



School Standards and Framework Act 1998

1998 CHAPTER 31

[^{F1}PART VI]

Textual Amendments

- F1** Pt. VI (ss. 125-126) ceased to have effect (28.7.2000 in so far as consequential on ss. 130, 131, Sch. 8 and otherwise 1.1.2001 for W. and 1.9.2001 for E.) by virtue of 2000 c. 21, s. 154(3), **Sch. 9 para. 86**; S.I. 2000/3230, art. 2, **Sch.**; S.I. 2001/654, art. 2(3), **Sch. Pt. III**

^{F2}125 [Partnership arrangements to secure provision of certain further education in Wales.]

- (1) The ^{M1}Further and Higher Education Act 1992 shall be amended as follows.
- (2) In section 5 (administration of funds by further education funding councils), after subsection (5) there shall be inserted—

“(5A) The Further Education Funding Council for Wales may give financial support to a local education authority for an area in Wales for the purposes of any partnership arrangement made by the authority to which section 60A of this Act applies.”
- (3) In section 18 (principal powers of a further education corporation)—
 - (a) in subsection (1), the words “and those powers” to the end shall be omitted, and
 - (b) after subsection (3) there shall be added—

“(4) In addition to the powers conferred by subsection (1) above, a further education corporation which conducts one or more educational institutions situated in Wales may—

Status: Point in time view as at 01/09/2012.

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- (a) secure the provision of full-time or part-time education suitable to the requirements of persons who are over compulsory school age but under the age of 19, but only if that provision is made under a partnership arrangement to which section 60A of this Act applies, and
 - (b) supply goods or services in connection with the securing of the provision of education under paragraph (a) above.
- (5) Subsections (2) and (3) above shall apply for the purposes of subsection (4) above as they apply for the purposes of subsection (1), except that references in those subsections to the provision of education shall be construed as references to the securing of the provision of education.
- (6) The powers conferred by subsection (1) above and the powers conferred by subsection (4) above are referred to in section 19 of this Act as the corporation’s principal powers.”
- (4) After section 60 there shall be inserted—

“60A Partnership arrangements to secure provision of certain further education in Wales.

- (1) An arrangement is a partnership arrangement to which this section applies if—
- (a) it is made by—
 - (i) one or more local education authorities for areas in Wales, and
 - (ii) one or more governing bodies of Welsh further education institutions,
 for the purpose of securing the provision of education within subsection (3),
 - (b) it provides for the facilities connected with the provision of education under the arrangement to be provided—
 - (i) in part, at one or more schools maintained by the local education authority which is a party to the arrangement (or where more than one local education authority is a party, by each of them), and
 - (ii) in part, at one or more Welsh further education institutions conducted by the governing body which is a party to the arrangement (or, where more than one governing body is a party, by each of them),
 - (c) it is made with the consent of—
 - (i) the Further Education Funding Council for Wales, and
 - (ii) the governing body of each school at which, in accordance with the arrangement, facilities are to be provided, and
 - (d) it is approved by the Secretary of State.
- (2) For the purposes of subsection (1) above—
- (a) “Welsh further education institution” means an institution which is within the further education sector and is situated in Wales, and

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- (b) a designated institution shall be treated as conducted by the governing body of the institution.
- (3) Education is within this subsection if it is full-time or part-time education suitable to the requirements of persons who are over compulsory school age but under the age of 19.
- (4) The following bodies shall exercise their functions with a view to securing that any education provided under a partnership arrangement to which this section applies is provided and funded in accordance with the arrangement—
- (a) each local education authority which is a party to the arrangement;
 - (b) each governing body of an institution (or institutions) within the further education sector which is a party to the arrangement;
 - (c) the Further Education Funding Council for Wales;
 - (d) each governing body of a school which consented to the arrangement.
- (5) Schedule 5A to this Act shall have effect in relation to partnership arrangements to which this section applies.”
- (5) After Schedule 5 there shall be inserted the Schedule set out in Schedule 27 to this Act.

Textual Amendments

- F2** S. 125 repealed (28.7.2000 in so far as consequential on ss. 130, 131, Sch. 8 and 1.1.2001 (W.) otherwise) by 2000 c. 21, s. 153, **Sch. 11**; S.I. 2000/3230, art. 2, **Sch.**

Commencement Information

- II** S. 125 wholly in force at 1.9.1999; s. 125 not in force at Royal Assent see s. 145(3); s. 125(5) in force at 1.4.1999 by S.I. 1998/2212, art. 2, **Sch. 1 Pt. IV**; s. 125 in force at 1.9.1999 in so far as not already in force by S.I. 1999/2323, art. 2(1), **Sch. 1** (with arts. 3-5, Schs. 5-7).

Marginal Citations

- M1** 1992 c. 13.

^{F3}[126] Provisions relating to education provided under partnership arrangements.

- (1) The ^{M2}Education Act 1996 shall have effect in relation to education provided under relevant partnership arrangements subject to the following provisions of this section.
- (2) For the purposes of that Act—
- (a) full-time education suitable to the requirements of persons who are over compulsory school age but under the age of 19 which is provided at a school at which education within section 2(2)(a) of that Act is also provided shall not be regarded as secondary education, and
 - (b) a person for whom full-time or part-time education suitable to the requirements of such persons is being provided at a school shall not be regarded as a pupil,
- if that education is being provided under a relevant partnership arrangement.
- (3) Accordingly, education within subsection (2)(a) above which is provided under a relevant partnership arrangement shall, for the purposes of that Act, be regarded as further education.

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- (4) In this section “relevant partnership arrangement” means a partnership arrangement to which section 60A of the ^{M3}Further and Higher Education Act 1992 (as inserted by section 125(4)) applies.]

Textual Amendments

- F3** S. 126 repealed (28.7.2000 in so far as consequential on ss. 130, 131, Sch. 8 and 1.1.2001 (W.) otherwise) by 2000 c. 21, s. 153, **Sch. 11**; S.I. 2000/3230, art. 2, **Sch.**
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Marginal Citations

- M2** 1996 c. 56.
M3 1992 c. 13.

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