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## SCHEDULES

### SCHEDULE 9

#### AMENDMENTS

##### *Education Act 1996 (c. 56)*

- 51 In section 1 of the Education Act 1996 (the stages of education) in subsection (3) for the words from “confers functions” to the end substitute “makes provision with respect to further education.”
- 52 (1) Section 13 of that Act (general responsibility for education) is amended as follows.
- (2) In subsection (1) for “, secondary education and further education” substitute “and secondary education”.
- (3) In subsection (2) for paragraphs (a) and (b) substitute—
- “(a) the Learning and Skills Council for England or the National Council for Education and Training for Wales, or
  - (b) the higher education funding councils established under section 62 of the Further and Higher Education Act 1992.”
- 53 Section 15 of that Act (functions in respect of provision of further education) shall cease to have effect.
- 54 (1) Section 15A of that Act (functions of local education authorities in respect of full-time education for 16 to 18 year olds) is amended as follows.
- (2) In subsection (1) after “full-time” insert “or part-time”.
- (3) After subsection (1) insert—
- “(1A) The power under subsection (1) to secure the provision of education includes power to secure the provision—
  - (a) of training, including vocational, social, physical and recreational training, and
  - (b) of organised leisure time occupation (within the meaning of section 2(6)) which is provided in connection with the provision of education or of training within paragraph (a).”
- (4) In subsection (2) after “functions under this section” insert “in respect of secondary education”.
- (5) After subsection (2) insert—
- “(3) In exercising their functions under this section in respect of further education a local education authority shall in particular have regard to the needs of persons with learning difficulties (within the meaning of section 13(5) and (6) of the Learning and Skills Act 2000).

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- (4) A local education authority may do anything which appears to them to be necessary or expedient for the purposes of or in connection with the exercise of their functions under this section.”

55 After section 15A of that Act insert—

**“15B Functions in respect of education for persons over 19**

- (1) A local education authority may secure the provision for their area of full-time or part-time education suitable to the requirements of persons who have attained the age of 19, including provision for persons from other areas.
- (2) The power under subsection (1) to secure the provision of education includes power to secure the provision—
- (a) of training, including vocational, social, physical and recreational training, and
  - (b) of organised leisure time occupation (within the meaning of section 2(6)) which is provided in connection with the provision of education or of training within paragraph (a).
- (3) In exercising their functions under this section a local education authority shall in particular have regard to the needs of persons with learning difficulties (within the meaning of section 13(5) and (6) of the Learning and Skills Act 2000).
- (4) A local education authority may do anything which appears to them to be necessary or expedient for the purposes of or in connection with the exercise of their functions under this section.

(5) This section does not apply to higher education.”

56 In section 312(2) of that Act (meaning of “learning difficulty”) for “section 15(5)” substitute “section 15A or 15B”.

57 (1) Section 408 of that Act (provision of information) is amended as follows.

- (2) In subsection (1)(a) after “Education Act 1997” insert “or section 96 of the Learning and Skills Act 2000”.
- (3) In subsection (2) after paragraph (d) insert “, and
- (e) arrangements relating to external qualifications (within the meaning given by section 96(5) of the Learning and Skills Act 2000) and to courses leading to such qualifications.”

58 (1) Section 490 of that Act (grants in respect of special provision for ethnic minorities) is amended as follows.

- (2) In subsection (1)(b) for “or a city college for the technology of the arts” substitute “, a city college for the technology of the arts or a city academy”.
- (3) In subsection (2) for “or college” substitute “, college or academy”.

59 (1) Section 509 of that Act (provision of transport etc) is amended as follows.

- (2) In subsection (1)—
- (a) after paragraph (b) insert “or”;
  - (b) omit paragraph (d) and the word “or” immediately preceding it.

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(3) After subsection (1) insert—

“(1A) A local education authority shall make such arrangements for the provision of transport and otherwise as they consider necessary, or as the Secretary of State may direct, for the purpose of facilitating the attendance of persons receiving education or training at an institution outside both the further education and higher education sectors.

(1B) Arrangements under subsection (1A) may be made in relation to a person only if the Learning and Skills Council for England or the National Council for Education and Training for Wales has secured for him—

- (a) the provision of education or training at the institution, and
- (b) the provision of boarding accommodation under section 13 or 41 of the Learning and Skills Act 2000.”

(4) In subsection (2) after “subsection (1)” insert “or (1A)”.

(5) In subsection (3)—

- (a) after “education” insert “or training”;
- (b) in paragraph (b) after “subsection (1)” insert “or (1A)”;
- (c) in the words following paragraph (b), for “that subsection” substitute “either of those subsections”.

(6) In subsection (4)—

- (a) after “subsection (1)” insert “or (1A)”;
- (b) in paragraph (b) after “education” insert “or training”.

(7) In subsection (5)—

- (a) after “subsection (1)” insert “or (1A)”;
- (b) in paragraph (c) for “education at institutions mentioned in subsection (1)(d)” substitute “education or training at institutions mentioned in subsection (1A)”;
- (c) in paragraph (c)(i) for “section 15(5)” substitute “section 13 of the Learning and Skills Act 2000”.

(8) In subsection (6)(a) for “or (d)” substitute “or (1A)”.

60 In section 537 of that Act (power of the Secretary of State to require information from governing bodies etc) in subsection (7)(b) for “or city college for the technology of the arts” substitute “, city college for the technology of the arts or city academy”.

61 In section 541 of that Act (distribution of information about further education institutions) in subsection (1)(b) for “or city college for the technology of the arts” substitute “, city college for the technology of the arts or city academy”.

62 In section 550B of that Act (detention outside school hours) in subsection (2)(c) for “or city college for the technology of the arts” substitute “, city college for the technology of the arts or city academy”.

63 In section 580 of that Act (index) in the table at the appropriate place insert—

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“city academy

section 482(3)”.

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- 64 In Schedule 1 to that Act (pupil referral units) in paragraph 8 for “county schools” substitute “community schools”.