given by section 11 of the National Health Service (Wales) Act 2006,]

^{F123} ...

“parent”, in relation to a child, means a person who has parental responsibility for him within the meaning of section 3 of the ^{M32}Children Act 1989,

“probation committee” means a committee established under section 3 of the ^{M33}Probation Service Act 1993,

“police authority” has the meaning given by section 101 of the ^{M34}Police Act 1996,

“young person” has the meaning given by section 123(3),

Status: Point in time view as at 26/01/2009.

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“youth offending team” means a team established under section 39 of the
^{M35}Crime and Disorder Act 1998, and

“youth support services” has the meaning given by section 123(2).

(2) The power under section 123 shall not relate to services which are provided or to be provided outside Wales.

Textual Amendments

F122 Definition of "Local Health Board" in s. 129(1) inserted (1.4.2007) by [References to Health Authorities Order 2007 \(S.I. 2007/961\)](#), art. 1(1), **Sch. para. 31(3)**

F123 Definition of “Health Authority” in s. 129(1) omitted (1.3.2007) by virtue of [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 1 para. 203** (with Sch. 3 Pt. 1)

Commencement Information

I47 S. 129 not in force at Royal Assent see s. 154; s. 129 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), art. 2, **Sch. Pt. I**

Marginal Citations

M32 1989 c. 41.

M33 1993 c. 47.

M34 1996 c. 16.

M35 1998 c. 37.

City colleges and academies

130 City academies.

F124

Textual Amendments

F124 Ss. 130-132 repealed (26.7.2002 except in relation to W. and otherwise 19.12.2002) by [Education Act 2002 \(c. 32\)](#), ss. 215(2), 216, **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); [S.I. 2002/2002](#), art. 3; [S.I. 2002/3185](#), art. 4, Sch. Pt. 1

131 City academies: land.

F125

Textual Amendments

F125 Ss. 130-132 repealed (26.7.2002 except in relation to W. and otherwise 19.12.2002) by [Education Act 2002 \(c. 32\)](#), ss. 215(2), 216, **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); [S.I. 2002/2002](#), art. 3; [S.I. 2002/3185](#), art. 4, Sch. Pt. 1

132 City academies: financial provisions.

F126

Status: Point in time view as at 26/01/2009.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 03 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)

Textual Amendments

F126 Ss. 130-132 repealed (26.7.2002 except in relation to W. and otherwise 19.12.2002.) by [Education Act 2002 \(c. 32\)](#), ss. 215(2), 216, [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2002, [art. 3](#); S.I. 2002/3185, [art. 4](#), Sch. Pt. 1

133 City colleges and academies: special educational needs.

After section 483 of the ^{M36}Education Act 1996 there shall be inserted—

“483A City colleges and academies: special educational needs.

- (1) This section applies in relation to any child falling within subsection (2) if the condition in subsection (3) is satisfied.
- (2) A child falls within this subsection if—
 - (a) he is a child for whom a statement is maintained under section 324, and
 - (b) he attends (or proposes to attend) a school which is a city technology college, a city college for the technology of the arts or a city academy.
- (3) The condition in this subsection is satisfied if—
 - (a) the school is approved by the Secretary of State under section 347(1), or
 - (b) the Secretary of State consents to the child being educated at the school.
- (4) The Secretary of State may by regulations make provision for securing that arrangements are made—
 - (a) for making the special educational provision specified in the statement;
 - (b) for making any non-educational provision specified in the statement.
- (5) Regulations under subsection (4) may require or authorise a local education authority—
 - (a) to make payments to the school in respect of the child, or
 - (b) to provide any other assistance to the school in respect of the child.
- (6) No condition or requirement imposed by virtue of section 482(4)(a) is to prevent a local education authority making payments or providing assistance by virtue of subsection (5).
- (7) This section does not apply to schools in Wales.”

Marginal Citations

M36 1996 c. 56.

Status: Point in time view as at 26/01/2009.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 03 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)

Pensions

134 Pensions.

- (1) Section 1 of the ^{M37}Superannuation Act 1972 (persons to or in respect of whom benefits may be provided by schemes under that section) shall apply to persons falling within subsection (2).
- (2) This subsection applies to a person if—
 - (a) he has rights and obligations as a pensioner or deferred pensioner under a salary related occupational pension scheme, and
 - (b) the rights and obligations arose by virtue of his or another person's employment with any of the employers specified in subsection (3).
- (3) The employers are—
 - (a) a person with whom the Secretary of State or the National Assembly for Wales has made arrangements under section 2 of the ^{M38}Employment and Training Act 1973 and who is specified in an order made by the Secretary of State or is of a description so specified;
 - (b) a company which is a subsidiary of a person falling within paragraph (a) and which is specified in an order made by the Secretary of State or is of a description so specified.
- (4) A scheme under section 1 of the ^{M39}Superannuation Act 1972 (a new scheme) may not be made in relation to the persons falling within subsection (2) unless—
 - (a) the trustees of the occupational scheme consent in writing to the new scheme being made,
 - (b) the rights of the persons under the new scheme are no less generous than their rights as they existed under the occupational scheme, and
 - (c) the obligations of the persons under the new scheme are no more onerous than their obligations as they existed under the occupational scheme.

Marginal Citations

- M37** 1972 c. 11.
M38 1973 c. 50.
M39 1972 c. 11.

135 Pensions: interpretation.

- (1) This section has effect for the purposes of section 134.
- (2) Rights in relation to a person include—
 - (a) all forms of right to or eligibility for the present or future payment of a pension to or in respect of him;
 - (b) a right of allocation in respect of the present or future payment of a pension.
- (3) A deferred pensioner is a person who has rights under the occupational scheme but is neither a pensioner under it nor a person to whom rights are accruing under it by virtue of his employment.

Status: Point in time view as at 26/01/2009.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 03 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)

- (4) “Salary related occupational pension scheme” has the meaning given by section 93(1A) of the ^{M40}Pension Schemes Act 1993.

Marginal Citations

M40 1993 c. 48.

136 Pensions: delegation.

- (1) A function exercisable by virtue of section 1 of the ^{M41}Superannuation Act 1972 in consequence of section 134 or of paragraph 6(1) of Schedule 1 may be exercised by (or by employees of) such person as may be authorised in that behalf by the person whose function it is.
- (2) An authorisation given by virtue of subsection (1) may authorise the exercise of a function—
- (a) either wholly or to such extent as may be specified in the authorisation;
 - (b) either generally or in such cases as may be so specified;
 - (c) either unconditionally or subject to the fulfilment of such conditions as may be so specified.
- (3) An authorisation given by virtue of subsection (1) is to be treated for all purposes as if it were given by virtue of an order under section 69 of the ^{M42}Deregulation and Contracting Out Act 1994 (contracting out of functions of Ministers and office-holders).
- (4) An authorisation given by virtue of subsection (1) may be revoked at any time by the person who gave it.

Marginal Citations

M41 1972 c. 11.

M42 1994 c. 40.

Other miscellaneous provisions

137 Recreation and social and physical training.

- (1) Section 508 of the ^{M43}Education Act 1996 (local education authorities: recreation and social and physical training) shall be amended as follows.
- (2) In subsection (1) for “secondary and further education” substitute “ and secondary education ”.
- (3) After subsection (1) insert—
- “(1A) A local education authority may provide facilities for recreation and social and physical training as part of the facilities for further education provided (whether or not by them) for their area.”

Status: Point in time view as at 26/01/2009.

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- (4) In subsection (2) for “For that purpose” substitute “ For the purpose of subsection (1) or (1A) ”.

Marginal Citations

M43 1996 c. 56.

138 Wales: provision of information by public bodies.

- (1) For the purpose of the provision in Wales of services mentioned in subsection (2), any of the persons or bodies mentioned in subsection (3) may supply information about a young person—
- (a) to a local authority;
 - (b) to any other person or body involved in the provision of the services.
- (2) The services are—
- (a) services provided in pursuance of section 123 of this Act,
 - (b) services provided in pursuance of any of sections 2, 8, 9 and 10 of the ^{M44}Employment and Training Act 1973 (training and careers services), and
 - (c) services wholly or partly funded in pursuance of section 12 of the ^{M45}Industrial Development Act 1982 (careers in industry).
- (3) The persons and bodies are—
- (a) a local authority,
 - ^{F127}(b)
 - ^{F128}(ba) a Local Health Board,]
 - (c) the [^{F129}National Assembly for Wales],
 - (d) a chief officer of police,
 - (e) a probation committee,
 - ^{F130}(ea) a probation trust,
 - (eb) a provider of probation services (other than a probation trust or the Secretary of State), in carrying out its statutory functions or activities of a public nature in pursuance of arrangements made under section 3 of the Offender Management Act 2007,] and
 - (f) a youth offending team.

Textual Amendments

- F127** S. 138(3)(b) omitted (1.4.2007) by virtue of [References to Health Authorities Order 2007](#) (S.I. 2007/961), art. 1(1), **Sch. para. 31(4)**
- F128** S. 138(3)(ba) inserted (10.10.2002 for W., 1.3.2007 for E. immediately before the National Health Service Act 2006 comes into force) by [National Health Service Reform and Health Care Professions Act 2002](#) (c. 17), ss. 6(2), 42(3), **Sch. 5 para. 47**; S.I. 2002/2532, art. 2, Sch.; S.I. 2006/1407, art. 1(1), Sch. 1 para. 12 (with art. 4)
- F129** Words in s. 138(3) substituted (1.4.2006) by [National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005](#) (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 76** (with art. 7)
- F130** S. 138(3)(ea)(eb) inserted (1.4.2008) by [The Offender Management Act 2007 \(Consequential Amendments\) Order 2008](#) (S.I. 2008/912), art. 1, **Sch. 1 para. 16(5)**

Status: Point in time view as at 26/01/2009.

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Commencement Information

I48 S. 138 partly in force; s. 138 not in force at Royal Assent see s. 154; s. 138 in force for W. at 1.4.2001 by S.I. 2001/1274, art. 2, Sch. Pt. I

Marginal Citations

M44 1973 c. 50.

M45 1982 c. 52.

139 Induction periods for teachers.

(1) Section 19 of the ^{M46}Teaching and Higher Education Act 1998 (requirement to serve induction period) shall be amended as follows.

(2) In subsection (1) after paragraph (b) insert—

“or

(c) in such circumstances as may be prescribed, a further education institution (or a further education institution of a prescribed description).”

(3) In subsection (2)—

(a) in paragraph (f) omit “employed as a teacher at a school”, and

(b) in paragraph (k) after “schools” insert “ or to further education institutions ”.

(4) In subsection (6), for “subsection (2)” substitute “ subsections (2) and (6A) ”.

(5) After subsection (6) insert—

“(6A) Regulations under subsection (1)(c) may, in particular—

(a) provide that an induction period may not be begun without approval of the appropriate body for the serving of that induction period;

(b) provide for approval to be general or specific;

(c) make provision (including transitional provision) about the withdrawal of approval;

(d) impose conditions or limitations on the appropriate body’s power to give or withhold approval.”

(6) In subsection (10) after paragraph (c) insert—

“(d) “a further education institution” means an institution within the further education sector.”

(7) After subsection (10) insert—

“(11) In the application of this section to a further education institution—

(a) a reference to a school term shall be taken as a reference to a term of the institution;

(b) a reference to the head teacher of a school shall be taken as a reference to the principal of the institution.

(12) Sections 496 and 497 of the Education Act 1996 shall have effect as if—

(a) the duties and powers referred to in those sections included duties imposed and powers conferred by virtue of this section, and

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- (b) in relation to those duties and powers, the bodies to which those sections apply included the governing body of a relevant school, the governing body (within the meaning given by section 90(1) of the Further and Higher Education Act 1992) of a further education institution and an appropriate body for the purposes of subsection (2).”

Commencement Information

I49 S. 139 wholly in force at 1.1.2001; s. 139 not in force at Royal Assent see s. 154; s. 139 in force at 3.8.2000 (in so far as it relates to England, except in so far as it inserts subsection (12) into section 19 of the Teaching and Higher Education Act 1998) by [S.I. 2000/2114](#), [art. 2](#), [Sch. Pt. I](#); s. 139 in force (E.) at 1.10.2000 for specified purposes by [S.I. 2000/2559](#), [art. 2](#), [Sch. Pt. I](#); s. 139 in force (W.) at 1.1.2001 by [S.I. 2000/3230](#), [art. 2](#), [Sch.](#)

Marginal Citations

M46 1998 c. 30.

[^{F131}139A] Assessments relating to learning difficulties: England

- (1) Subsection (2) applies if a local education authority in England—
 - (a) maintains a statement of special educational needs for a person, and
 - (b) believes that the person will leave school, at the end of his last year of compulsory schooling, to receive post-16 education or training or higher education.
- (2) The authority must arrange for an assessment of the person to be conducted at some time during his last year of compulsory schooling.
- (3) Subsection (4) applies if a local education authority in England—
 - (a) maintains a statement of special educational needs for a person who is over compulsory school age, and
 - (b) believes that the person will leave school, during or at the end of the current school year, to receive post-16 education or training or higher education.
- (4) The authority must arrange for an assessment of the person to be conducted at some time during the current school year.
- (5) A local education authority in England may at any time arrange for an assessment to be conducted of a person—
 - (a) who is within subsection (6), and
 - (b) for whom the authority is responsible.
- (6) A person within this subsection is one who—
 - (a) is in his last year of compulsory schooling, or is over compulsory school age but has not attained the age of 25,
 - (b) appears to the authority to have a learning difficulty within the meaning of section 13, and
 - (c) is receiving, or in the opinion of the authority is likely to receive, post-16 education or training or higher education.

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- (7) In exercising its functions under this section an authority must have regard to any guidance issued by the Secretary of State.

Textual Amendments

F131 Ss. 139A-139C inserted (26.11.2008) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 80**, 173(1)(a)

139B Assessments under section 139A: interpretation

- (1) This section applies for the purposes of section 139A.
- (2) A statement of special educational needs is a statement maintained under section 324 of the Education Act 1996.
- (3) An assessment of a person is an assessment, resulting in a written report, of—
 - (a) the person's educational and training needs, and
 - (b) the provision required to meet them.
- (4) A local education authority is responsible for—
 - (a) a person who is receiving education or training in its area;
 - (b) a person who is not receiving education or training, but who is normally resident in its area;
 - (c) a person who is not receiving education or training, and who is not normally resident in its area or that of another authority, but who is otherwise within its area and, in its opinion, likely to receive post-16 education or training or higher education.
- (5) A person's last year of compulsory schooling is the last school year at his school during the whole or part of which he is of compulsory school age; and in the application of section 139A(6) to a person who is receiving education at an institution other than a school, that institution is to be treated for the purpose of determining his last year of compulsory schooling as though it were a school.
- (6) “Higher education” is education provided by means of a course of any description mentioned in Schedule 6 to the Education Reform Act 1988.
- (7) “Post-16 education or training” means post-16 education or post-16 training within the meaning of Part 1.
- (8) “School year” has the meaning given in section 579(1) of the Education Act 1996.

Textual Amendments

F131 Ss. 139A-139C inserted (26.11.2008) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 80**, 173(1)(a)

139C Assessments under section 139A: persons educated at home

- (1) Section 139A applies in relation to a person who is receiving education at home, subject to the following modifications.
- (2) In section 139A(1)(b) and (3)(b), references to a person's leaving school to receive post-16 education or training or higher education are to be construed as references to a

Status: Point in time view as at 26/01/2009.

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person's ceasing to receive education at home in order to receive, otherwise than in a school, post-16 education or training or higher education.

- (3) References to a person's last year of compulsory schooling are to be construed as references to the 12 month period ending when the person ceases to be of compulsory school age.
- (4) References to the current school year are to be construed as references to the period of 12 months beginning on the most recent 1st September.]

Textual Amendments

F131 Ss. 139A-139C inserted (26.11.2008) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 80**, 173(1)(a)

140 [F132 Assessments relating to learning difficulties: Wales]

- (1) Subsection (2) applies if—
 - (a) a local education authority [F133: in Wales] maintains a statement of special educational needs for a person under section 324 of the Education Act 1996, and
 - (b) the [F134: Welsh Ministers believe] that the person [will leave school at the end of his last year of compulsory schooling to receive post-16 education or training (within the meaning of [F134: Part 2] of this Act) or higher education (within the meaning of the M47: Education Reform Act 1988)].
- (2) [F135: The Welsh Ministers] must arrange for an assessment of the person to be conducted at some time during the person's last year of compulsory schooling.
- (3) [F136: The Welsh Ministers] may at any time arrange for an assessment to be conducted of a person—
 - (a) who is in his last year of compulsory schooling or who is over compulsory school age but has not attained the age of 25,
 - (b) who appears [F137: to the Welsh Ministers] to have a learning difficulty (within the meaning of [F137: section 41]), and
 - (c) who is receiving, or in the [F138: opinion of the Welsh Ministers] is likely to receive, post-16 education or training (within the meaning of [F138: Part 2] of this Act) or higher education (within the meaning of the M48: Education Reform Act 1988).
- (4) For the purposes of this section an assessment of a person is an assessment resulting in a written report of—
 - (a) his educational and training needs, and
 - (b) the provision required to meet them.
- (5) A local education authority [F139: in Wales] must send a copy of a statement maintained by it under section 324 of the M49: Education Act 1996 to the [F140: Welsh Ministers on their request].

^{F141}(6)

Status: Point in time view as at 26/01/2009.

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Textual Amendments

- F132** S. 140 heading substituted (26.11.2008) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(1)(g), **Sch. 1 para. 77**
- F133** Words in s. 140(1)(a) inserted (26.11.2008) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(1)(g), **Sch. 1 para. 77(a)**
- F134** Words in s. 140(1)(b) substituted (26.11.2008) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(1)(g), **Sch. 1 para. 77(b)**
- F135** Words in s. 140(2) substituted (26.11.2008) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(1)(g), **Sch. 1 para. 77(c)**
- F136** Words in s. 140(3) substituted (26.11.2008) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(1)(g), **Sch. 1 para. 77(c)**
- F137** Words in s. 140(3)(b) substituted (26.11.2008) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(1)(g), **Sch. 1 para. 77(d)**
- F138** Words in s. 140(3)(c) substituted (26.11.2008) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(1)(g), **Sch. 1 para. 77(e)**
- F139** Words in s. 140(5) inserted (26.11.2008) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(1)(g), **Sch. 1 para. 77(f)**
- F140** Words in s. 140(5) substituted (26.11.2008) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(1)(g), **Sch. 1 para. 77(f)**
- F141** S. 140(6) repealed (26.11.2008) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(1)(g), **Sch. 1 para. 77(g), 2**

Commencement Information

- I50** S. 140 partly in force; s. 140 not in force at Royal Assent see s. 154; s. 140(5) in force for E. at 1.3.2001 by [S.I. 2001/654, art. 2, Sch. Pt. I](#); s. 140(3)(4) in force for E. at 1.4.2001 by [S.I. 2001/654, art. 2, Sch. Pt. II](#); s. 140(3) in force for W. at 1.4.2001 by [S.I. 2001/1274, art. 2, Sch. Pt. I](#); s. 140(4)(5) (6) in force for W. for specified purposes at 1.4.2001 by [S.I. 2001/1274, art. 2, Sch. Pt. I](#); s. 140(1)(2) (4)-(6) wholly in force for W. at 1.4.2002 by [S.I. 2001/2705, art. 2, Sch. Pt. I](#); s. 140(1)(2) in force for E. at 1.4.2002 by [S.I. 2002/279, art. 2\(2\)\(b\)](#) (with [art. 3](#))

Marginal Citations

- M47** 1988 c. 40.
M48 1988 c. 40.
M49 1996 c. 56.

141 Training programmes: cessation of funding.

- (1) This section applies to a company if—
- it has entered into an arrangement with the Secretary of State with a view to receiving payments under section 2(2)(d) of the ^{M50}Employment and Training Act 1973 (arrangements in respect of training) in connection with the provision of facilities,
 - before the passing of this Act the company has received notice from the Secretary of State that he intends to terminate the arrangement mentioned in paragraph (a),
 - the company's memorandum and articles of association are in a form approved by the Secretary of State generally or specifically for purposes connected with arrangements of the kind described in paragraph (a), and

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- (d) the company’s memorandum of association requires all income and profits to be applied towards the promotion of the company’s objects and not to be distributed to members.
- (2) Unless the Secretary of State consents in writing, a company to which this section applies may not after the passing of this Act—
 - (a) take action of a prescribed kind, or
 - (b) cause or permit a person to take action of a prescribed kind.
- (3) In subsection (2) “prescribed” means prescribed by order of the Secretary of State; and the action which may be prescribed under that subsection includes, in particular—
 - (a) making a disposal or payment of a prescribed kind or in prescribed circumstances,
 - (b) incurring expenditure of a prescribed kind or in prescribed circumstances, and
 - (c) entering into a transaction of a prescribed kind or in prescribed circumstances.
- (4) A company to which this section applies shall comply with a written direction from the Secretary of State given after the passing of this Act which requires it to transfer an asset to—
 - (a) a specified body, or
 - (b) the Secretary of State.
- (5) Before giving a direction to a company under subsection (4) the Secretary of State shall consult the company.
- (6) Where a company to which this section applies takes, causes or permits action in contravention of subsection (2) the High Court may on the application of the Secretary of State make any order which seems to it appropriate.
- (7) An order under subsection (6) may, in particular—
 - (a) provide for a contract or other agreement to be of no effect;
 - (b) vary the terms of a contract or other agreement;
 - (c) require money to be paid to the Secretary of State by or on behalf of the company to which this section applies;
 - (d) require money to be paid to the Secretary of State by or on behalf of any other specified person;
 - (e) require the Secretary of State to pay to a specified person compensation of an amount specified in the order or determined in accordance with the order.
- (8) Section 150 shall not apply to this section; but in the application of this section to a company which operates in Wales—
 - (a) a reference to the Secretary of State in subsection (1)(a) and (b) shall be construed as a reference to the Secretary of State or the National Assembly for Wales,
 - (b) the functions conferred or imposed on the Secretary of State by subsections (2) to (6) shall be exercisable by the National Assembly, and
 - (c) a reference in subsections (2) to (7) to the Secretary of State shall be taken as a reference to the National Assembly.

Status: Point in time view as at 26/01/2009.

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Commencement Information

I51 S. 141 wholly in force at 1.1.2001; s. 141 not in force at Royal Assent see s. 154; s. 141 in force (E.) at 10.8.2000 by [S.I. 2000/2114](#), [art. 2\(2\)](#), [Sch. Pt. II](#); s. 141 in force (W.) at 1.1.2001 by [S.I. 2000/3230](#), [art. 2](#), [Sch.](#)

Marginal Citations

M50 1973 c. 50.

142 Further and higher education corporations: secondary education.

(1) Section 18 of the ^{M51}Further and Higher Education Act 1992 (further education corporation: principal powers) shall be amended as follows—

(a) for subsection (1)(aa) substitute—

“(aa) provide secondary education to persons who would, if they were pupils at a school, be in the fourth key stage,

(ab) provide education which is secondary education by virtue of section 2(2B) of the ^{M52}Education Act 1996 (definition of secondary education),

(ac) participate in the provision of secondary education at a school,”

and

(b) after subsection (1) insert—

“(1A) A further education corporation may not provide education of a kind specified in subsection (1)(aa), (ab) or (ac) above unless they have consulted such local education authorities as they consider appropriate.”

(2) Section 124 of the ^{M53}Education Reform Act 1988 (higher education corporation: powers) shall be amended as follows—

(a) after subsection (1)(b) insert—

“(ba) to provide secondary education to persons who would, if they were pupils at a school, be in the fourth key stage,

(bb) to provide education which is secondary education by virtue of section 2(2B) of the Education Act 1996 (definition of secondary education),

(bc) to participate in the provision of secondary education at a school,”

and

(b) after subsection (1) insert—

“(1A) A higher education corporation may not provide education of a kind specified in subsection (1)(ba) or (bb) above unless they have consulted such local education authorities as they consider appropriate.”

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Commencement Information

I52 S. 142 wholly in force at 1.4.2001; s. 142 not in force at Royal Assent see s. 154; s. 142 in force for E. at 1.4.2001 by [S.I. 2001/654, art. 2, Sch. Pt. II](#); s. 142 in force for W. at 1.4.2001 by [S.I. 2001/1274, art. 2, Sch. Pt. I](#)

Marginal Citations

M51 1992 c. 13.

M52 1996 c. 56.

M53 1988 c. 40.

143 Further education sector: designated institutions.

- (1) Section 28 of the ^{M54}Further and Higher Education Act 1992 (designation for funding by Further Education Funding Councils) shall be amended as follows—
- (a) in subsection (1) for “as eligible to receive support from funds administered by the councils” substitute “ for the purposes of this section ”,
 - (b) subsection (2)(b) shall cease to have effect, and
 - (c) after subsection (2)(c) add—

“or

 - (d) an institution established for the purpose of being principally concerned with the provision of one or both of the kinds of education specified in subsection (1) above.”
- (2) The following shall be substituted for section 30 of the ^{M55}Further and Higher Education Act 1992 (special provision for voluntary aided sixth form colleges)—

“30 Special provision for certain institutions.

- (1) Notwithstanding anything in section 29 of this Act, the instrument of government of a designated institution to which this section applies must provide—
- (a) for the governing body of the institution to include persons appointed for the purpose of securing so far as practicable that the established character of the institution at the time of its designation is preserved and developed and, in particular, that the institution is conducted in accordance with any trust deed relating to it, and
 - (b) for the majority of members of the governing body to be such governors.
- (2) This section applies to—
- (a) an institution which, when designated, was a voluntary aided school, and
 - (b) an institution specified, or falling within a class specified, by the Secretary of State by order.
- (3) The Secretary of State may specify an institution or a class of institutions only if the institution or each member of the class is principally concerned with the provision of the education specified in section 28(1)(a) above.

Status: Point in time view as at 26/01/2009.

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- (4) The reference in subsection (1)(a) above to the established character of an institution is, in relation to an institution established shortly before or at the same time as being designated, a reference to the character which the institution is intended to have on its establishment.”
- (3) Section 32(2A) of the ^{M56}Further and Higher Education Act 1992 (transfer of property on designation) shall cease to have effect.
- (4) The Secretary of State may make an order providing for the constitution as a body corporate of the governing body of an institution in England which is designated under section 28 of the ^{M57}Further and Higher Education Act 1992.
- (5) The National Assembly for Wales may make an order providing for the constitution as a body corporate of the governing body of an institution in Wales which is designated under section 28 of the ^{M58}Further and Higher Education Act 1992.
- (6) An order under subsection (4) or (5) may—
- (a) make provision similar to any provision of section 18 or 19 of the ^{M59}Further and Higher Education Act 1992 (further education corporation: powers);
 - (b) make provision for the continuity of the body corporate, including provision for the continuation of anything done under section 29 of the ^{M60}Further and Higher Education Act 1992 (government and conduct of designated institutions);
 - (c) make provision expressed to have effect subject to the institution’s instrument or articles of government;
 - (d) make provision which confers exempt charitable status (for the purposes of the ^{M61}Charities Act 1993) and which relates to the governing body or to an institution administered by or established for the purposes of that body;
 - (e) make provision about the discontinuance of the institution;
 - (f) make provision about the dissolution of the body corporate (including provision about the treatment of property, rights and liabilities).
- (7) Before making an order in relation to an institution under subsection (4) or (5) the Secretary of State or the National Assembly shall consult—
- (a) the governing body of the institution, and
 - (b) the trustees of any trust relating to the institution.

Commencement Information

I53 S. 143 wholly in force at 1.4.2001; s. 143 not in force at Royal Assent see s. 154; s. 143(1)(b)(c)(2)(4)(6)(7) in force for E. at 1.10.2000 by [S.I. 2000/2559](#), [art. 2\(1\)](#), [Sch. Pt. I](#); s. 143(1)(a)(3) in force for E. at 1.4.2001 by [S.I. 2001/654](#), [art. 2](#), [Sch. Pt. II](#); s. 143 wholly in force for W. at 1.4.2001 by [S.I. 2001/1274](#), [art. 2](#), [Sch. Pt. I](#)

Marginal Citations

M54 1992 c. 13.
M55 1992 c. 13.
M56 1992 c. 13.
M57 1992 c. 13.
M58 1992 c. 13.
M59 1992 c. 13.
M60 1992 c. 13.

Status: Point in time view as at 26/01/2009.

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M61 1993 c. 10.

144 Designated institutions: disposal of land, &c.

- (1) This section applies to land which after the coming into force of this section is transferred to trustees under section 32(3)(b) of the ^{M62}Further and Higher Education Act 1992 (transfer of property on designation of institution).
- (2) This section also applies to land which—
 - (a) is held by trustees for the purposes of an institution which became a designated institution after the coming into force of this section, and
 - (b) was acquired or enhanced in value wholly or partly by means of money paid under section 65 of the ^{M63}Education Act 1996 (grants) or paragraph 5 of Schedule 3 to the ^{M64}School Standards and Framework Act 1998 (grants).
- (3) If trustees dispose of land to which this section applies they shall notify the appropriate [^{F142}authority].
- (4) If trustees dispose of land to which this section applies they shall pay to the appropriate [^{F143}authority] so much of the proceeds of disposal as may be determined to be just—
 - (a) by agreement between the trustees and the [^{F143}authority], or
 - (b) in default of agreement,
 - ^{F144}(i) if the land is in England, the Secretary of State;
 - (ii) if the land is in Wales, by an arbitrator to be appointed (the expense of which shall be borne equally by the trustees and the National Assembly for Wales) in default of agreement, by the President of the Chartered Institute of Arbitrators].
- (5) In making a determination under subsection (4) regard shall be had, in particular, to—
 - (a) the value of the land at the date of the determination, and
 - (b) any enhancement of the land's value which is attributable to expenditure by the trustees or the governing body of the designated institution.
- (6) More than one determination may be made under subsection (4) in relation to a particular disposal where it is just to do so, in particular where the disposal involves the creation of a lease.
- (7) If trustees permit land to which this section applies to be used for purposes not connected with the designated institution—
 - (a) they shall be treated for the purposes of this section as having disposed of the land, and
 - (b) subsection (4) shall have effect as if the reference to the proceeds of disposal were a reference to the value of the land.
- (8) Where a designated institution has ceased to exist—
 - (a) this section applies to land which satisfied subsection (1) or (2) immediately before the institution ceased to exist, and
 - (b) in subsection (7) the reference to purposes not connected with the designated institution shall be treated as a reference to purposes not connected with an institution within the further education sector (within the meaning given by section 91(3) of the ^{M65}Further and Higher Education Act 1992).
- (9) In this section “the appropriate [^{F145}authority]” means—

Status: Point in time view as at 26/01/2009.

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- (a) the Learning and Skills Council for England, in respect of land in England, and
- (b) the [^{F146}National Assembly for Wales], in respect of land in Wales.

Textual Amendments

- F142** Word in s. 144(3) substituted (1.4.2006) by National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 77(a)** (with art. 7)
- F143** Word in s. 144(4) substituted (1.4.2006) by National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 77(b)** (with art. 7)
- F144** Words in s. 144(4)(b) substituted (1.4.2006) by The National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 77(c)** (with art. 7)
- F145** Word in s. 144(9) substituted (1.4.2006) by National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 77(d)(i)** (with art. 7)
- F146** Words in s. 144(9)(b) substituted (1.4.2006) by National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 77(d)(ii)** (with art. 7)

Commencement Information

- I54** S. 144 wholly in force at 1.4.2001; s. 144 not in force at Royal Assent see s. 154; s. 144 in force for E. at 1.10.2000 by S.I. 2000/2559, art. 2(1), **Sch. Pt. I**; s. 144 in force for W. at 1.4.2001 by S.I. 2001/1274, art. 2, **Sch. Pt. I**

Marginal Citations

- M62** 1992 c. 13.
- M63** 1996 c. 56.
- M64** 1998 c. 31.
- M65** 1992 c. 13.

145 Further education colleges: governors' liability.

- (1) Subsection (2) applies where a member of a body listed in subsection (3) is found liable in civil legal proceedings in respect of something which he did or omitted to do in the course of carrying out his duties as a member of the body.
- (2) If—
 - (a) the member of the body applies to a court for an order under this subsection, and
 - (b) the court considers that the action or omission which gives rise to the member's liability was honest and reasonable,the court may make an order extinguishing, reducing or varying the liability.
- (3) The bodies referred to in subsection (1) are—
 - (a) a further education corporation established by virtue of section 15, 16 or 47 of the ^{M66}Further and Higher Education Act 1992, and
 - (b) a body corporate established by virtue of section 143(4) or (5) of this Act.

Status: Point in time view as at 26/01/2009.

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- (4) Where a member of a body listed in subsection (3) applies to a court for an order under this subsection, the court may make any order which—
- (a) relates to liability in civil legal proceedings which may come to be incurred by the member in respect of a specified course of action, and
 - (b) is of a kind which the court could have made if the liability had already been incurred.
- (5) In subsections (2)(a) and (4) “a court” means the High Court or a county court; but this subsection is subject to any order under section 1 of the ^{M67}Courts and Legal Services Act 1990 (allocation of business between High Court and county courts).

Commencement Information

I55 S. 145 wholly in force at 1.1.2001; s. 145 not in force at Royal Assent see s. 154; s. 145 in force (E.) at 1.10.2000 by [S.I. 2000/2559](#), [art. 2\(1\)](#), [Sch. Pt. I](#); s. 145 in force (W.) at 1.1.2001 by [S.I. 2000/3230](#), [art. 2](#), [Sch](#)

Marginal Citations

M66 1992 c. 13.
M67 1990 c. 41.

146 Financial support for students.

- (1) The ^{M68}Teaching and Higher Education Act 1998 shall be amended as follows.
- (2) In section 22 (new arrangements for giving financial support to students)—
- (a) in subsection (1) for “attending” substitute “undertaking”, and
 - (b) in subsections (2)(h) and (7) omit “attendance on”.
- (3) In section 23 (transfer or delegation of functions relating to student support) in subsection (1)(b)—
- (a) for “at” substitute “with”, and
 - (b) for “attending” substitute “undertaking”.
- (4) In section 26 (imposition of conditions as to fees at further or higher education institutions) in subsections (4), (5) and (10)(b) for “attending” (in each place) substitute “undertaking”.
- (5) In section 28(1) (interpretation) in the definition of “fees” for “attendance on” (in each place) substitute “undertaking”.

Marginal Citations

M68 1998 c. 30.

147 Financial support for students: Northern Ireland.

- (1) The ^{M69}Education (Student Support) (Northern Ireland) Order 1998 shall be amended as follows.

^{F147}(2)

Status: Point in time view as at 26/01/2009.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 03 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)

- (3) In Article 3 (new arrangements for giving financial support to students)—
 - (a) in paragraph (1) for “attending” substitute “undertaking”;
 - (b) in paragraphs (2)(h) and (7) omit “attendance on”.
- (4) In Article 4 (transfer or delegation of functions relating to student support) in paragraph (1)(b)—
 - (a) for “at” substitute “with”, and
 - (b) for “attending” substitute “undertaking”.

F147(5)

Textual Amendments

F147 S. 147(2)(5) repealed (13.2.2006) by [The Higher Education \(Northern Ireland\) Order 2005 \(S.I. 2005/1116\)](#), art. 1(3), [Sch.](#); S.R. 2006/30, art. 2

Marginal Citations

M69 S.I. 1998/1759 (N.I. 13).

148 Sex education.

- (1) The ^{M70}Education Act 1996 shall be amended as follows.
- (2) ^{F148}
- (3) In section 403 (sex education: manner of provision) in subsection (1) omit “local education authority,”.
- (4) After subsection (1) of that section insert—
 - “(1A) The Secretary of State must issue guidance designed to secure that when sex education is given to registered pupils at maintained schools—
 - (a) they learn the nature of marriage and its importance for family life and the bringing up of children, and
 - (b) they are protected from teaching and materials which are inappropriate having regard to the age and the religious and cultural background of the pupils concerned.
 - (1B) In discharging their functions under subsection (1) governing bodies and head teachers must have regard to the Secretary of State’s guidance.
 - (1C) Guidance under subsection (1A) must include guidance about any material which may be produced by NHS bodies for use for the purposes of sex education in schools.
 - (1D) The Secretary of State may at any time revise his guidance under subsection (1A).”
- (5) In subsection (2) of that section—
 - (a) for “subsection (1)” substitute “this section”, and
 - (b) at the end insert “and “NHS body” has the same meaning as in section 22 of the National Health Service Act 1977.”

Status: Point in time view as at 26/01/2009.

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(6) In section 404 (sex education: statements of policy) after subsection (1) insert—

“(1A) A statement under subsection (1) must include a statement of the effect of section 405.”

Textual Amendments

F148 S. 148(2) repealed (1.10.2002 except in relation to W. and otherwise 19.12.2002) by [Education Act 2002 \(c. 32\)](#), ss. 215(2), 216, [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2439, [art. 3](#); S.I. 2002/3185, [art. 4](#), Sch. Pt. 1

Commencement Information

I56 S. 148 wholly in force at 1.4.2001; s. 148 not in force at Royal Assent see s. 154; s. 148 in force for E. at 1.11.2000 by [S.I. 2000/2559](#), [art. 2\(2\)](#), [Sch. Pt. II](#); s. 148 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), [art. 2](#), [Sch. Pt. II](#)

Marginal Citations

M70 1996 c. 56.

149 Amendments.

Schedule 9 contains miscellaneous and consequential amendments.

Commencement Information

I57 S. 149 partly in force; s. 149 not in force at Royal Assent see s. 154; s. 149 in force insofar as it relates to specified provisions of Sch. 9 (in some cases for limited extents and purposes) as follows: at 3.8.2000 and 1.9.2000 by [S.I. 2000/2114](#), [art. 2\(1\)\(3\)](#), [Sch. Pts. I, III](#); at 19.9.2000 by [S.I. 2000/2540](#), [art. 2](#), [Sch.](#); at 1.10.2000 and 1.1.2001 by [S.I. 2000/2559](#), [art. 2](#), [Sch. Pts. I, III](#); at 1.1.2001 by [S.I. 2000/3230](#), [art. 2](#), [Sch.](#); at 1.4.2001 and 1.9.2001 by [S.I. 2001/654](#), [art. 2](#), [Sch. Pts. II, III](#) and [S.I. 2001/1274](#), [art. 2](#), [Sch. Pts. I, II](#); at 1.4.2002 by [S.I. 2001/2705](#), [art. 2](#), [Sch. Pt. I](#)

General

150 Wales.

- (1) Where this Part of this Act confers a function on the Secretary of State (whether by amendment of another Act or otherwise)—
 - (a) the function shall be exercisable in relation to Wales by the National Assembly for Wales, and
 - (b) for that purpose any reference to the Secretary of State shall be taken as a reference to the National Assembly.
- (2) Where—
 - (a) this Part confers a function on the Secretary of State by amendment of an Act, and
 - (b) any functions of that Act have before the passing of this Act been transferred to the National Assembly by Order in Council under section 22 of the ^{M71}Government of Wales Act 1998 (transfer of functions),

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the Order shall be treated for the purposes of any varying or revoking Order as having transferred to the National Assembly the function mentioned in paragraph (a).

- (3) Subsection (1)(a) has effect subject to any Order in Council made by virtue of subsection (2).
- (4) This section shall not apply in relation to—
 - (a) section ^{F149}... 92, 104, 134 [^{F150}, 144] or 154 of this Act,
 - (b) the amendment of section 1(3) of the ^{M72}Education (Fees and Awards) Act 1983 (fees at institutions) made by Schedule 9 to this Act,
 - (c) the amendment of section 26 of the ^{M73}Employment Act 1988 (status of trainees etc) made by Schedule 9 to this Act, or
 - (d) the amendment of section 19 of the ^{M74}Disability Discrimination Act 1995 (discrimination in relation to goods, facilities and services) made by Schedule 9 to this Act.

Textual Amendments

F149 Reference in s. 150(4)(a) repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\), s. 188\(3\), Sch. 14 para. 63, Sch. 18 Pt. 5; S.I. 2007/935, art. 5\(gg\)\(ii\)](#)

F150 Reference in s. 150(4)(a) inserted (1.4.2006) by [National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\), art. 1\(1\), Sch. 1 para. 78 \(with art. 7\)](#)

Marginal Citations

M71 1998 c. 38.

M72 1983 c. 40.

M73 1988 c. 19.

M74 1995 c. 50.

151 Transitional provisions.

- (1) [^{F151}Part 1] of Schedule 10 [^{F152}contains] transitional provisions relating to—
 - (a) the dissolution of the Further Education Funding Councils, and
 - (b) the establishment of the Learning and Skills Council for England ^{F153}....

^{F154}(2)

- (3) Part IV of Schedule 10 contains transitional provision relating to the ^{M75}Education (Student Loans) Act 1990.
- (4) Nothing in that Schedule prejudices the generality of section 152(6).

Textual Amendments

F151 Words in s. 151(1)(a) substituted (1.4.2006) by [National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\), art. 1\(1\), Sch. 1 para. 79\(a\) \(with art. 7\)](#)

F152 Word in s. 151(1)(a) substituted (1.4.2006) by [National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\), art. 1\(1\), Sch. 1 para. 79\(a\) \(with art. 7\)](#)

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- F153** Words in s. 151(1)(b) omitted (1.4.2006) by virtue of [National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 1(1), **Sch. 1 para. 79(b)** (with art. 7)
- F154** S. 151(2) repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), Sch. 14 para. 64, **Sch. 18 Pt. 5**; S.I. 2007/935, art. 5(gg)(ii)

Marginal Citations

M75 1990 c. 6.

152 Orders and regulations.

- (1) Any power to make an order or regulations under this Act shall be exercised by statutory instrument.
- (2) A statutory instrument is subject to annulment in pursuance of a resolution of either House of Parliament if the instrument contains—
 - (a) an order made by the Secretary of State under any provision of this Act other than section 143(4) or 154(1) or (3), or
 - (b) regulations made by the Secretary of State under any provision of this Act.
- [^{F155}(2A) Subsection (2) does not apply to a statutory instrument that contains regulations to which subsection (2B) applies.
- (2B) The first regulations under section 18A(2) may not be made unless a draft of the regulations has been laid before and approved by a resolution of each House of Parliament.]
- (3) A statutory instrument is subject to annulment in pursuance of a resolution of the Scottish Parliament if the instrument contains regulations made by the Scottish Ministers under section 104.
- (4) The power of [^{F156}the Department for Employment and Learning] in Northern Ireland to make regulations under section 106 or 109 shall be exercisable by statutory rule for the purposes of the ^{M76}Statutory Rules (Northern Ireland) Order 1979; and any such regulations shall be subject to negative resolution within the meaning of section 41(6) of the ^{M77}Interpretation Act (Northern Ireland) 1954 as if they were statutory instruments within the meaning of that Act.
- (5) An order or regulations under this Act may make different provision for different purposes.
- (6) An order or regulations under this Act may contain such incidental, supplementary, saving or transitional provisions as the person making the order or regulations thinks fit.

Textual Amendments

- F155** S. 152(2A)(2B) inserted (31.1.2008) by [Further Education and Training Act 2007 \(c. 25\)](#), s. 32(5), **Sch. 1 para. 15**; S.I. 2007/3505, art. 3(d)
- F156** Words in s. 152(4) substituted (N.I.) (20.7.2001) by 2001 c. 15 (N.I.), **s. 1(2)(a)**

Marginal Citations

M76 S.I. 1979/1573 (N.I. 12).

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M77 1954 c. 33 (N.I).

153 Repeals.

Schedule 11 contains repeals.

Commencement Information

I58 S. 153 partly in force; S. 153 not in force at Royal Assent see s. 154; s. 153 in force so far as it relates to specified repeals in Sch. 11 (in some cases for limited extents or purposes) as follows: at 1.10.2000 and 1.11.2000 by [S.I. 2000/2559, art. 2\(1\)\(2\), Sch. Pts. I, II](#); at 1.1.2001 by [S.I. 2000/3230, art. 2, Sch.](#); at 1.4.2001 and 1.9.2001 by [S.I. 2001/654, art. 2 Sch. Pts. II, III](#) and [S.I. 2001/1274, art. 2 Sch. Pts. I, II](#); at 1.4.2002 by [S.I. 2001/2705, art. 2 Sch. Pt. I](#)

154 Commencement.

- (1) The following provisions of this Act shall come into force in accordance with provision made by the Secretary of State by order—
 - (a) Parts I and III,
 - (b) sections 89, 90, 92, 94, 98, 100(1), 101, 104 to 109, 114 to 122, 132 to 136, 146 and 147,
 - (c) in Schedule 9, paragraphs 11, 14, 35, 37 to 39, 41 to 43, 47 to 50, 52(3), 83, 87 and 88,
 - (d) Part IV of Schedule 10, and
 - (e) in Schedule 11, the repeals in section 91 of the ^{M78}Further and Higher Education Act 1992 and section 142 of the ^{M79}School Standards and Framework Act 1998 and the repeals consequential upon any provision mentioned in paragraph (c).
- (2) The following provisions of this Act shall come into force in accordance with provision made by the National Assembly for Wales by order—
 - (a) Parts II and IV, and
 - (b) sections 91, 93, 99, 100(2), 102, 123 to 129 and 138.
- (3) If and in so far as a provision of this Part relates to England, the Secretary of State may (subject to subsection (5)) make provision by order about its commencement.
- (4) If and in so far as a provision of this Part relates to Wales, the National Assembly for Wales may (subject to subsection (5)) make provision by order about its commencement.
- (5) Subsections (3) and (4) do not apply to—
 - (a) a provision mentioned in subsection (1) or (2),
 - (b) any of sections 130, 131, 150, 151, 152, 155 and 156,
 - (c) Schedule 8,
 - (d) any provision of Schedule 9 or 11 which is consequential upon section 130 or 131 or Schedule 8,
 - (e) Parts I to III of Schedule 10, or
 - (f) this section.
- (6) The Secretary of State may by order make provision—

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- (a) in consequence of a provision of this Act being brought into force at different times in relation to England and in relation to Wales, or
 - (b) in consequence of one provision of this Act being brought into force before another.
- (7) The National Assembly for Wales may by order make provision in relation to Wales in consequence of either of the matters mentioned in subsection (6)(a) and (b).
- (8) An order under subsection (6) or (7) may, in particular, disapply or modify the application of provision made by or under this or any other Act.

Subordinate Legislation Made

- P1** S. 154(1)(3) power partly exercised: different dates appointed for specified provisions by: [S.I. 2000/2540, art. 2, Sch.](#); [S.I. 2000/2114, art. 2, Sch.](#); [S.I. 2000/2559, art. 2, Sch.](#); [S.I. 2000/3230, art. 2, Sch.](#); [S.I. 2001/654, art. 2 Sch.](#); [S.I. 2001/1274, art. 2 Sch.](#); [S.I. 2001/2705, art. 2 Sch.](#); [S.I. {2002/279}](#), art. 2 (with transitional provisions in art. 3)
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Marginal Citations

- M78** 1992 c. 13.
M79 1998 c. 31.

155 Extent.

- (1) Sections 104, 152, 154, 156 and this section extend to England and Wales, Scotland and Northern Ireland.
- (2) Section 107 extends to England and Wales and Northern Ireland.
- (3) Sections 106, 109 and 147 extend to Northern Ireland only.
- (4) Any amendment or repeal in this Act has the same extent as the provision amended or repealed.
- (5) Subject to the above, this Act extends to England and Wales only.

156 Citation.

This Act may be cited as the Learning and Skills Act 2000.

Status:

Point in time view as at 26/01/2009.

Changes to legislation:

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