



# Learning and Skills Act 2000

## 2000 CHAPTER 21

An Act to establish the Learning and Skills Council for England and the National Council for Education and Training for Wales, to make other provision about education and training, and for connected purposes. [28th July 2000]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**Modifications etc. (not altering text)**

- C1** Act applied (1.6.2001) by [S.I. 2001/1507, reg. 2, Sch. 2 para. 2](#)  
Act applied (1.9.2001) by [S.I. 2001/2799, reg. 2, Sch. 2 para. 2](#)  
Act applied (15.10.2001) by [S.I. 2001/3213, reg. 2, Sch. 2 para. 2](#)  
Act applied (1.1.2002) by [S.I. 2001/3810, reg. 2, Sch. 2 para. 2](#)
- C2** Act applied (1.4.2005) by [Central Sussex College \(Government\) Regulations 2005 \(S.I. 2005/397\), Sch. 2 para. 2](#)

### PART I

#### LEARNING AND SKILLS COUNCIL FOR ENGLAND

##### *The Council*

<sup>F1</sup> **The Council.**

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*Status: Point in time view as at 22/04/2014.*

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**Textual Amendments**

**F1** S. 1 repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 15, **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2 (with arts. 13, 14) (as amended (30.3.3010) by S.I. 2010/1151, art. 22)

*Main duties*

**F<sup>2</sup>2 Education and training for persons aged 16 to 19.**

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**Textual Amendments**

**F2** S. 2 repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 16, **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2 (with arts. 13,14) (as amended (30.3.3010) by S.I. 2010/1151, art. 22)

**F<sup>3</sup>3 Education and training for persons over 19.**

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**Textual Amendments**

**F3** S. 3 repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 17, **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2

**F<sup>4</sup>4 Encouragement of education and training.**

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**Textual Amendments**

**F4** S. 4 repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 18, **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2

**F<sup>5</sup>4A Learning aims for persons over 19: provision of facilities**

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**Textual Amendments**

**F5** Ss. 4A-4C repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 19, **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2

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**F<sup>5</sup>4B Learning aims for persons over 19: payment of tuition fees**

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**Textual Amendments**

- F5** Ss. 4A-4C repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), Sch. 6 para. 19, **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2

**F<sup>5</sup>4C Sections 4A and 4B: supplementary**

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**Textual Amendments**

- F5** Ss. 4A-4C repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), Sch. 6 para. 19, **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2

*Main powers*

**F<sup>6</sup>5 Provision of financial resources.**

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**Textual Amendments**

- F6** S. 5 repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), Sch. 6 para. 20, **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2

**F<sup>7</sup>6 Financial resources: conditions.**

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**Textual Amendments**

- F7** S. 6 repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), Sch. 6 para. 21, **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2

**F<sup>8</sup>7 Funding of school sixth-forms.**

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**Textual Amendments**

- F8** S. 7 repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), Sch. 6 para. 22, **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2

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**F<sup>9</sup>8 Links between education and training and employment.**

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**Textual Amendments**  
**F9** S. 8 repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 23, **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2

**F<sup>10</sup>9 Assessments and means tests.**

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**Textual Amendments**  
**F10** S. 9 repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 24, **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2

**F<sup>11</sup>10 Qualifying accounts and arrangements.**

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**Textual Amendments**  
**F11** S. 10 repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 25, **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2

**F<sup>12</sup>11 Further education: governors.**

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**Textual Amendments**  
**F12** S. 11 repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 26, **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2

*Other functions*

**F<sup>13</sup>11A Support schemes relating to education and training for persons aged 10 to 15**

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**Textual Amendments**  
**F13** S. 11A repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 27, **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2

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**F14<sup>12</sup> Research and information.**

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**Textual Amendments**

**F14** S. 12 repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 28, **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2

**F15<sup>13</sup> Persons with learning difficulties.**

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**Textual Amendments**

**F15** S. 13 repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 29, **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2

**F16<sup>14</sup> Equality of opportunity.**

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**Textual Amendments**

**F16** S. 14 repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 30, **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2

**F17<sup>14A</sup> Consultation**

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**Textual Amendments**

**F17** S. 14A repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 31, **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2

**F18<sup>15</sup> Plans.**

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**Textual Amendments**

**F18** S. 15 repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 32, **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2

**F19<sup>16</sup> Strategy.**

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**Textual Amendments**

**F19** S. 16 repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 33, **16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2

**F20 17 Use of information by Council.**

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**Textual Amendments**

**F20** S. 17 repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 34, **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2

**F21 18 Supplementary functions.**

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**Textual Amendments**

**F21** S. 18 repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 35, **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2

*[<sup>F22</sup>Regional councils]*

**Textual Amendments**

**F22** 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

**F23 18A Regional councils**

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**Textual Amendments**

**F23** Ss. 18A-18C repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 36, **16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2

**F23 18B Functions of regional councils**

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**Textual Amendments**

**F23** Ss. 18A-18C repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), [Sch. 6 para. 36](#), **16 Pt. 2**; [S.I. 2010/303](#), art. 3, [Sch. 2](#)

**F23** **18C** *Guidance to regional councils*

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**Textual Amendments**

**F23** Ss. 18A-18C repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), [Sch. 6 para. 36](#), **16 Pt. 2**; [S.I. 2010/303](#), art. 3, [Sch. 2](#)

*Local councils*

**F24** **19** **Local councils.**

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**Textual Amendments**

**F24** 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)

**F24** **20** **Functions of local councils.**

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**Textual Amendments**

**F24** 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)

**F24** **21** **Guidance to local councils.**

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**Textual Amendments**

**F24** 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)

**F24** **22** **Plans of local councils.**

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**Textual Amendments**

**F24** 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)

**F24 23 Duty of local education authorities.**

.....

**Textual Amendments**

**F24** 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)

**F24 24 Guidance and plans: timing.**

.....

**Textual Amendments**

**F24** 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*

**F25 24A Strategies for functions of Council**

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**Textual Amendments**

**F25** Ss. 24A-24C repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), Sch. 6 para. 37, [Sch. 16 Pt. 2](#); S.I. 2010/303, art. 3, Sch. 2

**F25 24B Strategy for functions of Council: Greater London**

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**Textual Amendments**

**F25** Ss. 24A-24C repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), Sch. 6 para. 37, [Sch. 16 Pt. 2](#); S.I. 2010/303, art. 3, Sch. 2

**F25 24C Duty of Council**

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**Textual Amendments**

**F25** Ss. 24A-24C repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 37, **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2

**F26** **25 Directions.**

.....

**Textual Amendments**

**F26** S. 25 repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 38, **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2

**F27** **26 Committees.**

.....

**Textual Amendments**

**F27** S. 26 repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 39, **16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2

**F28** **27 Grants to Council.**

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**Textual Amendments**

**F28** S. 27 repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 40, **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2

**F29** **28 Annual report.**

.....

**Textual Amendments**

**F29** S. 28 repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 41, **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2 (with arts. 13, 14) (as amended (30.3.2010) by S.I. 2010/1151, art. 22)

**F30** **29 Council's financial year.**

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**Textual Amendments**

- F30** S. 29 repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 42, **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2

**PART II**

[<sup>F31</sup>FURTHER EDUCATION AND SIXTH FORM EDUCATION: WALES]

**Textual Amendments**

- F31** 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)

*F32* ...

**Textual Amendments**

- F32** 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)

<sup>F33</sup>**30 The Council.**

.....

**Textual Amendments**

- F33** 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) [<sup>F34</sup>Welsh Ministers] 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, <sup>F35</sup>...

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- (b) of a quality adequate to meet those needs [F36 and ]
- [F37(c) sufficient to satisfy the entitlements conferred under section 33F]
- (3) In performing the duty imposed [F38 on them] by subsection (1) the [F39 Welsh Ministers] 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 [F40 Welsh Ministers think] might reasonably be secured by other persons;
  - [F41(e) .....
- [F42(4) .....
- (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

- F34** Words in s. 31(1) substituted (19.1.2011) by Learning and Skills (Wales) Measure 2009 (nawm 1), s. 49(2), **Sch. para. 4(a)**; S.I. 2011/97, art. 2(1)(p)
- F35** Word in s. 31(2)(a) repealed (14.2.2011) by Learning and Skills (Wales) Measure 2009 (nawm 1), **ss. 21(2)(a)**, 49(2); S.I. 2011/97, art. 2(2)(a)
- F36** Word in s. 31(2)(b) inserted (14.2.2011) by Learning and Skills (Wales) Measure 2009 (nawm 1), **ss. 21(2)(b)**, 49(2); S.I. 2011/97, art. 2(2)(a)
- F37** S. 31(2)(c) inserted (14.2.2011) by Learning and Skills (Wales) Measure 2009 (nawm 1), **ss. 21(2)(c)**, 49(2); S.I. 2011/97, art. 2(2)(a)
- F38** Words in s. 31(3) substituted (19.1.2011) by Learning and Skills (Wales) Measure 2009 (nawm 1), s. 49(2), **Sch. para. 4(b)**; S.I. 2011/97, art. 2(1)(p)
- F39** Words in s. 31(3) substituted (19.1.2011) by Learning and Skills (Wales) Measure 2009 (nawm 1), s. 49(2), **Sch. para. 4(c)**; S.I. 2011/97, art. 2(1)(p)
- F40** Words in s. 31(3)(d) substituted (19.1.2011) by Learning and Skills (Wales) Measure 2009 (nawm 1), s. 49(2), **Sch. para. 4(d)**; S.I. 2011/97, art. 2(1)(p)
- F41** 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)
- F42** 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

- I1** 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**

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### Marginal Citations

**M1** 1988 c. 40 .

## 32 Education and training for persons over 19.

- (1) The [<sup>F43</sup>Welsh Ministers] 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.
- <sup>F44</sup>(2) .....
- (3) In performing the duty imposed [<sup>F45</sup>on them] by subsection (1) the [<sup>F46</sup>Welsh Ministers] 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 [<sup>F47</sup>Welsh Ministers think] might reasonably be secured by other persons;
  - <sup>F48</sup>(e) .....
- <sup>F49</sup>(4) .....
- (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 <sup>M2</sup>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

- F43** Words in s. 32(1) substituted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), [Sch. paras. 2, 3](#); [S.I. 2011/97](#), art. 2(1)(p)
- F44** 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)

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- F45** Words in s. 32(3) substituted (19.1.2011) by Learning and Skills (Wales) Measure 2009 (nawm 1) , s. 49(2), **Sch. para. 5(a)**; S.I. 2011/97, art. 2(1)(p)
- F46** Words in s. 32(3) substituted (19.1.2011) by Learning and Skills (Wales) Measure 2009 (nawm 1) , s. 49(2), **Sch. para. 5(b)**; S.I. 2011/97, art. 2(1)(p)
- F47** Words in s. 32(3) substituted (19.1.2011) by Learning and Skills (Wales) Measure 2009 (nawm 1) , s. 49(2), **Sch. para. 5(c)**; S.I. 2011/97, art. 2(1)(p)
- F48** 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)
- F49** 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

- I2** 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

- M2** 1988 c. 40 .

### 33 Encouragement of education and training.

The [<sup>F50</sup>Welsh Ministers] 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.

#### Textual Amendments

- F50** Words in s. 33 substituted (19.1.2011) by Learning and Skills (Wales) Measure 2009 (nawm 1) , s. 49(2), **Sch. paras. 2, 3**; S.I. 2011/97, art. 2(1)(p)

#### Commencement Information

- I3** 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**

*[<sup>F51</sup>The local curricula*

#### Textual Amendments

- F51** S. 33A and cross-heading inserted (14.2.2011) by Learning and Skills (Wales) Measure 2009 (nawm 1) , **ss. 22, 49(2)** (as amended by S.I. 2010/1148, art. 3); S.I. 2011/97, art. 2(2)(b)

*Status: Point in time view as at 22/04/2014.*

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### **33A Formation of local curricula for students aged 16 to 18**

- (1) The Welsh Ministers must form for the area of each local authority one or more local curricula for students who are above compulsory school age but have not attained the age of nineteen.
- (2) Each local curriculum must consist of courses of study each of which—
  - (a) falls within a category in subsection (3) (the “learning domains”); and
  - (b) is from time to time selected by the Welsh Ministers to form part of that local curriculum.
- (3) The learning domains are—
  - (a) mathematics, science and technology;
  - (b) business, administration and law;
  - (c) services for people;
  - (d) arts, media, culture and languages;
  - (e) humanities, social sciences and preparation for life and work.
- (4) For the purposes of this section, a course of study falls within a particular learning domain if a direction of the Welsh Ministers so provides.]

### **[<sup>F52</sup>33B Local curricula: Welsh language**

The Welsh Ministers must exercise their functions in relation to local curricula so as to promote access to and availability of courses of study which are taught through the medium of the Welsh language.]

#### **Textual Amendments**

**F52** S. 33B inserted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), **ss. 23**, 49(2); S.I. 2011/97, art. 2(1)(a)

### **[<sup>F53</sup>33C Areas with more than one local curriculum**

- (1) This section applies where the Welsh Ministers form more than one local curriculum for the area of a local authority under section 33A.
- (2) In relation to each local curriculum, the Welsh Ministers must designate the maintained schools or institutions whose relevant students are to be entitled to elect under section 33E to follow courses of study included within the curriculum.]

#### **Textual Amendments**

**F53** S. 33C inserted (14.2.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), **ss. 24**, 49(2) (as amended by S.I. 2010/1148, art. 3); S.I. 2011/97, art. 2(2)(c)

### **[<sup>F54</sup>33D Determination of a pupil's “relevant school or institution”**

- (1) Where, during the fourth key stage, a registered pupil of a maintained school requests that the school's head teacher determines the pupil's relevant school or institution, the

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head teacher must comply with that request. But this is subject to regulations made under subsection (3).

- (2) A pupil's relevant school or institution is the maintained school or institution whose governing body is, in the opinion of the head teacher, likely to be responsible for providing (or making arrangements for the provision of) the majority of the pupil's education once he or she has ceased to be of compulsory school age.
- (3) Regulations may make provision as to the making of requests and determinations under this section, including in particular provision as to the date or time by which a request or determination is to be made.
- (4) This section does not require any person to admit a pupil to a particular school or institution.]

#### Textual Amendments

**F54** S. 33D inserted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), ss. 25, 49(2); S.I. 2011/97, art. 2(1)(b)

#### [<sup>F55</sup>33E Pupils' choices of local curriculum courses

- (1) A registered pupil of a maintained school has the right to elect to follow, during the period described in subsection (2) (“the entitlement period”), a course or courses of study included within the relevant local curriculum for that pupil. But this is subject to regulations made under subsection (3).
- (2) The entitlement period—
  - (a) begins on the first day of the academic year subsequent to the pupil having ceased to be of compulsory school age; and
  - (b) ends on the day on which he or she attains the age of nineteen.
- (3) Regulations may make provision as to the making of elections under this section, including in particular provision—
  - (a) specifying the maximum number of courses of study of a particular type that a pupil has the right to elect to follow;
  - (b) identifying points to be allotted to courses of study and preventing a pupil from having the right to elect to follow a combination of courses of study if their aggregate points exceed a specified amount;
  - (c) as to the period during which elections are to be made.
- (4) For the purposes of this section the “relevant local curriculum”, in relation to a pupil, means—
  - (a) where it has been determined under section 33D that a pupil's “relevant school or institution” is a school—
    - (i) where the Welsh Ministers have formed under section 33A a single local curriculum for the area of the local authority by which the school is maintained, that local curriculum; or
    - (ii) where the Welsh Ministers have formed under section 33A more than one local curriculum for the area of the local authority by which the school is maintained, the local curriculum in respect of which the school is designated under section 33C(2);



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- (b) where it has been determined under section 33D that a pupil's "relevant school or institution" is an institution—
  - (i) where the Welsh Ministers have formed under section 33A a single local curriculum for the local authority area in which the institution is situated, that local curriculum; or
  - (ii) where the Welsh Ministers have formed under section 33A more than one local curriculum for the local authority area in which the institution is situated, the local curriculum in respect of which the institution is designated under section 33C(2).]

#### Textual Amendments

**F55** S. 33E inserted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), ss. 26, 49(2) (as amended by S.I. 2010/1148, art. 3); [S.I. 2011/97](#), art. 2(1)(c)

#### [<sup>F56</sup> 33F Students' local curriculum entitlements

- (1) During the entitlement period, a student who has made an election under section 33E(1) is entitled to follow the elected course of study unless—
  - (a) the governing body of the student's relevant school or institution [<sup>F57</sup>was not at the beginning of the entitlement period, or subsequently ceases to be,] responsible for providing (or making arrangements for the provision of) the majority of the student's education; or
  - (b) before the beginning of the entitlement period, the head teacher or principal of the student's relevant school or institution has decided under section 33G that the student is not entitled to follow the course of study.
- (2) Where a person is entitled to follow a course of study, it is for the head teacher or principal of the relevant school or institution to decide upon which date during the entitlement period the course is to begin.]

#### Textual Amendments

**F56** S. 33F inserted (14.2.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), ss. 27, 49(2); [S.I. 2011/97](#), art. 2(2)(d)

**F57** Words in s. 33F(1)(a) substituted (1.9.2011) by [Education \(Wales\) Measure 2009 \(nawm 5\)](#), ss. 22(2), 26(3); [S.I. 2011/1951](#), art. 2

#### [<sup>F58</sup> 33G Head teacher's or principal's decision as to entitlement

- (1) If the head teacher or principal of a student's relevant school or institution is satisfied that any of the grounds in subsection (2) apply, the head teacher or principal may decide that the student is not entitled to follow a course of study which the student has elected to follow under section 33E.
- (2) The grounds referred to in subsection (1) are that—
  - (a) as a result of the student's level of educational attainment, the course of study is not suitable for him or her;
  - (b) as a result of other elections made by the student under section 33E(1), it is not reasonably practicable for him or her to follow the course of study;



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- (c) the amount of time likely to be spent travelling to the place at which the course is likely to be delivered would be detrimental to the student's education;
  - (d) disproportionate expenditure would be incurred if the student were to follow the course of study;
  - (e) the student's or another person's health or safety would be placed unacceptably at risk if the student were to follow the course of study.
- (3) Regulations may make provision connected with the making of decisions under subsection (1), including in particular provision—
- (a) as to the time or date by which decisions are to be made;
  - (b) as to the procedure to be followed in connection with the making of decisions;
  - (c) for appeals against decisions to be made to the school or institution's governing body or another person specified in the regulations;
  - (d) as to the time or date by which appeals are to be determined;
  - (e) as to the procedure to be followed in connection with the determination of an appeal.
- (4) A head teacher or principal and governing body or other person charged with determining appeals under regulations made under subsection (3) must have regard to any guidance given from time to time by the Welsh Ministers as to the exercise of their functions under this section.
- (5) The Welsh Ministers may by order—
- (a) amend or omit any paragraph of subsection (2);
  - (b) add additional paragraphs to that subsection;
  - (c) amend or omit such additional paragraphs.]

#### Textual Amendments

**F58** S. 33G inserted (19.1.2011 for specified purposes, 14.2.2011 in so far as not already in force) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), ss. 28, 49(2); S.I. 2011/97, art. 2(1)(d)(2)(e)

### [<sup>F59</sup>33H Delivery of local curriculum entitlements

Where a student is entitled to follow a course of study under section 33F(1), the governing body of the student's relevant school or institution must ensure that during the entitlement period the course is made available to the student by or on behalf of the governing body.]

#### Textual Amendments

**F59** S. 33H inserted (14.2.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), ss. 29, 49(2); S.I. 2011/97, art. 2(2)(f)

### [<sup>F60</sup>33I Head teacher's or principal's decision to remove entitlement

- (1) If the head teacher or principal of a student's relevant school or institution is satisfied that any of the grounds in subsection (2) apply, the head teacher or principal may decide that a student is no longer entitled to follow a course of study that the student was entitled to follow under section 33F.

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- (2) The grounds referred to in subsection (1) are that—
- (a) the student's or another person's health or safety would be placed unacceptably at risk if the pupil were to continue to follow the course of study;
  - (b) disproportionate expenditure would be incurred if the pupil were to continue to follow the course of study.
- (3) Regulations may make provision connected with the making of decisions under subsection (1) including in particular provision—
- (a) as to the procedure to be followed in connection with the making of decisions;
  - (b) for appeals against decisions to be made to the school or institution's governing body or another person specified in the regulations;
  - (c) as to the effect of a decision pending determination of an appeal;
  - (d) as to the procedure to be followed in connection with the determination of an appeal.
- (4) A head teacher or principal and governing body or other person charged with determining appeals under regulations made under subsection (3) must have regard to any guidance given from time to time by the Welsh Ministers as to the exercise of their functions under this section.
- (5) The Welsh Ministers may by order—
- (a) amend or omit any paragraph of subsection (2);
  - (b) add additional paragraphs to that subsection;
  - (c) amend or omit such additional paragraphs.]

#### **Textual Amendments**

**F60** S. 33I inserted (19.1.2011 for specified purposes, 14.2.2011 in so far as not already in force) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), **ss. 30, 49(2)**; S.I. 2011/97, art. 2(1)(e)(2)(g)

#### **[<sup>F61</sup>33J Planning the local curriculum**

- (1) The following persons must assist the Welsh Ministers in planning the local curriculum or curricula for a local authority's area—
- (a) the local authority;
  - (b) the governing body and head teacher of any maintained school maintained by the authority;
  - (c) the governing body and principal of an institution in the authority's area.
- (2) In subsection (1), “ planning the local curriculum or curricula ” means the process by which the Welsh Ministers decide under section 33A which courses of study to include in the local curriculum or curricula.
- (3) The persons mentioned in subsection (1) (a) to (c) must—
- (a) have regard to any guidance given from time to time; and
  - (b) comply with any directions given,
- by the Welsh Ministers as to the exercise of their functions under that subsection.]

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### Textual Amendments

**F61** S. 33J inserted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), ss. 31 , 49(2) (as amended by S.I. 2010/1148, art. 3); S.I. 2011/97, art. 2(1)(f)

## [<sup>F62</sup>33K Delivery of local curriculum entitlements: joint-working

- (1) The objective of this section is to maximise the availability of courses of study included in a local curriculum formed under section 33A.
- (2) In relation to the local curriculum or curricula for a local authority, the persons mentioned in subsection (4) must take all reasonable steps in order to achieve the objective of this section.
- (3) The duty under subsection (2) includes, but is not limited to, a duty to seek to enter into cooperation arrangements where, having considered whether it would further the objective of this section to do so, the persons mentioned in subsection (4) have concluded that entering into such arrangements would further that objective.
- (4) The persons are—
  - (a) the local authority;
  - (b) the governing body of a secondary school maintained by the authority; and
  - (c) the governing body of an institution within the further education sector which is situated within the area of the authority.
- (5) In this section and section 33L “co-operation arrangements” means—
  - (a) arrangements under which any person provides, on behalf of the governing body of a maintained school, a course of study included within the relevant local curriculum for the school;
  - (b) arrangements under which any person provides, on behalf of the governing body of an institution, a course of study included within the relevant local curriculum for the institution;
  - [ arrangements made in exercise of the powers of collaboration described in
  - <sup>F63</sup>(ba) section 4 of the Education (Wales) Measure 2011.]
  - <sup>F64</sup>(c) .....
  - <sup>F64</sup>(d) .....
- (6) For the purposes of this section, “relevant local curriculum” means—
  - (a) in relation to a maintained school—
    - (i) where the Welsh Ministers have formed a single local curriculum for the area of the local authority by which the school is maintained, that local curriculum; or
    - (ii) where the Welsh Ministers have formed more than one local curriculum for the area of the local authority by which the school is maintained, the local curriculum in respect of which the school is designated under section 33C(2);
  - (b) in relation to an institution—
    - (i) where the Welsh Ministers have formed a single local curriculum for the local authority area in which the institution is situated, that curriculum; or

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- (ii) where the Welsh Ministers have formed more than one local curriculum for the local authority area in which the institution is situated, the local curriculum in respect of which the institution is designated under section 33C(2).]

#### Textual Amendments

- F62** S. 33K inserted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), **ss. 32**, 49(2) (as amended by S.I. 2010/1148, art. 3); S.I. 2011/97, art. 2(1)(g)
- F63** S. 33K(5)(ba) inserted (16.11.2012) by [Education \(Wales\) Measure 2011 \(nawm 7\)](#), **ss. 9(2)(a)**, 33(2); S.I. 2012/2656, art. 2
- F64** S. 33K(5)(c)(d) omitted (16.11.2012) by virtue of [Education \(Wales\) Measure 2011 \(nawm 7\)](#), **ss. 9(2)(b)**, 33(2); S.I. 2012/2656, art. 2

#### [<sup>F65</sup>33L **Joint-working: guidance and directions**

- (1) A local authority, a governing body of a maintained school and the governing body of an institution must have regard to any guidance given from time to time by the Welsh Ministers as to the discharge of their duties under section 33K.
- (2) Guidance given under subsection (1) may relate to the contents of co- operation arrangements.
- (3) The persons mentioned in subsection (1) must comply with any direction given by the Welsh Ministers as to the entering into of co-operation arrangements.
- (4) A direction under subsection (3)—
  - (a) may require persons to enter into specified arrangements;
  - (b) may specify the terms upon which arrangements are to be entered into (whether generally or in respect of specified arrangements);
  - (c) in the case of a direction to enter into specified arrangements with a person who is not mentioned in subsection (1), must not be given unless that person consents to the direction.]

#### Textual Amendments

- F65** S. 33L inserted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), **ss. 33**, 49(2) (as amended by S.I. 2010/1148, art. 3); S.I. 2011/97, art. 2(1)(h)

#### [<sup>F66</sup>33M **Power to amend learning domains**

The Welsh Ministers may by order—

- (a) amend or omit any paragraph of subsection (3) of section 33A;
- (b) add additional paragraphs to that subsection;
- (c) amend or omit such additional paragraphs.]

#### Textual Amendments

- F66** S. 33M inserted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), **ss. 34**, 49(2); S.I. 2011/97, art. 2(1)(i)

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### [<sup>F67</sup>33N The local curriculum: interpretation

(1) In sections 33A to 33L—

[<sup>F68</sup>“academic year” means the period beginning on the fourth Monday of September in any year and ending on the first day of September in the following year;]

“course of study” means a course of education and training which leads to a qualification or set of qualifications approved under section 99 for the purposes of section 96;

“entitlement period” means the period described in section 33E(2);

“fourth key stage” is to be construed in accordance with section 103 of the Education Act 2002;

“institution” means an institution within the further education sector in Wales unless the institution provides education wholly or mainly for persons with a learning difficulty (within the meaning of section 41);

“local curriculum” and “local curricula” are to be construed in accordance with section 33A;

“local authority” means a local authority in Wales;

“maintained school” means a community, foundation or voluntary school maintained by a local authority in Wales provided that it is also a secondary school;

“principal”, in relation to an institution, means the principal or other head of the institution;

“regulations” means regulations made by the Welsh Ministers;

“relevant school or institution”, in relation to a person, is to be construed in accordance with section 33D;

“relevant student”, in relation to a maintained school or institution, means a student for whom the school or institution is his or her relevant school or institution;

“student” means a person who has made an election under section 33E.

(2) Unless the context otherwise requires, an expression used in sections 33A to 33N, 33P and 33Q and also the Education Act 1996 is to bear for the purposes of those sections the meaning given to it for the purposes of that Act.]

#### Textual Amendments

**F67** S. 33N inserted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), **ss. 35**, 49(2) (as amended by S.I. 2010/1148, art. 3); S.I. 2011/97, art. 2(1)(j)

**F68** Words in s. 33N(1) substituted (1.9.2011) by [Education \(Wales\) Measure 2009 \(nawm 5\)](#), **ss. 22(3)**, 26(3); S.I. 2011/1951, art. 2

### [<sup>F69</sup>33O Local curriculum: directions

Any direction given by the Welsh Ministers under sections 33A(4), 33J(3) and 33L(3) may be varied or revoked by a further direction.]

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#### Textual Amendments

**F69** S. 33O inserted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), **ss. 36, 49(2)**; S.I. 2011/97, art. 2(1)(k)

### [<sup>F70</sup> **33P Application of local curriculum provisions to students who are registered pupils of special schools or who have learning difficulties**

- (1) Regulations may apply the provisions of sections 33A to 33L, 33N and 33O and the provisions of any regulations made under section 46 of the Learning and Skills (Wales) Measure 2009 in respect of a person who falls, or is likely to fall, within subsection (3).
- (2) The regulations may apply those provisions with such modifications as appear to the Welsh Ministers to be necessary or expedient.
- (3) A person falls within this subsection if he or she—
  - (a) is above compulsory school age; and
  - (b) either—
    - (i) a registered pupil of a community <sup>F71</sup>... special school which is maintained by a local authority in Wales and is not established in a hospital; or
    - (ii) receiving the majority of his or her education at an institution which provides education wholly or mainly for persons with a learning difficulty (within the meaning of section 41).]

#### Textual Amendments

**F70** S. 33P inserted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), **ss. 37, 49(2)** (as amended by S.I. 2010/1148, art. 3); S.I. 2011/97, art. 2(1)(l)

**F71** Words in s. 33P(3)(b)(i) omitted (1.10.2013) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), **Sch. 5 para. 20(2)**; S.I. 2013/1800, art. 3(j)

### [<sup>F72</sup> **33Q Application of local curriculum provisions to institutions within the higher education sector**

- (1) Regulations may apply the provisions of sections 33A to 33L, 33N and 33O and the provisions of regulations made under section 46 of the Learning and Skills (Wales) Measure 2009 in relation to an institution, or institutions, within the higher education sector in Wales as those provisions apply in relation to an institution within the further education sector in Wales.
- (2) The regulations may also apply those provisions in relation to the principal or governing body of an institution within the higher education sector in Wales (or to persons with functions that are similar to those of a principal or governing body) as they apply in relation to the principal or governing body of an institution within the further education sector in Wales.
- (3) The regulations may apply those provisions with such modifications as appear to the Welsh Ministers to be necessary or expedient.]

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#### Textual Amendments

- F72** S. 33Q inserted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), ss. 38, 49(2); S.I. 2011/97, art. 2(1)(m)

### Main powers

## 34 Provision of financial resources.

- (1) The [<sup>F73</sup>Welsh Ministers] may secure the provision of financial resources to—
- persons providing or proposing to provide post-16 education or training;
  - persons providing or proposing to provide goods or services in connection with the provision by others of post-16 education or training;
  - persons receiving or proposing to receive post-16 education or training;
  - persons providing or proposing to provide courses falling within paragraph 1(g) or (h) of Schedule 6 to the <sup>M3</sup>Education Reform Act 1988 (courses in preparation for professional examinations at a higher level or providing education at a higher level);
  - institutions within the further or higher education sector (within the meaning of section 91 of the <sup>M4</sup>Further and Higher Education Act 1992) which provide or propose to provide secondary education (other than post-16 education);
  - persons undertaking or proposing to undertake research relating to education or training;
  - 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;
  - persons carrying out means tests under arrangements made under section 37;
  - persons providing or proposing to provide information, advice or guidance about education or training or connected matters (including employment).
- (2) The [<sup>F73</sup>Welsh Ministers] may secure the provision of financial resources under subsection (1)—
- by providing resources [<sup>F74</sup>themselves];
  - by making arrangements for the provision of resources by another person;
  - by making arrangements for the provision of resources by persons jointly (whether or not including the [<sup>F73</sup>Welsh Ministers]).
- (3) In exercising [<sup>F75</sup>their power] under subsection (1)(c) the [<sup>F73</sup>Welsh Ministers] 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).

#### Textual Amendments

- F73** Words in s. 34 substituted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), [Sch. paras. 2, 3](#); S.I. 2011/97, art. 2(1)(p)
- F74** Word in s. 34(2)(a) substituted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), [Sch. para. 6\(a\)](#); S.I. 2011/97, art. 2(1)(p)



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**F75** Words in s. 34(3) substituted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), [Sch. para. 6\(b\)](#); S.I. 2011/97, art. 2(1)(p)

#### Commencement Information

**I4** 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

**M3** 1988 c. 40.

**M4** 1992 c. 13.

### 35 Financial resources: conditions.

- (1) If the [<sup>F76</sup>Welsh Ministers themselves provide] financial resources [<sup>F77</sup>under section 34][<sup>F78</sup>they may impose] conditions; and the conditions may include any provisions described below.
- (2) The conditions may—
  - (a) require the [<sup>F79</sup>Welsh Ministers] or a person designated [<sup>F80</sup>by them] 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;
  - (b) require a person to whom financial resources are provided to give to the [<sup>F79</sup>Welsh Ministers] information [<sup>F81</sup>they request] for the purpose of carrying out [<sup>F82</sup>their 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—
  - (a) for the provider to charge fees by reference to specified criteria;
  - (b) for the provider to make awards by reference to specified criteria;
  - (c) for the provider to recover amounts from persons receiving education or training or from employers (or from both);
  - (d) for amounts to be determined by reference to specified criteria where provision is made under paragraph (c);
  - (e) for specified exemptions to operate where provision is made under paragraph (c);
  - (f) for the provider to make provision specified in a report of an assessment conducted under section [<sup>F83</sup>139A or] 140.
- (4) <sup>F84</sup> .....
- (5) The conditions may—
  - (a) enable the [<sup>F85</sup>Welsh Ministers] to require the repayment (in whole or part) of sums paid by the [<sup>F86</sup>National Assembly] if any of the conditions subject to which the sums were paid is not complied with;
  - (b) require the payment of interest in respect of any period in which a sum due to the [<sup>F86</sup>National Assembly] in accordance with any condition is unpaid.
- (6) <sup>F84</sup> .....



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### Textual Amendments

- F76** Words in s. 35(1) substituted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), [Sch. para. 7\(a\)\(i\)](#); S.I. 2011/97, art. 2(1)(p)
- F77** 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)
- F78** Words in s. 35(1) substituted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), [Sch. para. 7\(a\)\(ii\)](#); S.I. 2011/97, art. 2(1)(p)
- F79** Words in s. 35(2) substituted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), [Sch. paras. 2, 3](#); S.I. 2011/97, art. 2(1)(p)
- F80** Words in s. 35(2) substituted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), [Sch. para. 7\(b\)\(i\)](#); S.I. 2011/97, art. 2(1)(p)
- F81** Words in s. 35(2) substituted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), [Sch. para. 7\(b\)\(ii\)](#); S.I. 2011/97, art. 2(1)(p)
- F82** Words in s. 35(2) substituted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), [Sch. para. 7\(b\)\(iii\)](#); S.I. 2011/97, art. 2(1)(p)
- F83** 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\(c\)](#)
- F84** 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](#)
- F85** Words in s. 35(5) substituted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), [Sch. paras. 2, 3](#); S.I. 2011/97, art. 2(1)(p)
- F86** 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

- I5** 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 [<sup>F87</sup>Welsh Ministers] may make a grant to a [<sup>F88</sup>local authority]—
- on the condition that the grant be applied as part of the authority's [<sup>F89</sup>schools budget] for a [<sup>F90</sup>funding period ], and
  - 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).
- [<sup>F91</sup>(3) In this section—
- “ funding period ” means a financial year or, if some other period is prescribed in relation to Wales under subsection (1B) of section 45 of the School Standards and Framework Act 1998 (maintained schools to have budget shares), that other period; [<sup>F92</sup>“local authority” means a local authority in Wales (within the meaning of section 579(1) of the Education Act 1996);]
- “ schools budget ” has the same meaning as in Part 2 of that Act (framework for maintained schools). ]

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### Textual Amendments

- F87** Words in s. 36(1) substituted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), [Sch. paras. 2, 3](#); [S.I. 2011/97](#), art. 2(1)(p)
- F88** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [Sch. 2 para. 46\(2\)](#)
- F89** 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
- F90** Words in s. 36(1)(a) substituted (1.4.2010 for W.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 18 para. 13\(2\)](#) (with [s. 119](#)); [S.I. 2010/735](#), art. 2(e)
- F91** S. 36(3) substituted (1.4.2010 for W.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 18 para. 13\(3\)](#) (with [s. 119](#)); [S.I. 2010/735](#), art. 2(e)
- F92** Words in s. 36(3) inserted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, [Sch. 2 para. 46\(3\)](#)

### Commencement Information

- I6** 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](#)

## 37 Assessments and means tests.

- (1) The [<sup>F93</sup>Welsh Ministers] may develop schemes for the assessment of the performance of persons in providing post-16 education and training.
- (2) The [<sup>F93</sup>Welsh Ministers] may take the assessments into account in deciding how to exercise [<sup>F94</sup>their powers] under section 34.
- (3) The [<sup>F93</sup>Welsh Ministers] may—
  - (a) carry out means tests;
  - (b) arrange for other persons to carry out means tests.
- (4) The [<sup>F93</sup>Welsh Ministers] may take the results of the tests into account in exercising [<sup>F95</sup>their power] under section 34(1)(c).

### Textual Amendments

- F93** Words in s. 37 substituted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), [Sch. paras. 2, 3](#); [S.I. 2011/97](#), art. 2(1)(p)
- F94** Words in s. 37(2) substituted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), [Sch. para. 8\(a\)](#); [S.I. 2011/97](#), art. 2(1)(p)
- F95** Words in s. 37(4) substituted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), [Sch. para. 8\(b\)](#); [S.I. 2011/97](#), art. 2(1)(p)

### Commencement Information

- I7** 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 [<sup>F96</sup>Welsh Ministers] may promote—

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- (a) the holding of accounts which qualify under section 104;
- (b) the making of arrangements which qualify under section 105.

<sup>F97</sup>(2) .....

**Textual Amendments**

**F96** Words in s. 38(1) substituted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), [Sch. paras. 2, 3](#); [S.I. 2011/97](#), art. 2(1)(p)

**F97** 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**

**I8** 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 [<sup>F98</sup>Welsh Ministers] 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 <sup>M5</sup>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**

**F98** Words in s. 39(1) substituted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), [Sch. paras. 2, 3](#); [S.I. 2011/97](#), art. 2(1)(p)

**Commencement Information**

**I9** 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**

**M5** 1992 c. 13.

*Other functions*

**40 Research and information.**

<sup>F99</sup>(1) .....

<sup>F99</sup>(2) .....

<sup>F99</sup>(3) .....

<sup>F99</sup>(4) .....

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- (5) The [F100Welsh Ministers] must establish systems for collecting information which is designed to secure that [F101their decisions] with regard to education and training are made on a sound basis.
- (6) The [F100Welsh Ministers] may secure the provision of facilities for providing information, advice or guidance about education or training or connected matters (including employment).

#### Textual Amendments

- F99** 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)
- F100** Words in s. 40 substituted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), **Sch. paras. 2, 3**; S.I. 2011/97, art. 2(1)(p)
- F101** Words in s. 40(5) substituted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), **Sch. para. 9**; S.I. 2011/97, art. 2(1)(p)

#### Commencement Information

- I10** 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 [F102Welsh Ministers] 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 [F103139A or] 140.
- (2) If the [F104Welsh Ministers are] satisfied that [F105they 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 [F106they also secure] the provision of boarding accommodation for him, the [F107Welsh Ministers must] secure the provision of boarding accommodation for him.
- (3) If the [F104Welsh Ministers are] satisfied that [F105they 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 [F106they also secure] the provision of boarding accommodation for him, the [F107Welsh Ministers must] secure the provision of boarding accommodation for him.
- (4) If the [F104Welsh Ministers are] satisfied that [F105they 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 [F106they also secure] the provision of boarding accommodation for him, the [F108Welsh Ministers 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

- F102** Words in s. 41(1) substituted (19.1.2011) by Learning and Skills (Wales) Measure 2009 (nawm 1), s. 49(2), Sch. paras. 2, 3; S.I. 2011/97, art. 2(1)(p)
- F103** 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)
- F104** Words in s. 41(2)-(4) substituted (19.1.2011) by Learning and Skills (Wales) Measure 2009 (nawm 1), s. 49(2), Sch. para. 10(a)(i); S.I. 2011/97, art. 2(1)(p)
- F105** Words in s. 41(2)-(4) substituted (19.1.2011) by Learning and Skills (Wales) Measure 2009 (nawm 1), s. 49(2), Sch. para. 10(a)(ii); S.I. 2011/97, art. 2(1)(p)
- F106** Words in s. 41(2)-(4) substituted (19.1.2011) by Learning and Skills (Wales) Measure 2009 (nawm 1), s. 49(2), Sch. para. 10(a)(iii); S.I. 2011/97, art. 2(1)(p)
- F107** Words in s. 41(2) substituted (19.1.2011) by Learning and Skills (Wales) Measure 2009 (nawm 1), s. 49(2), Sch. para. 10(b); S.I. 2011/97, art. 2(1)(p)
- F108** Words in s. 41(4) substituted (19.1.2011) by Learning and Skills (Wales) Measure 2009 (nawm 1), s. 49(2), Sch. para. 10(c); S.I. 2011/97, art. 2(1)(p)

#### Commencement Information

- I11** 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. 1

#### <sup>F109</sup>42 Equality of opportunity.

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#### Textual Amendments

- F109** 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)

#### <sup>F109</sup>43 Plans.

.....

#### Textual Amendments

- F109** 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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**F109 44 Strategy.**

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**Textual Amendments**

**F109** 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)

**F109 45 Use of information by Council.**

.....

**Textual Amendments**

**F109** 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)

**F109 46 Supplementary functions.**

.....

**Textual Amendments**

**F109** 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*

**F109 47 Directions.**

.....

**Textual Amendments**

**F109** 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)

**F109 48 Committees.**

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**Textual Amendments**

**F109** 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)

**<sup>F109</sup>49 Grants to Council.**

.....

**Textual Amendments**

**F109** 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)

**<sup>F109</sup>50 Annual report.**

.....

**Textual Amendments**

**F109** 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)

**<sup>F109</sup>51 Council's financial year.**

.....

**Textual Amendments**

**F109** 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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## PART III

### INSPECTIONS IN ENGLAND

#### CHAPTER 1

#### THE ADULT LEARNING INSPECTORATE

##### *The Inspectorate*

#### <sup>F110</sup>52 The Inspectorate.

.....

##### Textual Amendments

**F110** 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)

#### <sup>F110</sup>53 The Inspectorate's remit.

.....

##### Textual Amendments

**F110** 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*

#### <sup>F110</sup>54 Functions of the Inspectorate and Chief Inspector.

.....

##### Textual Amendments

**F110** 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)

#### <sup>F110</sup>55 Inspections under section 54.

.....

##### Textual Amendments

**F110** 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)



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**F110 56 General powers.**

.....

**Textual Amendments**

**F110** 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)

**F110 57 Right of entry and offences.**

.....

**Textual Amendments**

**F110** 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)

**F110 58 Action plans.**

.....

**Textual Amendments**

**F110** 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)

**F110 59 Annual report.**

.....

**Textual Amendments**

**F110** 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*

**F110 60 The extended remit.**

.....

*Status: Point in time view as at 22/04/2014.*

*Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 02 June 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**

**F110** 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*

<sup>F110</sup>**61 Additional functions of the Chief Inspector.**

.....

**Textual Amendments**

**F110** 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)

<sup>F110</sup>**62 Inspection of further education institutions.**

.....

**Textual Amendments**

**F110** 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)

<sup>F110</sup>**63 Right of entry and offences.**

.....

**Textual Amendments**

**F110** 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)

<sup>F110</sup>**64 Action plans.**

.....

**Textual Amendments**

**F110** 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)

<sup>F110</sup>**65 Area inspections.**

.....

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**Textual Amendments**

**F110** 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)

**<sup>F110</sup>66 Reports of area inspections.**

.....

**Textual Amendments**

**F110** 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)

**<sup>F110</sup>67 Action plans following section 65 inspections.**

.....

**Textual Amendments**

**F110** 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)

**<sup>F110</sup>68 Further powers of the Chief Inspector.**

.....

**Textual Amendments**

**F110** 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*

**<sup>F110</sup>69 The framework.**

.....

**Textual Amendments**

**F110** 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)

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## **F11070 Preparation of the framework.**

.....

### **Textual Amendments**

**F110** 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)

### *Joint inspections*

## **F11071 Joint inspections.**

.....

### **Textual Amendments**

**F110** 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**

## **F11072 Defamation.**

.....

### **Textual Amendments**

**F110** 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.

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- (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 ”.

#### Commencement Information

**I12** 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—
- F111**  
...
- [<sup>F112</sup>“local authority in Wales” has the same meaning as in the Education Act 1996 (see section 579(1) of that Act);]
- “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

**F111** 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](#))

**F112** Words in s. 74(1) inserted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [art. 1](#), [Sch. 2 para. 46\(4\)](#)

#### Commencement Information

**I13** 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. I](#)

### *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 [<sup>F113</sup>National Assembly

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- in the discharge of its functions under Part 2] or by a [<sup>F114</sup>local authority] in Wales (either generally or for a specific purpose);
- (b) education or training for persons aged 16 or over where the [<sup>F113</sup>National Assembly in the discharge of its functions under Part 2] is, or a [<sup>F114</sup>local 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 <sup>M6</sup>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 [<sup>F115</sup>Part 1 of the Education Act 2005]; or
  - (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

**F113** 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)

**F114** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), **Sch. 2 para. 46(2)**

**F115** 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

**I14** 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

**M6** 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—
  - (a) the quality of the education and training which is brought within the remit of the Chief Inspector for Wales by this Part;
  - (b) the standards achieved by those receiving that education and training; and
  - (c) 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—

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- (a) 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;
  - (b) inspect such education or training, or such class of education or training, within that remit as the National Assembly may specify;
  - (c) 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—
- (a) advice given by the National Assembly; and
  - (b) such aspects of the National Assembly’s policy as the National Assembly may specify.

**Commencement Information**

**I15** 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;
  - <sup>F116</sup>(b) .....
  - (c) any [<sup>F114</sup>local authority][<sup>F117</sup>in Wales] providing funds for the education or training inspected; and
  - (d) the provider of the inspected education or training.

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- (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

- F114** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 46(2)**
- F116** 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)
- F117** Words in s. 77(5) inserted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 46(5)**

#### Commencement Information

- I16** 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**

## 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.



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#### Commencement Information

**I17** 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,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

**I18** 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.

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- (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

**I19** 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. 1](#)

### <sup>F118</sup>81 Inspections of careers services etc.

.....

#### Textual Amendments

**F118** 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 [<sup>F119</sup>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 <sup>M7</sup>Employment and Training Act 1973.
- (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 [<sup>F120</sup>the Chief Inspector for England must be given to that Chief Inspector].
- (5) [<sup>F121</sup>The Chief Inspector for England] may arrange for the report to be published in such manner as [<sup>F122</sup>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.
- [<sup>F123</sup>(7) In this section “the Chief Inspector for England” means Her Majesty's Chief Inspector of Education, Children's Services and Skills.]

#### Textual Amendments

**F119** 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\(gg\)](#)

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- F120** 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)
- F121** 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)
- F122** 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)
- F123** 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

- I20** 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

- M7** 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 [<sup>F124</sup>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.
- (3) If financial resources have been applied by the [<sup>F125</sup>National Assembly] or a [<sup>F114</sup>local authority][<sup>F126</sup> in Wales] 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 [<sup>F125</sup>National Assembly] and any [<sup>F114</sup>local authority][<sup>F127</sup> in Wales] 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.

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- (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.
- [<sup>F128</sup>(9A) For provision on reporting on sixth forms found to be causing concern in an area inspection, see sections 44C and 44E of the Education Act 2005.]
- (10) “Area inspection” means an inspection under this section.
- [<sup>F129</sup>(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

- F114** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 46(2)**
- F124** 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
- F125** 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)
- F126** Words in s. 83(3) inserted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 46(5)**
- F127** Words in s. 83(6) inserted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 46(5)**
- F128** S. 83(9A) inserted (1.10.2013) by [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), **Sch. 5 para. 20(3)**; [S.I. 2013/1800](#), art. 3(j)
- F129** 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

- I21** 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.
- [<sup>F130</sup>(2) . . . . .]
- (3) The National Assembly may direct a [<sup>F114</sup>local authority][<sup>F131</sup>in Wales] 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 [<sup>F132</sup>... 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

*Status: Point in time view as at 22/04/2014.*

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- (b) send copies of it to such persons as may be so prescribed.

#### Textual Amendments

- F114** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 46(2)**
- F130** 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)
- F131** Words in s. 84(3) inserted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 46(5)**
- F132** 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

- I22** 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. I**

### 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 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
  - 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

- I23** 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. I**

### 86 Annual reports.

- (1) The annual report of the Chief Inspector for Wales required by [<sup>F133</sup>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.
- (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

- F133** 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**

*Status: Point in time view as at 22/04/2014.*

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#### Commencement Information

**I24** 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 <sup>M8</sup>Government of Wales Act 1998.

#### Commencement Information

**I25** 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

**M8** 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.
- (2) Nothing in subsection (1) limits any privilege subsisting apart from that subsection.

#### Commencement Information

**I26** 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](#)

*Status: Point in time view as at 22/04/2014.*

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## 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.

#### **<sup>F134</sup>90 Preliminary transfers: FEFC for England.**

.....

##### **Textual Amendments**

**F134** 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)

#### **<sup>F135</sup>91 Dissolution of FEFC for Wales.**

.....

##### **Textual Amendments**

**F135** 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)

#### *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 <sup>M9</sup>Employment and Training Act 1973 (arrangements regarding employment).



*Status: Point in time view as at 22/04/2014.*

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- (4) The listed persons are—
- (a) the Learning and Skills Council for England;
  - <sup>F136</sup>(b) .....
  - <sup>F136</sup>(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

**F136** 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

**M9** 1973 c. 50.

### <sup>F137</sup>93 **Transfers: Wales.**

.....

#### Textual Amendments

**F137** 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 <sup>F138</sup>... is not to give rise to liability to stamp duty.



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(2) Stamp duty is not to be chargeable on a scheme made under [<sup>F139</sup>section 92].

#### Textual Amendments

**F138** 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)

**F139** 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)

#### [<sup>F140</sup>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

**F140** 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 <sup>F141</sup>... or
  - (b) a scheme under [<sup>F142</sup>section 92].
- (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 <sup>M10</sup>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

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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

- F141** 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)
- F142** 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

- I27** 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

- M10** 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 [<sup>F143</sup>a relevant 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 [<sup>F144</sup>relevant] qualification is approved under section 98 or 99, the course must not be—
- (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 [<sup>F145</sup>local 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.
- [<sup>F146</sup>(5) In this section “a relevant qualification”—
- (a) in relation to England, means a qualification to which Part 7 of the Apprenticeships, Skills, Children and Learning Act 2009 applies;

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(b) in relation to Wales, has the same meaning as in section 30 of the Education Act 1997.]

(8) These are maintained schools—

- (a) a community, foundation or voluntary school;
- (b) a community or foundation special school.

[<sup>F147</sup>(9) In this section and sections 100 to 102 “local authority” has the same meaning as in the Education Act 1996 (see section 579(1) of that Act).]

#### Textual Amendments

- F143** Words in s. 96(1)(b) substituted (1.4.2010 for E., 1.11.2010 for W.) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 12 para. 27(2)**; S.I. 2010/1151, art. 2, Sch. 1, S.I. 2010/2413, art. 2(a)
- F144** Word in s. 96(2) substituted (1.4.2010 for E., 1.11.2010 for W.) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 12 para. 27(3)**; S.I. 2010/1151, art. 2, Sch. 1, S.I. 2010/2413, art. 2(a)
- F145** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), **Sch. 2 para. 46(2)**
- F146** S. 96(5) substituted for s. 95(5)-(7) (1.4.2010 for E., 1.11.2010 for W.) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 12 para. 27(4)**; S.I. 2010/1151, art. 2, Sch. 1, S.I. 2010/2413, art. 2(a)
- F147** S. 96(9) added (5.5.2010) by The Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 46(6)**

#### 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

- I28** 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**

### <sup>F148</sup>97 Persons over 19.

.....

#### Textual Amendments

- F148** S. 97 repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 43, **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2

### 98 Approved qualifications: England.

- (1) This section has effect for the purposes of [<sup>F149</sup>section 96 in its application ] to England.
- (2) A qualification is approved at a given time if—
  - (a) it is then approved by the Secretary of State, or

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- (b) it is then approved by a body then designated by him for the purposes of this section.

<sup>F150</sup>(2A) .....

[<sup>F151</sup>(2B) A qualification may be approved only if—

- (a) the conditions mentioned in subsection (2C) are satisfied in relation to the qualification, or  
 (b) the Office of Qualifications and Examinations Regulation is consulted before the approval is given.

(2C) The conditions are that—

- (a) the qualification is a regulated qualification within the meaning of Part 7 of the Apprenticeships, Skills, Children and Learning Act 2009, and  
 (b) if the qualification is subject to the accreditation requirement (within the meaning of Chapter 2 of that Part), it is accredited under section 139 of that Act.]

(3) Approval may be given generally or in relation to particular cases.

<sup>F152</sup>(4) .....

(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.

<sup>F153</sup>(7) .....

<sup>F153</sup>(8) .....

#### Textual Amendments

**F149** Words in s. 98(1) substituted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 6 para. 44(2)**; S.I. 2010/303, art. 3, Sch. 2

**F150** S. 98(2A) repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 44(3), **16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2

**F151** S. 98(2B)(2C) inserted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 12 para. 28(2)**; S.I. 2010/1151, art. 2, Sch. 1

**F152** S. 98(4) repealed (28.2.2009) by Education and Skills Act 2008 (c. 25), ss. 159(3), 173(4), **Sch. 2**; S.I. 2009/387, art. 2

**F153** S. 98(7)(8) omitted (1.4.2012) by virtue of Education Act 2011 (c. 21), s. 82(3), **Sch. 16 para. 14**; S.I. 2012/924, art. 2

## 99 Approved qualifications: Wales.

(1) This section has effect for the purposes of [<sup>F154</sup>section 96 in its application ] to Wales.

(2) A qualification is approved at a given time if—

- [<sup>F155</sup>(za) the conditions mentioned in subsection (2ZA) are then satisfied in relation to the qualification,]

*Status: Point in time view as at 22/04/2014.*

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- (a) it is then [<sup>F156</sup>otherwise] approved by the National Assembly for Wales, or
- (b) it is then approved by a body then [<sup>F157</sup>otherwise] designated by the National Assembly for the purposes of this section.

[<sup>F158</sup>(2ZA) The conditions are that—

- (a) the qualification is awarded or authenticated by a person recognised in that respect under section 30(1)(e) of the Education Act 1997, and
  - (b) if the qualification is subject to a requirement of accreditation pursuant to a determination made under section 30(1)(f) of that Act, it is accredited under section 30(1)(h) of that Act.]
- (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.

<sup>F159</sup>(7) .....

<sup>F160</sup>(8) .....

#### Textual Amendments

- F154** Words in s. 99(1) substituted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 6 para. 45(2)**; S.I. 2010/303, art. 3, Sch. 2
- F155** S. 99(2)(za) inserted (1.11.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 12 para. 29(2)(a)**; S.I. 2010/2413, art. 2(a) (with arts. 3-5)
- F156** Word in s. 99(2)(a) inserted (1.11.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 12 para. 29(2)(b)**; S.I. 2010/2413, art. 2(a) (with arts. 3-5)
- F157** Word in s. 99(2)(b) inserted (1.11.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 12 para. 29(2)(b)**; S.I. 2010/2413, art. 2(a) (with arts. 3-5)
- F158** S. 99(2ZA) inserted (1.11.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 12 para. 29(3)**; S.I. 2010/2413, art. 2(a) (with arts. 3-5)
- F159** 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)
- F160** 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

- I29** 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 22/04/2014.*

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**100 Authorised bodies.**

- (1) For the purposes of [F161 section 96 in its application] to England these are authorised bodies—
  - (a) the Learning and Skills Council for England;
  - (b) a [F114 local authority] ;
  - (c) a body specified by order by the Secretary of State for the purposes of this section.
  
- (2) For the purposes of [F161 section 96 in its application] to Wales these are authorised bodies—
  - (a) the [F162 National Assembly for Wales];
  - (b) a [F114 local authority] ;
  - (c) a body specified by order by the National Assembly for Wales for the purposes of this section.

**Textual Amendments**

- F114** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 46(2)**
- F161** Words in s. 100 substituted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), **Sch. 6 para. 46**; S.I. 2010/303, art. 3, Sch. 2
- F162** 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**

- I30** 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 [F163 section 96 in its application] to England, and it applies if the Secretary of State is satisfied that—
  - (a) a [F114 local authority] or specified body has failed to comply with section 96(2) (a) or is proposing to do so, [F164 or]
  - (b) a [F114 local authority] or governing body has failed to comply with section 96(3) or is proposing to do so, <sup>F165</sup> ...
  - <sup>F165</sup>(c) .....
  
- (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).

**Textual Amendments**

- F114** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 46(2)**
- F163** Words in s. 101(1) substituted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), **Sch. 6 para. 47(a)**; S.I. 2010/303, art. 3, Sch. 2

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- F164** Word in s. 101(1) inserted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 6 para. 47(b)**; S.I. 2010/303, art. 3, Sch. 2
- F165** S. 101(1)(c) and preceding word "or" repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 47(c), **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2

## 102 Enforcement: Wales.

- (1) This section has effect for the purposes of [F166section 96 in its application] to Wales, and it applies if the National Assembly for Wales is satisfied that—
  - (a) a [F114local authority] or specified body has failed to comply with section 96(2) (a) or is proposing to do so, [F167or]
  - (b) a [F114local authority] or governing body has failed to comply with section 96(3) or is proposing to do so, F168...
  - F168(c) .....
- (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).

### Textual Amendments

- F114** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), **Sch. 2 para. 46(2)**
- F166** Words in s. 102(1) substituted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 6 para. 48(a)**; S.I. 2010/303, art. 3, Sch. 2
- F167** Word in s. 102(1) inserted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 6 para. 48(b)**; S.I. 2010/303, art. 3, Sch. 2
- F168** S. 102(1)(c) and preceding word "or" repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 48(c), **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2

### Commencement Information

- I31** 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 M11Education Act 1997 shall be amended as follows.
  - F169(2) .....
  - F169(3) .....
- (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).



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- (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,”.

#### Textual Amendments

**F169** S. 103(2)(3) repealed (1.4.2010 for E., 1.11.2010 for W.) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), [Sch. 16 Pt. 4](#); S.I. 2010/1151, art. 2, [Sch. 1](#), S.I. 2010/2413, art. 2(a)

#### Commencement Information

**I32** 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

**M11** 1997 c. 44.

### *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.



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- (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;
  - (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).

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- (2) The provision is to be taken to require the arrangements to satisfy conditions specified by <sup>F170</sup> 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

**F170** 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.
- (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) <sup>F171</sup>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

**F171** Words in s. 107(5) substituted (N.I.) (20.7.2001) by [2001 c. 15 \(N.I.\), s. 1\(2\)\(a\)](#)

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## 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—
  - (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.

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## 109 Grants: Northern Ireland.

- (1) [<sup>F172</sup>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

**F172** Words in s. 109(1) substituted (N.I.) (20.7.2001) by 2001 c. 15 (N.I.), s. 1(2)(a)

### *Sixth-form education*

## 110 Secondary education.

- (1) After section 2(2) of the <sup>M12</sup>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 [<sup>F114</sup>local 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 <sup>M13</sup>Education Act 1996 (schools)).

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- (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 <sup>M14</sup>School Standards and Framework Act 1998 (community or foundation mainstream or special school).
- (4) A [<sup>F114</sup>local authority] may not continue to maintain an institution to which this subsection applies in pursuance of section 15A of the <sup>M15</sup>Education Act 1996 (education for 16 to 18 year olds).
- (5) Section [<sup>F173</sup>16A(2)] of the <sup>M16</sup>Further and Higher Education Act 1992 (incorporation of further education institutions) shall not apply in relation to an institution to which this subsection applies.
- [<sup>F174</sup>(6) In this section “local authority” has the same meaning as in the Education Act 1996 (see section 579(1) of that Act).]

#### Textual Amendments

- F114** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 46(2)**
- F173** Word in s. 110(5) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 12 para. 44(2)**; [S.I. 2012/924](#), art. 2
- F174** S. 110(6) added (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 46(7)**

#### Commencement Information

- I33** 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

- M12** 1996 c. 56.  
**M13** 1996 c. 56.  
**M14** 1998 c. 31.  
**M15** 1996 c. 56.  
**M16** 1992 c. 13.

## 111 Further education corporations.

- (1) The following shall be substituted for section 16(2) and (3) of the <sup>M17</sup>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 [<sup>F114</sup>local 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 [<sup>F114</sup>local authority] , and

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- (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 [<sup>F114</sup>local authority] shall not be published without the consent of the governing body and the [<sup>F114</sup>local authority] .”

#### Textual Amendments

**F114** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 46(2)**

#### Commencement Information

**I34** 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

**M17** 1992 c. 13.

## 112 Further education institutions: designation.

In section 28(3) of the <sup>M18</sup>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 [<sup>F114</sup>local authority] .”

#### Textual Amendments

**F114** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 46(2)**

#### Commencement Information

**I35** 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

**M18** 1992 c. 13.

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<sup>F175</sup> **113 Sixth forms requiring significant improvement: Wales**

.....

**Textual Amendments**

**F175** S. 113 omitted (1.10.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 20(4)**; S.I. 2013/1800, art. 3(j)

<sup>F176</sup> **113A Restructuring of sixth-form education**

.....

**Textual Amendments**

**F176** S. 113A omitted (1.10.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 20(4)**; S.I. 2013/1800, art. 3(j)

*Support for 13 to 19 year olds: England*

<sup>F177</sup> **114 Provision of services.**

.....

**Textual Amendments**

**F177** 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

<sup>F177</sup> **115 Consultation and coordination.**

.....

**Textual Amendments**

**F177** 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

<sup>F177</sup> **116 Local education authorities.**

.....

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**Textual Amendments**

**F177** 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

**<sup>F177</sup>117 Educational institutions: information and access.**

.....

**Textual Amendments**

**F177** 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

**<sup>F177</sup>118 Inspection.**

.....

**Textual Amendments**

**F177** 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

**<sup>F177</sup>119 Information: supply by Secretary of State.**

.....

**Textual Amendments**

**F177** 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

**<sup>F177</sup>120 Information: supply by public bodies.**

.....

**Textual Amendments**

**F177** 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



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<sup>F177</sup> **121 Supplementary.**

**Textual Amendments**

**F177** 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 <sup>M19</sup>Employment and Training Act 1973 (careers services)—

**“10B Inspection.**

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

*Status: Point in time view as at 22/04/2014.*

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- (b) shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.”

**Marginal Citations**

M19 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.
- (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**

**I36** 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

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

#### Commencement Information

**I37** 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 [<sup>F178</sup>Local Health Board],
  - (b) a chief officer of police,
  - [<sup>F179</sup>(c) a police and crime commissioner,]
  - (d) a probation committee
  - [<sup>F180</sup>(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,
  - <sup>F181</sup>(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 <sup>M20</sup>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

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- (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.

#### Textual Amendments

- F178** 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)**
- F179** S. 125(1)(c) substituted (22.11.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 251**; S.I. 2012/2892, art. 2(i)
- F180** 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)**
- F181** 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

- I38** 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

- M20** 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) [<sup>F182</sup> or section 40(1)(a) or (b) of the Learning and Skills (Wales) Measure 2009], an educational institution to which this section applies shall, for the purpose of the provision of those services—
  - (a) provide him on request with the name and address of a pupil or student;
  - (b) provide him on request with the name and address of a parent of a pupil or student;
  - (c) provide him on request with information in the institution's possession about a pupil or student;
  - (d) permit him to have access to a pupil or student on the institution's premises at reasonable times;

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- (e) 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)—
- (a) 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
  - (b) 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—
- (a) community, foundation and voluntary schools,
  - (b) community<sup>F183</sup>... special schools (other than those established in hospitals),
  - (c) city technology colleges and city colleges for the technology of the arts,
  - (d) pupil referral units,
  - (e) institutions within the further education sector, and
  - (f) institutions in receipt of funding from the [<sup>F184</sup>National Assembly for Wales in the discharge of its functions under Part 2].

#### Textual Amendments

**F182** Words in s. 126(1) inserted (7.12.2009) by Learning and Skills (Wales) Measure 2009 (nawm 1), ss. 42(2), 49(2); S.I. 2009/3174, art. 2(1)(m)

**F183** Words in s. 126(3)(b) omitted (1.10.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), Sch. 5 para. 20(5); S.I. 2013/1800, art. 3(j)

**F184** 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

**I39** 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) [<sup>F185</sup> or section 40(1) of the Learning and Skills (Wales) Measure 2009],
  - (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)—

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- (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.

#### Textual Amendments

**F185** Words in s. 127(1)(a) inserted (7.12.2009) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), ss. [42\(3\)](#), [49\(2\)](#); S.I. 2009/3174, art. 2(1)(m)

#### Commencement Information

**I40** 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).
- [<sup>F186</sup>(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) [<sup>F187</sup> Section 29] of that Act (publication of reports) shall apply.

(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.

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#### Textual Amendments

**F186** 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

**F187** 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

**I41** 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,  
[<sup>F188</sup>“Local Health Board” has the meaning given by section 11 of the National Health Service (Wales) Act 2006,]

<sup>F189</sup>  
...

“parent”, in relation to a child, means a person who has parental responsibility for him within the meaning of section 3 of the <sup>M21</sup>Children Act 1989,

“probation committee” means a committee established under section 3 of the <sup>M22</sup>Probation Service Act 1993,

<sup>F190</sup>  
...

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

“youth offending team” means a team established under section 39 of the <sup>M23</sup>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

**F188** 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)**

**F189** 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)

**F190** Words in s. 129(1) omitted (22.11.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 252**; S.I. 2012/2892, art. 2(i)

#### Commencement Information

**I42** 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

**M21** 1989 c. 41.

**M22** 1993 c. 47.

**M23** 1998 c. 37.



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### City colleges and academies

#### 130 City academies.

F191 .....

##### Textual Amendments

**F191** 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.

F192 .....

##### Textual Amendments

**F192** 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.

F193 .....

##### Textual Amendments

**F193** 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 <sup>M24</sup>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.



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- (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 [F114]local 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 [F114]local authority making payments or providing assistance by virtue of subsection (5).
- (7) This section does not apply to schools in Wales.”

#### Textual Amendments

**F114** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 46(2)**

#### Marginal Citations

**M24** 1996 c. 56.

### *Pensions*

#### **134 Pensions.**

- (1) Section 1 of the <sup>M25</sup>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 <sup>M26</sup>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 <sup>M27</sup>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,

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- (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**

- M25** 1972 c. 11.
- M26** 1973 c. 50.
- M27** 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.
- (4) “Salary related occupational pension scheme” has the meaning given by section 93(1A) of the <sup>M28</sup>Pension Schemes Act 1993.

**Marginal Citations**

- M28** 1993 c. 48.

**136 Pensions: delegation.**

- (1) A function exercisable by virtue of section 1 of the <sup>M29</sup>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 <sup>M30</sup>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.

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**Marginal Citations**

- M29 1972 c. 11.
- M30 1994 c. 40.

*Other miscellaneous provisions*

**137 Recreation and social and physical training.**

- (1) Section 508 of the <sup>M31</sup>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 [<sup>F114</sup>local 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.”
- (4) In subsection (2) for “For that purpose” substitute “ For the purpose of subsection (1) or (1A) ”.

**Textual Amendments**

- F114 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 46(2)**

**Marginal Citations**

- M31 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 <sup>M32</sup>Employment and Training Act 1973 (training and careers services), and
  - (c) services wholly or partly funded in pursuance of section 12 of the <sup>M33</sup>Industrial Development Act 1982 (careers in industry).
- (3) The persons and bodies are—
  - (a) a local authority,
  - <sup>F194</sup>(b) .....
  - <sup>F195</sup>(ba) a Local Health Board,]

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- (c) the [<sup>F196</sup>National Assembly for Wales],
- (d) a chief officer of police,
- (e) a probation committee,
- [<sup>F197</sup>(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

- F194** 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)**
- F195** 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)
- F196** 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)
- F197** 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)**

#### Commencement Information

- I43** 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

- M32** 1973 c. 50.  
**M33** 1982 c. 52.

### 139 Induction periods for teachers.

- (1) Section 19 of the <sup>M34</sup>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—

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“(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
- (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

**I44** 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

**M34** 1998 c. 30.

### [<sup>F198</sup>139] Assessments relating to learning difficulties: England

(1) Subsection (2) applies if a [<sup>F114</sup>local 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.

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- (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 <sup>F114</sup>local 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 <sup>F114</sup>local 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.
- (7) In exercising its functions under this section an authority must have regard to any guidance issued by the Secretary of State.

#### Textual Amendments

**F114** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 46(2)**

**F198** 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 <sup>F114</sup>local 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

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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.
- [<sup>F199</sup>(8) “local authority in England” and “school year” have the same meaning as in the Education Act 1996 (see section 579(1) of that Act).]

#### Textual Amendments

- F114** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 46(2)**
- F198** Ss. 139A-139C inserted (26.11.2008) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 80, 173(1)(a)**
- F199** S. 139B(8) substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 46(10)**

### 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 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

- F198** Ss. 139A-139C inserted (26.11.2008) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 80, 173(1)(a)**

### 140 [<sup>F200</sup>Assessments relating to learning difficulties: Wales]

- (1) Subsection (2) applies if—
  - (a) a [<sup>F114</sup>local authority][<sup>F201</sup>in Wales] maintains a statement of special educational needs for a person under section 324 of the Education Act 1996, and



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- (b) the [<sup>F202</sup>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 [<sup>F203</sup>Part 2] of this Act) or higher education (within the meaning of the <sup>M35</sup>Education Reform Act 1988).
- (2) [<sup>F204</sup>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) [<sup>F205</sup>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 [<sup>F206</sup>to the Welsh Ministers] to have a learning difficulty (within the meaning of section 13), and
  - (c) who is receiving, or in the [<sup>F207</sup>opinion of the Welsh Ministers ] is likely to receive, post-16 education or training (within the meaning of [<sup>F207</sup> Part 2 ] of this Act) or higher education (within the meaning of the <sup>M36</sup>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 [<sup>F114</sup>local authority][<sup>F208</sup> in Wales] must send a copy of a statement maintained by it under section 324 of the <sup>M37</sup>Education Act 1996 to the [<sup>F209</sup>Welsh Ministers on their request].
- [<sup>F210</sup>(5A) “Local authority in Wales” has the same meaning as in the Education Act 1996 (see section 579(1) of that Act).]

<sup>F211</sup>(6) .....

#### Textual Amendments

- F114** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 46(2)**
- F200** S. 140 heading substituted (26.11.2008) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(1)(g), **Sch. 1 para. 77**
- F201** 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)**
- F202** 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)**
- F203** 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)**
- F204** 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)**
- F205** 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)**
- F206** 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)**
- F207** 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)**



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- F208** 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)**
- F209** 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)**
- F210** S. 140(5A) inserted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 46(11)**
- F211** 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

- I45** 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

- M35** 1988 c. 40.  
**M36** 1988 c. 40.  
**M37** 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 <sup>M38</sup>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 [<sup>F212</sup>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
  - the company's [<sup>F213</sup>articles 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—
- take action of a prescribed kind, or
  - 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—
- making a disposal or payment of a prescribed kind or in prescribed circumstances,
  - incurring expenditure of a prescribed kind or in prescribed circumstances, and
  - entering into a transaction of a prescribed kind or in prescribed circumstances.

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- (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.

#### Textual Amendments

**F212** Words in s. 141(1)(c) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 182(a)** (with art. 10)

**F213** Words in s. 141(1)(d) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 182(b)** (with art. 10)

#### Commencement Information

**I46** 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

**M38** 1973 c. 50.

*Status: Point in time view as at 22/04/2014.*

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## 142 Further and higher education corporations: secondary education.

(1) Section 18 of the <sup>M39</sup>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 <sup>M40</sup>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 <sup>M41</sup>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.”

### Commencement Information

**I47** 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

**M39** 1992 c. 13.

**M40** 1996 c. 56.

**M41** 1988 c. 40.

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*Status: Point in time view as at 22/04/2014.*

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### **143 Further education sector: designated institutions.**

- (1) Section 28 of the <sup>M42</sup>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 <sup>M43</sup>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.
  - (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 <sup>M44</sup>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 <sup>M45</sup>Further and Higher Education Act 1992.

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- (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 <sup>M46</sup>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 <sup>M47</sup>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 [<sup>F214</sup>any of sections 29 to 29C] of the <sup>M48</sup>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 [<sup>F215</sup>the Charities Act 2011]) 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.

#### Textual Amendments

**F214** Words in s. 143(6)(b) substituted (1.4.2012) by [Education Act 2011 \(c. 21\), s. 82\(3\), Sch. 12 para. 44\(3\)](#); [S.I. 2012/924, art. 2](#)

**F215** Words in s. 143(6)(d) substituted (14.3.2012) by [Charities Act 2011 \(c. 25\), s. 355, Sch. 7 para. 88](#) (with s. 20(2), Sch. 8)

#### Commencement Information

**I48** 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

**M42** 1992 c. 13.

**M43** 1992 c. 13.

**M44** 1992 c. 13.

**M45** 1992 c. 13.

**M46** 1992 c. 13.

**M47** 1992 c. 13.

**M48** 1992 c. 13.

*Status: Point in time view as at 22/04/2014.*

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#### 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 <sup>M49</sup>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 <sup>M50</sup>Education Act 1996 (grants) or paragraph 5 of Schedule 3 to the <sup>M51</sup>School Standards and Framework Act 1998 (grants).
- (3) If trustees dispose of land to which this section applies they shall notify the appropriate<sup>[F216]</sup> authority].
- (4) If trustees dispose of land to which this section applies they shall pay to the appropriate<sup>[F217]</sup> authority] so much of the proceeds of disposal as may be determined to be just—
  - (a) by agreement between the trustees and the <sup>[F217]</sup> authority], or
  - (b) in default of agreement,
    - <sup>[F218]</sup>(i) in the case of land in England held for the purposes of a sixth form college, or land in Wales, by an arbitrator to be appointed in default of agreement by the President of the Chartered Institute of Arbitrators;
    - (ii) in the case of any other land in England, by the Secretary of State.]
- <sup>[F219]</sup>(4A) The expense of an arbitrator appointed under subsection (4)(b)(i) is to be borne equally by the trustees and—
  - (a) in the case of land in England, the Secretary of State;
  - (b) in the case of land in Wales, the Welsh Ministers.]
- (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 <sup>M52</sup>Further and Higher Education Act 1992).

*Status: Point in time view as at 22/04/2014.*

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- (9) In this section “the appropriate [<sup>F220</sup>authority]” means—
- [<sup>F221</sup>(a) the [<sup>F222</sup>Secretary of State], in respect of land in England held for the purposes of a sixth form college;
  - (aa) the Chief Executive of Skills Funding, in respect of any other land in England;]
  - (b) the [<sup>F223</sup>National Assembly for Wales], in respect of land in Wales.

#### Textual Amendments

- F216** 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)
- F217** 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)
- F218** S. 144(4)(b)(i)(ii) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 16 para. 15(2)**; [S.I. 2012/924](#), art. 2
- F219** S. 144(4A) inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 16 para. 15(3)**; [S.I. 2012/924](#), art. 2
- F220** 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)
- F221** S. 144(9)(a)(aa) substituted for s. 144(9)(a) (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a), **Sch. 1 para. 100** (with art. 2(3))
- F222** Words in s. 144(9)(a) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 16 para. 15(4)**; [S.I. 2012/924](#), art. 2
- F223** 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

- I49** 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

- M49** 1992 c. 13.  
**M50** 1996 c. 56.  
**M51** 1998 c. 31.  
**M52** 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

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- (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 <sup>M53</sup>Further and Higher Education Act 1992,  
<sup>F224</sup>(aa) a sixth form college corporation as defined in section 90 of that Act,] and  
 (b) a body corporate established by virtue of section 143(4) or (5) of this Act.
- (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 <sup>F225</sup>the county court]; but this subsection is subject to any order under section 1 of the <sup>M54</sup>Courts and Legal Services Act 1990 (allocation of business between High Court and county courts).

#### Textual Amendments

**F224** S. 145(3)(aa) inserted (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a), **Sch. 1 para. 101** (with art. 2(3))

**F225** Words in s. 145(5) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 9 para. 52**; [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

#### Commencement Information

**I50** 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

**M53** 1992 c. 13.

**M54** 1990 c. 41.

## 146 Financial support for students.

- (1) The <sup>M55</sup>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”.



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- (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

M55 1998 c. 30.

### 147 Financial support for students: Northern Ireland.

- (1) The <sup>M56</sup>Education (Student Support) (Northern Ireland) Order 1998 shall be amended as follows.
  - <sup>F226</sup>(2) .....
  - (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”.
  - <sup>F226</sup>(5) .....

#### Textual Amendments

**F226** 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

M56 S.I. 1998/1759 (N.I. 13).

### 148 Sex education.

- (1) The <sup>M57</sup>Education Act 1996 shall be amended as follows.
  - (2) <sup>F227</sup> .....
  - (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

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- (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.”
- (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

**F227** 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

**I51** 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

**M57** 1996 c. 56.

## 149 Amendments.

Schedule 9 contains miscellaneous and consequential amendments.

#### Commencement Information

**I52** 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](#)

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## 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 <sup>M58</sup>Government of Wales Act 1998 (transfer of functions),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 <sup>F228</sup>... 92, 104, 134 [<sup>F229</sup>, 144] or 154 of this Act,
  - (b) the amendment of section 1(3) of the <sup>M59</sup>Education (Fees and Awards) Act 1983 (fees at institutions) made by Schedule 9 to this Act,
  - (c) the amendment of section 26 of the <sup>M60</sup>Employment Act 1988 (status of trainees etc) made by Schedule 9 to this Act <sup>F230</sup>...
  - (d) <sup>F230</sup> .....

#### Textual Amendments

**F228** 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)

**F229** 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)

**F230** S. 150(4)(d) and word repealed by [Equality Act 2010 \(c. 15\)](#), Sch. 27 Pt. 1 (as substituted (1.10.2010) by S.I. 2010/2279, art. 1(2), [Sch. 2](#) (see S.I. 2010/2317, art. 2))

#### Marginal Citations

**M58** 1998 c. 38.

**M59** 1983 c. 40.

**M60** 1988 c. 19.

### 151 Transitional provisions.

- (1) [<sup>F231</sup>Part 1] of Schedule 10 [<sup>F232</sup>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 <sup>F233</sup>....

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F234(2) .....

(3) Part IV of Schedule 10 contains transitional provision relating to the <sup>M61</sup>Education (Student Loans) Act 1990.

(4) Nothing in that Schedule prejudices the generality of section 152(6).

**Textual Amendments**

**F231** 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)

**F232** 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)

**F233** 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)

**F234** 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**

**M61** 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.

F235(2A) .....

F235(2B) .....

F235(2C) .....

F235(2D) .....

(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 [<sup>F236</sup>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 <sup>M62</sup>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 <sup>M63</sup>Interpretation Act (Northern Ireland) 1954 as if they were statutory instruments within the meaning of that Act.

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- [<sup>F237</sup>(4A) Any statutory instrument containing regulations made by the Welsh Ministers under section 33D(3), 33E(3), 33G(3), 33I(3), 33P or 33Q is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (4B) No order shall be made by the Welsh Ministers under section 33G(5), 33I(5) or 33M unless a draft of the instrument containing the order has been laid before, and approved by a resolution of, the National Assembly for Wales.]
- (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

- F235** S. 152(2A)-(2D) repealed (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a)(b), Sch. 1 para. 40, [Sch. 2 Pt. 1](#) (with art. 2(3))
- F236** Words in s. 152(4) substituted (N.I.) (20.7.2001) by [2001 c. 15 \(N.I.\)](#), s. [1\(2\)\(a\)](#)
- F237** S. 152(4A)(4B) inserted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), [ss. 39](#), [49\(2\)](#); S.I. 2011/97, art. 2(1)(n)

#### Marginal Citations

- M62** [S.I. 1979/1573 \(N.I. 12\)](#).
- M63** [1954 c. 33 \(N.I.\)](#).

## 153 Repeals.

Schedule 11 contains repeals.

#### Commencement Information

- I53** 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—
- Parts I and III,
  - sections 89, 90, 92, 94, 98, 100(1), 101, 104 to 109, 114 to 122, 132 to 136, 146 and 147,
  - in Schedule 9, paragraphs 11, 14, 35, 37 to 39, 41 to 43, 47 to 50, 52(3), 83, 87 and 88,
  - Part IV of Schedule 10, and

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- (e) in Schedule 11, the repeals in section 91 of the <sup>M64</sup>Further and Higher Education Act 1992 and section 142 of the <sup>M65</sup>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—
- (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)

#### Marginal Citations

**M64** 1992 c. 13.

**M65** 1998 c. 31.

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**Status:** Point in time view as at 22/04/2014.

**Changes to legislation:** Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 02 June 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)

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**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.

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## SCHEDULES

### F238 SCHEDULE 1

Section 1.

.....

**Textual Amendments**

**F238** Sch. 1 repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), Sch. 6 para. 50, **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2 (with arts. 13, 14) (as amended (30.3.2010) by S.I. 2010/1151, art. 22)

### F239 SCHEDULE 1A

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**Textual Amendments**

**F239** Sch. 1A repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), Sch. 6 para. 51, **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2

### F240 SCHEDULE 2

Section 19.

.....

**Textual Amendments**

**F240** Sch. 2 repealed (21.2.2008) by [Further Education and Training Act 2007 \(c. 25\)](#), ss 3(2)(b), 32(5), Sch. 2; S.I. 2008/313, art. 2(b)(i)

### F241 SCHEDULE 3

Section 26.

.....

**Textual Amendments**

**F241** Sch. 3 repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), Sch. 6 para. 52, **16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2



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F242 SCHEDULE 4

Section 30.

**Textual Amendments**

**F242** Sch. 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. 80](#) (with art. 7)

F243 SCHEDULE 5

Section 48.

**Textual Amendments**

**F243** Sch. 5 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. 81 (with art. 7)

F244 SCHEDULE 6

Section 52.

**Textual Amendments**

**F244** Sch. 6 repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), Sch. 14 para. 65, [Sch. 18 Pt. 5](#); S.I. 2007/935, art. 5(gg)(ii)

F245 SCHEDULE 7

Section 113.

**Textual Amendments**

**F245** Sch. 7 omitted (1.10.2013) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), [Sch. 5 para. 20\(6\)\(a\)](#); S.I. 2013/1800, art. 3(j)

F246 SCHEDULE 7A

*Status: Point in time view as at 22/04/2014.*

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### Textual Amendments

**F246** Sch. 7A omitted (1.10.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 20(6)(a)**; S.I. 2013/1800, art. 3(j)

## SCHEDULE 8

Section 131.

### CITY ACADEMIES: LAND

F247 .....

### Textual Amendments

**F247** Sch. 8 repealed (1.8.2003 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/1718, art. 4, Sch. Pt. I

## SCHEDULE 9

Section 149.

### AMENDMENTS

#### *Introduction*

1 The amendments specified in this Schedule shall have effect.

### Commencement Information

**I54** Sch. 9 para. 1 wholly in force at 1.4.2002; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 1 in force for specified purposes at 1.4.2001 by S.I. 2001/654, **art. 2 Sch. Pt. II**; Sch. 9 para. 1 in force at 1.9.2001 (E.) by S.I. 2001/654, **art. 2, Sch. Pt. III**; Sch. 9 para. 1 in force at 1.4.2002 (W.) by S.I. 2001/2705, **art. 2, Sch. Pt. I**

### *Public Records Act 1958 (c.51)*

F248<sub>2</sub> .....

### Textual Amendments

**F248** Sch. 9 para. 2 repealed (1.4.2010) by The Apprenticeships, Skills, Children and Learning Act 2009 (Consequential Amendments) (England and Wales) Order 2010 (S.I. 2010/1080), art. 1(2)(a)(b), Sch. 1 para. 42, **Sch. 2 Pt. 1** (with art. 2(3))

### *Superannuation Act 1972 (c.11)*

F249<sub>3</sub> .....

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**Textual Amendments**

**F249** Sch. 9 para. 3 repealed (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a)(b), Sch. 1 para. 42, **Sch. 2 Pt. 1** (with art. 2(3))

*House of Commons Disqualification Act 1975 (c.24)*

F250<sup>4</sup> .....

**Textual Amendments**

**F250** Sch. 9 para. 4 repealed (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a)(b), Sch. 1 para. 42, **Sch. 2 Pt. 1** (with art. 2(3))

*Sex Discrimination Act 1975 (c. 65)*

F251<sup>5</sup> .....

**Textual Amendments**

**F251** Sch. 9 para. 5 repealed (E.W) (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a)(b), Sch. 1 para. 42, Sch. 2 Pt. 1 (with art. 2(3)) and repealed (E.W.S) by [Equality Act 2010 \(c. 15\)](#), s. 216(3), Sch. 27 Pt 1 (as substituted (1.10.2010) by [S.I. 2010/2279](#)), art. 1(2), Sch. 2 (see [S.I. 2010/2317](#), art. 2))

F252<sup>6</sup> .....

**Textual Amendments**

**F252** Sch. 9 para. 6 repealed by [Equality Act 2010 \(c. 15\)](#), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279](#), art. 1(2), **Sch. 2** (see [S.I. 2010/2317](#), art. 2))

F253<sup>7</sup> .....

**Textual Amendments**

**F253** Sch. 9 para. 7 repealed by [Equality Act 2010 \(c. 15\)](#), **Sch. 27 Pt. 1** (as substituted (1.10.2010) by [S.I. 2010/2279](#), art. 1(2), **Sch. 2** (see [S.I. 2010/2317](#), art. 2))

F254<sup>8</sup> .....

**Textual Amendments**

**F254** Sch. 9 para. 8 repealed (1.10.2005) by [Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), regs. 1(1), **23(2)(a)**

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F255 . . . . .

**Textual Amendments**  
**F255** Sch. 9 para. 9 and cross-heading repealed (E.W.) (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a)(b), Sch. 1 para. 42, Sch. 2 Pt. 1 (with art. 2(3)); and repealed (E.W.S) by Equality Act 2010 (c. 15), s. 216(3), Sch. 27 Pt 1 (as substituted (1.10.2010) by [S.I. 2010/2279](#)), art. 1(2), **Sch. 2** (see [S.I. 2010/2317](#), art. 2))

F255<sup>9</sup> . . . . .

F256<sup>10</sup> . . . . .

**Textual Amendments**  
**F256** Sch. 9 para. 10 repealed (2.4.2001) by [2000 c. 34, s. 9\(2\), Sch. 3](#) (with s. 10(5)); [S.I. 2001/566, art. 2\(1\)](#)

*Education (Fees and Awards) Act 1983 (c.40)*

- 11 In section 1 of the Education (Fees and Awards) Act 1983 (higher fees for students without UK connection) in subsection (3) insert after paragraph (e)—
- “(f) any institution which receives funding from the Learning and Skills Council for England (whatever proportion that funding represents of the institution’s total funding) and which is specified in, or is of a class or description specified in, the regulations;
  - (g) any institution which receives funding from the National Council for Education and Training for Wales (whatever proportion that funding represents of the institution’s total funding) and which is specified in, or is of a class or description specified in, the regulations.”

*Disabled Persons (Services, Consultation and Representation) Act 1986 (c.33)*

F257<sup>12</sup> . . . . .

**Textual Amendments**  
**F257** Sch. 9 para. 12 repealed (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a)(b), Sch. 1 para. 42, Sch. 2 Pt. 1 (with art. 2(3))

*Local Government Act 1988 (c.9)*

- 13 In paragraph 8(3)(a)(i) of Schedule 1 to the Local Government Act 1988 (competition: excluded activities) for “section 15” substitute “ section 15A or 15B ”.

**Commencement Information**  
**I55** Sch. 9 para. 13 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8;

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Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 13 in force at 1.4.2001 (E.) by S.I. 2001/654, **art. 2 Sch. Pt. II** and (W.) by S.I. 2001/1274, **art. 2 Sch. Pt. I**

*Employment Act 1988 (c.19)*

F258 14

**Textual Amendments**

**F258** Sch. 9 para. 14 omitted (1.4.2012) by virtue of Education Act 2011 (c. 21), s. 82(3), **Sch. 16 para. 16**; S.I. 2012/924, **art. 2**

*Education Reform Act 1988 (c.40)*

15 In section 124 of the Education Reform Act 1988 (powers of higher education corporations)—

(a) in subsection (2)(b) omit the words “, as defined by section 15(6) and (7) of the Education Act 1996”,

(b) in subsection (2) for paragraph (f) substitute—

“(f) to subscribe for or otherwise acquire shares in or securities of a company for the purpose of carrying on any such activities;”,

and

(c) at the end insert—

“(5) For the purposes of subsection (2)(b) 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

(b) he has a disability which either prevents or hinders him from making use of facilities of a kind generally provided by institutions within the higher education sector for persons of his age.

(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.”

**Commencement Information**

**I56** Sch. 9 para. 15 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 15 in force at 1.4.2001 (E.) by S.I. 2001/654, **art. 2 Sch. Pt. II** and (W.) by S.I. 2001/1274, **art. 2 Sch. Pt. I**

F259 16

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### Textual Amendments

**F259** Sch. 9 para. 16 repealed (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a)(b), Sch. 1 para. 42, Sch. 2 Pt. 1 (with art. 2(3))

17 For section 161(1)(b) of that Act (interpretation: further or higher education functions) substitute—

“(b) references to the further or higher education functions of a [<sup>F114</sup>local authority] are references to the functions of the authority (except in so far as they relate to secondary education) under sections 15A and 15B of the Education Act 1996 (post-16 education) and section 120 of this Act (higher education);”.

### Textual Amendments

**F114** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 46(2)**

### Commencement Information

**I57** Sch. 9 para. 17 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 17 in force at 1.4.2001 (E.) by [S.I. 2001/654](#), **art. 2 Sch. Pt. II** and (W.) by [S.I. 2001/1274](#), **art. 2 Sch. Pt. I**

<sup>F260</sup>18 .....

### Textual Amendments

**F260** Sch. 9 para. 18 repealed (1.8.2003 for E., 2.1.2008 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); [S.I. 2003/1667](#), art. 3; [S.I. 2007/3611](#), art. 4(1), Sch. Pt. 1

### *Environmental Protection Act 1990 (c.43)*

19 In section 98 of the Environmental Protection Act 1990 (definitions) in subsection (2)(e) for “or city college for the technology of the arts” substitute “ , city college for the technology of the arts or city academy, ”.

### Commencement Information

**I58** Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5)

### *Further and Higher Education Act 1992 (c.13)*

20 In the Further and Higher Education Act 1992, omit sections 1 to 9 (the Further Education Funding Councils for England and Wales).

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#### Commencement Information

**I59** Sch. 9 para. 20 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 20 in force at 1.4.2001 (E.) by [S.I. 2001/654](#), [art. 2 Sch. Pt. II](#) and (W.) by [S.I. 2001/1274](#), [art. 2 Sch. Pt. I](#)

- 21 In section 18 of that Act (further education corporation: powers)—
- (a) after subsection (1)(b) insert “and those powers are referred to in section 19 of this Act as the corporation’s principal powers”;
  - (b) subsections (4) to (6) shall cease to have effect.

#### Commencement Information

**I60** Sch. 9 para. 21 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 21(b) in force (W.) at 1.1.2001 by [S.I. 2000/3230](#), [art. 2, Sch.](#); Sch. 9 para. 21 in force (E.) at 1.4.2001 by [S.I. 2001/654](#), [art. 2, Sch. Pt. II](#); Sch. 9 para. 21(a) in force (W.) at 1.4.2001 by [S.I. 2001/1274](#), [art. 2, Sch. Pt. I](#)

- 22 (1) Section 19 of that Act (supplementary powers of a further education corporation) is amended as follows.
- (2) In subsection (3) omit “within the meaning of section 4(6) of this Act”.
  - (3) In subsection (4) after paragraph (b) insert—  
“(bb) subscribe for or otherwise acquire shares in or securities of a company,”.
  - (4) After subsection (4) insert—  
“(4A) The power conferred by subsection (4)(bb) above may not be exercised for the purpose of conducting an educational institution.  
(4B) The power conferred by subsection (4)(bb) above may not be exercised for the purpose of the provision of education if the provision is secured (wholly or partly) by financial resources provided by the Learning and Skills Council for England or the National Council for Education and Training for Wales.  
(4C) But subsection (4B) above shall not apply to the extent that the Council concerned consents to the exercise of the power conferred by subsection (4) (bb) above in a way which does not comply with the restriction in subsection (4B).”
  - (5) After subsection (5) insert—  
“(6) 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
    - (b) he has a disability which either prevents or hinders him from making use of facilities of a kind generally provided by institutions within the further education sector for persons of his age.

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- (7) 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.”

#### Commencement Information

**I61** Sch. 9 para. 22 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 22 in force at 1.4.2001 (E.) by [S.I. 2001/654](#), [art. 2 Sch. Pt. II](#) and (W.) by [S.I. 2001/1274](#), [art. 2 Sch. Pt. I](#)

- 23 (1) Section 22 of that Act (subsequent instruments and articles) is amended as follows.
- (2) In subsection (2) for “any instrument” substitute “, replace or revoke any instrument of government or articles”.
- (3) In subsection (5)—
- (a) in paragraph (a) after “modify” insert “, replace or revoke”;
- (b) in paragraph (b) after “modified” insert “, replaced or revoked”.

#### Commencement Information

**I62** Sch. 9 para. 23 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 23 in force (E.) at 1.10.2000 by [S.I. 2000/2559](#), [art. 2\(1\)](#), [Sch. Pt. I](#); Sch. 9 para. 23 in force (W.) at 1.4.2001 by [S.I. 2001/1274](#), [art. 2 Sch. Pt. I](#)

- 24 (1) Section 29 of that Act (government and conduct of designated institutions) is amended as follows.
- (2) In subsection (2) for “subsection (3)” substitute “ subsections (3) and (7A) ”.
- (3) After subsection (7) insert—
- “(7A) Provision made by the instrument in relation to the appointment of members of the governing body shall take into account the members who may be appointed by—
- (a) the Learning and Skills Council for England under section 11 of the Learning and Skills Act 2000, or
- (b) the National Council for Education and Training for Wales under section 39 of that Act.”
- (4) In subsection (8) after “modify” insert “, replace or revoke” and after “modified” insert “, replaced or revoked”.

#### Commencement Information

**I63** Sch. 9 para. 24 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 24(1)(4) in force (E.) at



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1.10.2000 by S.I. 2000/2559, art. 2(1), Sch. Pt. I; Sch. 9 para. 24(2)(3) in force (E.) at 1.4.2001 by S.I. 2001/654, art. 2 Sch. Pt. II; Sch. 9 para. 24 in force (W.) at 1.4.2001 by S.I. 2001/1274, art. 2 Sch. Pt. I

25 In section 31 of that Act (designated institutions conducted by companies) after subsection (2) insert—

“(2A) Provision made by the articles of association of the company in relation to the appointment of members of the governing body shall take into account the members who may be appointed by—

- (a) the Learning and Skills Council for England under section 11 of the Learning and Skills Act 2000, or
- (b) the National Council for Education and Training for Wales under section 39 of that Act.”

#### Commencement Information

**I64** Sch. 9 para. 25 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 25 in force at 1.4.2001 (E.) by S.I. 2001/654, art. 2 Sch. Pt. II and (W.) by S.I. 2001/1274, art. 2 Sch. Pt. I

26

F261

#### Textual Amendments

**F261** Sch. 9 para. 26 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

27 (1) Section 44 of that Act (collective worship) is amended as follows.

(2) For subsections (1) and (2) substitute—

“(1) This section applies to any institution within the further education sector which 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) An institution is of voluntary origin for the purposes of this section if—

- (a) immediately before it joined the further education sector it was a voluntary school (within the meaning of the Education Act 1996),
- (b) immediately before it joined the further education sector it was a foundation or voluntary school (within the meaning of the School Standards and Framework Act 1998) having a foundation established otherwise than under that Act,
- (c) it is designated for the purposes of this paragraph by order of the Secretary of State, or
- (d) it is formed by or for the purpose of merging two institutions both of which were within paragraphs (a) to (c).

(2A) The governing body of an institution to which this section applies shall ensure that at an appropriate time on at least one day in each week during

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which the institution is open an act of collective worship is held at the institution which persons receiving education at the institution may attend.”

- (3) In subsection (3)(b) for “became a further education institution” substitute “ joined the further education sector ”.
- (4) In subsection (4) for “other further education institutions” substitute “ other institutions to which this section applies ”.
- (5) In subsection (5) for “a further education institution” substitute “ an institution to which this section applies ”.
- (6) Omit subsection (6).
- (7) At the end of the section insert—

“(7) In the application of this section to an institution which is of voluntary origin by virtue of subsection (2)(d), subsection (3)(b) shall be taken as referring to the religious traditions and practices of the two institutions mentioned in subsection (2)(d).”

#### **Commencement Information**

**I65** Sch. 9 para. 27 partly in force; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 27 in force (E.) at 1.10.2000 for specified purposes by [S.I. 2000/2559](#), [art. 2\(1\)](#), [Sch. Pt. I](#); Sch. 9 para. 27 in force (W.) at 1.4.2001 by [S.I. 2001/1274](#), [art. 2 Sch. Pt. I](#)

- 28 (1) Section 45 of that Act (religious education) shall be amended as follows.
  - (2) For subsections (1) and (2) substitute—
    - “(1) This section applies to any institution to which section 44 of this Act applies.
    - (2) An institution is of voluntary origin for the purposes of this section if it is of voluntary origin for the purposes of section 44 of this Act.
    - (2A) The governing body of an institution to which this section applies shall ensure that religious education is provided at the institution for all persons attending the institution who wish to receive it.”
  - (3) In subsection (3) for “a further education institution” substitute “ an institution to which this section applies ”.
  - (4) In subsection (5)—
    - (a) for “each further education institution” substitute “ institution to which this section applies ”,
    - (b) in paragraph (a)(ii) for “became a further education institution” substitute “ joined the further education sector ”, and
    - (c) in paragraph (b) for “further education institutions” substitute “ other institutions to which this section applies ”.
  - (5) Omit subsection (6).
  - (6) At the end of the section insert—

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“(7) In the application of this section to an institution which is an institution of voluntary origin by virtue of section 44(2)(d), subsection (5)(a)(ii) shall be taken as referring to the religious traditions and practices of the two institutions mentioned in section 44(2)(d).”

**Commencement Information**

**I66** Sch. 9 para. 28 partly in force; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 28 in force (E.) at 1.10.2000 for specified purposes by [S.I. 2000/2559, art. 2, Sch. Pt. I](#); Sch. 9 para. 28 in force (W.) at 1.4.2001 by [S.I. 2001/1274, art. 2 Sch. Pt. I](#)

29 In section 52 of that Act (duty to provide for named individuals) in subsection (1) omit “full-time”.

**Commencement Information**

**I67** Sch. 9 para. 29 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 29 in force at 1.4.2001 (E.) by [S.I. 2001/654, art. 2 Sch. Pt. II](#) and (W.) by [S.I. 2001/1274, art. 2 Sch. Pt. I](#)

30 <sup>F262</sup> .....

**Textual Amendments**

**F262** Sch. 9 para. 30 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](#)

31 In section 54 of that Act (duty to give information) 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”.

**Commencement Information**

**I68** Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5)

32 In section 55 of that Act (inspections etc of local authority institutions other than schools), subsections (1) to (3) and paragraphs (a) and (b) of subsection (7) shall cease to have effect.

**Commencement Information**

**I69** Sch. 9 para. 32 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8;

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Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 32 in force at 1.4.2001 (E.) by S.I. 2001/654, **art. 2 Sch. Pt. II** and (W.) by S.I. 2001/1274, **art. 2 Sch. Pt. I**

33 Section 56 of that Act (directions) shall cease to have effect.

#### Commencement Information

**I70** Sch. 9 para. 33 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 32 in force at 1.4.2001 (E.) by S.I. 2001/654, **art. 2 Sch. Pt. II** and (W.) by S.I. 2001/1274, **art. 2 Sch. Pt. I**

34 In that Act for section 57 substitute—

#### “57 Intervention.

- (1) This section applies if one or more of the conditions listed in subsection (2) is satisfied regarding an institution within the further education sector; and it is immaterial whether or not a complaint is made by any person.
- (2) These are the conditions—
  - (a) the Secretary of State is satisfied that the institution’s affairs have been or are being mismanaged by its governing body;
  - (b) he is satisfied that the institution’s governing body have failed to discharge any duty imposed on them by or for the purposes of any Act;
  - (c) he is satisfied that the institution’s governing body have acted or are proposing to act unreasonably with respect to the exercise of any power conferred or the performance of any duty imposed by or under any Act;
  - (d) a report regarding the institution and made by a person listed in subsection (3) indicates that the institution has serious weaknesses, or is failing or likely to fail to give an acceptable standard of education.
- (3) These are the persons—
  - (a) Her Majesty’s Chief Inspector of Schools in England;
  - (b) Her Majesty’s Chief Inspector of Education and Training in Wales;
  - (c) the Adult Learning Inspectorate;
  - (d) the Chief Inspector of Adult Learning.
- (4) If this section applies the Secretary of State may by order—
  - (a) declare which of the conditions is (or are) satisfied, and
  - (b) do one or more of the things listed in subsection (5).
- (5) He may—
  - (a) remove all or any of the members of the institution’s governing body;
  - (b) appoint new members of that body if there are vacancies (however arising);
  - (c) give to that body such directions as he thinks expedient as to the exercise of their powers and performance of their duties.

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- (6) Directions may be given to a body under this section despite any enactment making the exercise of a power or performance of a duty contingent on the body's opinion.
- (7) A governing body must comply with any directions given to them under this section.
- (8) An appointment of a member of a governing body under this section shall have effect as if made in accordance with the instrument of government and articles of government of the institution concerned.
- (9) Section 507 of the Education Act 1996 (power to direct local inquiries) applies for the purposes of the Secretary of State's functions under this section as it applies for the purposes of his functions under that Act."

#### Commencement Information

**I71** Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 34 in force (W.) at 1.1.2001 by [S.I. 2000/3230](#), [art. 2](#), [Sch.](#); Sch. 9 para. 34 in force (E.) at 1.4.2001 by [S.I. 2001/654](#), [art. 2](#), [Sch. Pt. II](#)

35

F263

#### Textual Amendments

**F263** Sch. 9 para. 35 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](#)

36

Section 60A of that Act (partnership arrangements: Wales) shall cease to have effect.

#### Commencement Information

**I72** Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 36 in force (W.) at 1.1.2001 by [S.I. 2000/3230](#), [art. 2](#), [Sch.](#)

37

In that Act, after section 61 insert—

#### “61A References to councils.

- (1) In this Part of this Act any reference to a council is to a learning and skills council.
- (2) In this Part of this Act a reference to the appropriate council, in relation to any educational institution, is to be construed as follows—
  - (a) if the institution mainly serves the population of England, the reference is to the Learning and Skills Council for England;
  - (b) if the institution mainly serves the population of Wales, the reference is to the National Council for Education and Training for Wales;

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(c) if the institution receives financial support from the other council, the reference is to that council also.”

38 In section 82 of that Act (joint exercise of functions) in subsection (3)(a) for “further education funding council” substitute “ learning and skills council ”.

39 In section 83 of that Act (efficiency studies) in subsection (1) for “further education funding council” substitute “ learning and skills council ”.

40 In section 89(2) of that Act (orders and regulations)—

(a) after “29(6) and (8),” insert “ 30(2)(b), ”, and

(b) after “38,” insert “ 44(2)(c), ”.

#### Commencement Information

**I73** Sch. 9 para. 40 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 40 in force at 1.4.2001 (E.) by [S.I. 2001/654](#), [art. 2 Sch. Pt. II](#) and (W.) by [S.I. 2001/1274](#), [art. 2 Sch. Pt. I](#)

41 In section 90 of that Act (interpretation) after subsection (2) insert—

“(2A) For the purposes of this Act the learning and skills councils are the Learning and Skills Council for England and the National Council for Education and Training for Wales.

(2B) If in construing this Act or any other Act a dispute arises as to whether any functions are exercisable by one of the learning and skills councils, the dispute shall be determined by the Secretary of State after consulting the National Assembly for Wales.”

42 In section 91 of that Act (interpretation of Education Acts) omit subsection (2) (references to a further education funding council).

43 In section 92 of that Act (index) in the table for the entry beginning “council (in Part I)” substitute—

“council (in Part I), or learning and skills council                      sections 61A(1) and 90(2A)”.

44 (1) Schedule 4 to that Act (instruments and articles of government for further education corporations) is amended as follows.

(2) After paragraph 1 insert—

“1A Provision made by an instrument under this Schedule in relation to the appointment of members shall take into account the members who may be appointed by—

(a) the Learning and Skills Council for England under section 11 of the Learning and Skills Act 2000, or

(b) the National Council for Education and Training for Wales under section 39 of that Act.”

(3) In paragraph 5, at the end insert “ or to the principal of the institution ”.

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- (4) That Act shall be taken to have been enacted with the amendment made by subparagraph (3).

**Commencement Information**

**I74** Sch. 9 para. 44 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 44(3)(4) in force (E.) at 1.10.2000 by [S.I. 2000/2559](#), [art. 2\(1\)](#), [Sch. Pt. I](#); Sch. 9 para. 44(3)(4) in force (W.) at 1.1.2001 by [S.I. 2000/3230](#), [art. 2](#), [Sch.](#); Sch. 9 para. 44(1)(2) in force at 1.4.2001 (E.) by [S.I. 2001/654](#), [art. 2 Sch. Pt. II](#) and (W.) by [S.I. 2001/1274](#), [art. 2 Sch. Pt. I](#)

- 45 Schedule 5A to that Act (partnership arrangements: Wales) shall cease to have effect.

**Commencement Information**

**I75** Sch. 9 para. 45 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 para. 45 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 45 in force (W.) at 1.1.2001 by [S.I. 2000/3230](#), [art. 2](#), [Sch.](#)

*Welsh Language Act 1993 (c.38)*

- 46 In section 6(1) of the Welsh Language Act 1993 (meaning of “public body”) for paragraph (j) substitute—  
“(j) the National Council for Education and Training for Wales;”.

**Commencement Information**

**I76** Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 46 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), [art. 2 Sch. Pt. I](#)

*Value Added Tax Act 1994 (c.23)*

- 47 (1) In Schedule 9 to the Value Added Tax Act 1994 (exemptions) Group 6 (education) is amended as follows.
- (2) In item 3 (provision of examination services) in paragraph (b)(i) for “or 5” substitute “, 5 or 5A”.
- (3) After item 5 insert—  
“5A The provision of education or vocational training and the supply, by the person providing that education or training, of any goods or services essential to that provision, to the extent that the consideration payable is ultimately a charge to funds provided by the Learning and Skills Council for England or the National Council for Education and Training for Wales under Part I or Part II of the Learning and Skills Act 2000.”
- (4) After Note (5) insert—



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- “(5A) For the purposes of item 5A a supply of any goods or services shall not be taken to be essential to the provision of education or vocational training unless—
- (a) in the case of the provision of education, the goods or services are provided directly to the person receiving the education;
  - (b) in the case of the provision of vocational training, the goods or services are provided directly to the person receiving the training.”

*Education Act 1994 (c.30)*

F264 48 .....

**Textual Amendments**

**F264** Sch. 9 para. 48 repealed (1.9.2005) by [Education Act 2005 \(c. 18\)](#), s. 125(3)(b), **Sch. 19 Pt. 3**

*Disability Discrimination Act 1995 (c.50)*

49 F265 .....

**Textual Amendments**

**F265** Sch. 9 para. 49 repealed (1.9.2002) by [2001 c. 10](#), ss. 38(16), 42(6), [Sch. 9](#) (with s. 43(13)); [S.I. 2002/2217](#), **art. 3**, [Sch. 1 Pt. 1](#)

*Employment Rights Act 1996 (c.18)*

- 50 In section 63A of the Employment Rights Act 1996 (right of young persons to time off for study or training) in subsection (2)(b)(i) for the words from “means such” to “1992,” substitute “ has the same meaning as in the Education Act 1996, ”.

*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. ”

**Commencement Information**

**I77** Sch. 9 para. 51 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 51 in force at 1.4.2001 (E.) by [S.I. 2001/654](#), **art. 2 Sch. Pt. II** and (W.) by [S.I. 2001/1274](#), **art. 2 Sch. Pt. I**

- 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—



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- “(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.”

#### Commencement Information

**I78** Sch. 9 para. 52 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); para. 52(1)(2) in force at 1.4.2001 (E.) by S.I. 2001/654, art. 2 Sch. Pt. II and (W.) by S.I. 2001/1274, art. 2 Sch. Pt. I; para. 52(3) in force at 1.4.2001 by S.I. 2001/654, art. 2, Sch. Pt. II

- 53 Section 15 of that Act (functions in respect of provision of further education) shall cease to have effect.

#### Commencement Information

**I79** Sch. 9 para. 53 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 53 in force at 1.4.2001 (E.) by S.I. 2001/654, art. 2 Sch. Pt. II and (W.) by S.I. 2001/1274, art. 2 Sch. Pt. I

- 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 [<sup>F114</sup>local 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 [<sup>F114</sup>local 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.”

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### Textual Amendments

**F114** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 46(2)**

### Commencement Information

**I80** Sch. 9 para. 54 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 54 in force at 1.4.2001 (E.) by [S.I. 2001/654](#), **art. 2 Sch. Pt. II** and (W.) by [S.I. 2001/1274](#), **art. 2 Sch. Pt. I**

55 After section 15A of that Act insert—

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

- (1) A [<sup>F114</sup>local 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 [<sup>F114</sup>local 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 [<sup>F114</sup>local 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.”

### Textual Amendments

**F114** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 46(2)**

### Commencement Information

**I81** Sch. 9 para. 55 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 55 in force at 1.4.2001 (E.) by [S.I. 2001/654](#), **art. 2, Sch. Pt. II** and (W.) by [S.I. 2001/1274](#), **art. 2 Sch. Pt. I**

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

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#### Commencement Information

**I82** Sch. 9 para. 56 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 56 in force at 1.4.2001 (E.) by [S.I. 2001/654](#), [art. 2 Sch. Pt. II](#) and (W.) by [S.I. 2001/1274](#), [art. 2 Sch. Pt. I](#)

- 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.”

#### Commencement Information

**I83** Sch. 9 para. 57 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 57 in force at 1.9.2001 (E.) by [S.I. 2001/654](#), [art. 2, Sch. Pt. III](#); Sch. 9 para. 57 in force at 1.4.2001 (W.) by [S.I. 2001/1274](#), [art. 2, Sch. Pt. II](#)

F266 58 .....

#### Textual Amendments

**F266** Sch. 9 para. 58 repealed (2.1.2008 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); [S.I. 2007/3611](#), art. 4(1), [Sch. Pt. 1](#)

F267 59 .....

#### Textual Amendments

**F267** Sch. 9 para. 59 repealed (1.9.2009) by [Learner Travel \(Wales\) Measure 2008 \(nawm 2\)](#), s. 28(2), [Sch. 2](#); [S.I. 2009/371](#), art. 2(2), [Sch. Pt. 2](#)

- 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 ”.

#### Commencement Information

**I84** Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5)

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- 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 ”.

**Commencement Information**

**I85** Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5)

- 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 ”.

**Commencement Information**

**I86** Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5)

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

“ city academy ”

“ section 482(3) ”

**Commencement Information**

**I87** Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5)

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

**Commencement Information**

**I88** Sch. 9 para. 64 wholly in force at 1.1.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 64 in force (E.) at 1.10.2000 by [S.I. 2000/2559, art. 2\(1\), Sch. Pt. I](#); Sch. 9 para. 64 in force (W.) at 1.1.2001 by [S.I. 2000/3230, art. 2, Sch.](#)

*School Inspections Act 1996 (c.57)*

<sup>F268</sup>65 .....

**Textual Amendments**

**F268** Sch. 9 paras. 65-68 repealed (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 19 Pt. 1; S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1](#) (with [Sch. 4 para. 6](#))

*Status: Point in time view as at 22/04/2014.*

*Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 02 June 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)*

F268 66 .....

**Textual Amendments**

**F268** Sch. 9 paras. 65-68 repealed (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 19 Pt. 1](#); S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1 (with Sch. 4 para. 6)

F268 67 .....

**Textual Amendments**

**F268** Sch. 9 paras. 65-68 repealed (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 19 Pt. 1](#); S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1 (with Sch. 4 para. 6)

F268 68 .....

**Textual Amendments**

**F268** Sch. 9 paras. 65-68 repealed (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 19 Pt. 1](#); S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1 (with Sch. 4 para. 6)

*Education Act 1997 (c.44)*

F269 69 .....

**Textual Amendments**

**F269** Sch. 9 para. 69 repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), [Sch. 16 Pt. 4](#); S.I. 2010/1151, art. 2, Sch. 1

70 In section 31 of that Act (other functions of the Qualifications, Curriculum and Assessment Authority for Wales) after subsection (4) insert—

“(5) The Authority may supply any person designated by the National Assembly for Wales with such information as the Authority thinks fit about any matter in relation to which it has a function.”

**Commencement Information**

**I89** Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 70 in force (W.) at 1.1.2001 by [S.I. 2000/3230](#), art. 2, [Sch.](#)

F270 71 .....

**Textual Amendments**

**F270** Sch. 9 para. 71 omitted (1.9.2012) by virtue of [Education Act 2011 \(c. 21\)](#), [ss. 29\(9\)\(a\)](#), 82(3); S.I. 2012/1087, art. 3

*Status: Point in time view as at 22/04/2014.*

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- 72 In section 44(3)(a) of that Act (co-operation with careers advisers) for “the age of 18” there shall be substituted “ the age of 16 ”.

#### Commencement Information

**I90** Sch. 9 para. 72 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 72 in force at 1.4.2001 (E.) by [S.I. 2001/654](#), [art. 2 Sch. Pt. II](#) and (W.) by [S.I. 2001/1274](#), [art. 2 Sch. Pt. I](#)

#### *Audit Commission Act 1998 (c.18)*

<sup>F271</sup>73 .....

#### Textual Amendments

**F271** Sch. 9 para. 73 repealed (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a)(b), Sch. 1 para. 42, Sch. 2 Pt. 1 (with art. 2(3))

#### *Teaching and Higher Education Act 1998 (c.30)*

- 74 (1) Section 26 of the Teaching and Higher Education Act 1998 (imposition of conditions as to fees at further or higher education institutions) is amended as follows.
- (2) Omit subsections (1) and (2).
- (3) In each of subsections (6), (7), (10)(a) and (11)(b) for “subsection (2) or (4)” substitute “ subsection (4) ”.
- (4) In subsection (9)—
- in the definition of “the relevant academic year” for “subsection (2) or (4)” substitute “ subsection (4) ”, and
  - in the definition of “specified” for “subsection (1) or (3), as the case may be” substitute “ subsection (3) ”.
- (5) In subsection (11) for “subsection (1) or (3)”, in both places where the words occur, substitute “ subsection (3) ”.

#### Commencement Information

**I91** Sch. 9 para. 74 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 74 in force at 1.4.2001 (E.) by [S.I. 2001/654](#), [art. 2 Sch. Pt. II](#) and (W.) by [S.I. 2001/1274](#), [art. 2 Sch. Pt. I](#)

- 75 In section 28(1) of that Act (interpretation) in the definition of “publicly-funded institution”, in paragraph (a)—
- omit “5 or”,
  - omit the words from “from a further” to “its costs”, and

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- (c) after “1996” insert “ or any institution receiving financial resources under section 5 or 34 of the Learning and Skills Act 2000 ”.

#### Commencement Information

**192** Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); para. 75(a)(b) wholly in force for E. and para. 75(c) in force for E.W. for specified purposes at 1.4.2001 by [S.I. 2001/654](#), [art. 2](#), [Sch. Pt. II](#); para. 75(a)(b) wholly in force for W. and para. 75(c) in force for W. for specified purposes at 1.4.2001 by [S.I. 2001/1274](#), [art. 2](#) [Sch. Pt. I](#)

- 76 Section 34 of that Act (inspection of vocational training in Wales) shall cease to have effect.

#### Commencement Information

**193** Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 76 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), [art. 2](#) [Sch. Pt. I](#)

- 77 In section 35 of that Act (inspection of careers services in Wales), for subsection (6) substitute—

“(6) Any inspection under this section shall be conducted by one or more of the following—

- (a) any of Her Majesty’s Inspectors of Education and Training in Wales or Arolgwyr Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru, or
- (b) any additional inspector authorised under paragraph 2 of Schedule 1 to the School Inspections Act 1996;

but such an inspector or inspectors may be assisted by such other persons (whether or not members of the Chief Inspector’s staff) as the Chief Inspector thinks fit.

(6A) In conducting an inspection under this section, the inspector or inspectors shall act in accordance with any instruction or guidelines given from time to time by the National Assembly for Wales.

(6B) Where an inspection under this section has been completed, the inspector or inspectors shall make a written report on the inspection and shall send the report to the National Assembly for Wales.

(6C) The National Assembly for Wales may arrange for any report of an inspection under this section to be published in such manner as the National Assembly for Wales considers appropriate; and section 42A(2) to (4) of the School Inspections Act 1996 shall apply in relation to the publication of any such report by the National Assembly for Wales as they apply to the publication of a report by the Chief Inspector under any of the provisions mentioned in section 42A(2).”

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**Commencement Information**

**I94** Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 77 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), [art. 2](#), [Sch. Pt. I](#)

*School Standards and Framework Act 1998 (c.31)*

<sup>F272</sup>78 .....

**Textual Amendments**

**F272** Sch. 9 para. 78 repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 18 Pt. 4](#); [S.I. 2007/935](#), [art. 5\(ii\)](#)

<sup>F273</sup>79 .....

**Textual Amendments**

**F273** Sch. 9 para. 79 repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 18 Pt. 4](#); [S.I. 2007/935](#), [art. 5\(ii\)](#)

<sup>F274</sup>80 .....

**Textual Amendments**

**F274** Sch. 9 para. 80 repealed (1.3.2005 for E., 1.9.2006 for W.) by [Children Act 2004 \(c. 31\)](#), [Sch. 5 Pt. 1](#); [S.I. 2005/394](#), [art. 2\(1\)\(l\)](#); [S.I. 2006/885](#), [art. 3\(b\)](#)

<sup>F275</sup>81 .....

**Textual Amendments**

**F275** Sch. 9 para. 81 repealed (1.3.2005 for E., 1.9.2006 for W.) by [Children Act 2004 \(c. 31\)](#), [Sch. 5 Pt. 1](#), [S.I. 2005/394](#), [art. 2\(1\)\(l\)](#); [S.I. 2006/885](#), [art. 3\(b\)](#)

<sup>F276</sup>82 .....

**Textual Amendments**

**F276** Sch. 9 para. 82 repealed (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 18 Pt. 3](#); [S.I. 2007/935](#), [art. 7\(q\)](#)

83 In section 30(3) of that Act (notice by governing body to discontinue foundation or voluntary school) for “the appropriate further education funding council” substitute “ the Learning and Skills Council for England (if the school is in England) or the National Council for Education and Training for Wales (if the school is in Wales) ”.

<sup>F277</sup>84 .....



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**Textual Amendments**

**F277** Sch. 9 para. 84 omitted (1.10.2013) by virtue of [School Standards and Organisation \(Wales\) Act 2013](#) (anaw 1), s. 100(4), **Sch. 5 para. 20(6)(b)**; S.I. 2013/1800, art. 3(j)

85 In section 110 of that Act (home-school agreements) 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”.

**Commencement Information**

**I95** Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5)

86 Part VI of that Act (partnership arrangements in Wales) shall cease to have effect.

**Commencement Information**

**I96** Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 86 in force (W.) at 1.1.2001 by [S.I. 2000/3230](#), art. 2, **Sch.**

87 (1) Section 137 of that Act (Education Transfer Council: alteration and dissolution) shall be amended as follows.

(2) In subsection (3)(c) for “or under the Education Reform Act 1988” substitute “, under the Education Reform Act 1988 or under the Further and Higher Education Act 1992”.

(3) At the end of subsection (4)(a) insert “or section 34 or 36 of, or Schedule 5 or 7 to, the Further and Higher Education Act 1992”.

88 In section 142(1) of that Act (general interpretation) omit the definition of “the appropriate further education funding council”.

**F278**<sup>89</sup> .....

**Textual Amendments**

**F278** Sch. 9 para. 89 omitted (1.10.2013) by virtue of [School Standards and Organisation \(Wales\) Act 2013](#) (anaw 1), s. 100(4), **Sch. 5 para. 20(6)(b)**; S.I. 2013/1800, art. 3(j)

**F279**<sup>90</sup> .....

**Textual Amendments**

**F279** Sch. 9 para. 90 omitted (1.10.2013) by virtue of [School Standards and Organisation \(Wales\) Act 2013](#) (anaw 1), s. 100(4), **Sch. 5 para. 20(6)(b)**; S.I. 2013/1800, art. 3(j)

**F280**<sup>91</sup> .....

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**Textual Amendments**

**F280** Sch. 9 para. 91 repealed (2.1.2008 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2007/3611, art. 4(1), Sch. Pt. 1

*Government of Wales Act 1998 (c.38)*

- 92 (1) Section 104 of the Government of Wales Act 1998 (funding of the Chief Inspector of Education and Training in Wales) is amended as follows.
- (2) In subsection (4), omit the words from “; and in determining” to the end.
- (3) After subsection (4), insert—
  - “(4A) The Assembly shall—
    - (a) approve the plan submitted to it under section 87 of the Learning and Skills Act 2000; and
    - (b) determine the amount of the funding it is to provide under this section in accordance with the plan as approved by it.
  - (4B) But before it gives its approval under subsection (4A)(a), the Assembly may require the Chief Inspector to modify the plan.”

**Commencement Information**

**I97** Sch. 9 para. 92 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 para. 92 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 92 in force (W.) at 1.1.2001 by [S.I. 2000/3230](#), art. 2, **Sch.**

**F281**93 .....

**Textual Amendments**

**F281** Sch. 9 para. 93 repealed by [Government of Wales Act 2006 \(c. 32\)](#), s. 163, Sch. 12 (with Sch. 11 para. 22) the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(1)(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(5) of the amending Act.

- 94 In Part I of Schedule 4 to that Act (public bodies subject to reform by Assembly) for the entry relating to the Further Education Funding Council for Wales substitute—
  - “5. The National Council for Education and Training for Wales.”

**Commencement Information**

**I98** Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 94 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), art. 2 **Sch. Pt. I**

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## SCHEDULE 10

Section 151.

### TRANSITIONAL PROVISIONS

#### PART I

##### ENGLISH COUNCILS

###### *Introduction*

- 1 For the purposes of this Part of this Schedule—
- (a) the appointed day is the day appointed under section 154 for the commencement of section 89;
  - (b) the old Council is the Further Education Funding Council for England;
  - (c) the new Council is the Learning and Skills Council for England;
  - (d) the new Council's full functions are its functions under sections 2 to 18.

###### *Transitional provisions*

- 2 The old Council must do its best to secure that any functions remaining to be discharged by it at any time after the commencement of this paragraph are discharged before the appointed day.
- 3 (1) Anything being done by or in relation to the old Council immediately before the appointed day may be continued on or after that day by or in relation to the new Council.
- (2) In particular, any legal proceedings to which the old Council is a party immediately before the appointed day may be continued on or after that day by or in relation to the new Council.
- 4 Every agreement (whether written or not), and every instrument or other document, which relates to any property, right or liability to which section 89(1)(b) applies shall have effect, so far as may be required for continuing its effect on or after the appointed day, as if—
- (a) where the old Council is a party to it, the new Council were substituted as that party,
  - (b) for a reference to the old Council there were substituted a reference to the new Council,
  - (c) for a reference (however worded and whether express or implied) to the chairman, the chief officer or a member of the old Council there were substituted a reference to the chairman, the chief executive or a member of the new Council, and
  - (d) for a reference to the office or place of business of the old Council there were substituted a reference to the office or place of business of the new Council.
- 5 (1) This paragraph applies if the new Council is established before it acquires its full functions.
- (2) The Secretary of State may by order make provision—

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- (a) conferring such powers on the new Council as the Secretary of State thinks will help it to carry out its full functions when it acquires them;
  - (b) imposing on the old Council a duty to give such assistance to the new Council as the new Council may reasonably require to help it to carry out its full functions when it acquires them.
- (3) The Secretary of State may make an order under this paragraph at any time before the day on which the new Council acquires its full functions.
- 6 At any time before the day on which the new Council acquires its full functions, section 1(2) has effect as if for “12” there were substituted “2”.
- 7 (1) The new Council must discharge a duty which satisfies the following three conditions.
- (2) The first condition is that the duty arises under—
    - (a) section 8(6)(a) of the <sup>M66</sup>Further and Higher Education Act 1992 (report on further education for disabled students), or
    - (b) paragraph 16 of Schedule 1 to that Act (accounts).
  - (3) The second condition is that the duty arises in respect of a period ending before the appointed day.
  - (4) The third condition is that apart from this Act the duty—
    - (a) would have fallen to be discharged by the old Council after the appointed day, or
    - (b) fell to be discharged by the old Council before the appointed day but has not been discharged.

**Marginal Citations**

**M66** 1992 c. 13.

- 8 If an order under section 8(4) of the <sup>M67</sup>Further and Higher Education Act 1992 confers or imposes a function on the old Council, on or after the appointed day the order is to be treated as if—
- (a) it were made under section 18(4) of this Act, and
  - (b) it conferred or imposed the function on the new Council.

**Marginal Citations**

**M67** 1992 c. 13.

*Status: Point in time view as at 22/04/2014.*

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## <sup>F282</sup>PART II

### WELSH COUNCILS

#### Textual Amendments

**F282** Sch. 10 Pt. II 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. 84** (with art. 7)

## PART III

### ADULT LEARNING INSPECTORATE

<sup>F283</sup>

#### Textual Amendments

**F283** Sch. 10 Pt. III repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), **Sch. 14 para. 67**, **Sch. 18 Pt. 5**; S.I. 2007/935, art. 5(gg)(ii)

## PART IV

### STUDENT LOANS

- 18 (1) Sub-paragraph (2) has effect in relation to the <sup>M68</sup>Education (Student Loans) Act 1990 to the extent that it continues in force by virtue of any savings made, in connection with its repeal by the <sup>M69</sup>Teaching and Higher Education Act 1998, by an order under section 46(4) of the <sup>M70</sup>Teaching and Higher Education Act 1998.
- (2) Section 1(3) of the <sup>M71</sup>Education (Student Loans) Act 1990 shall have effect as if the definition of “institutions receiving support from public funds” included a reference to institutions which receive financial resources under section 5 or 34 of this Act.

#### Marginal Citations

**M68** 1990 c. 6.

**M69** 1998 c. 30.

**M70** 1998 c. 30.

**M71** 1990 c. 6.

*Status: Point in time view as at 22/04/2014.*

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## SCHEDULE 11

Section 153.

## REPEALS

**Commencement Information**

**199** Sch. 11 partly in force; Sch. 11 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(e)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 11 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 11 in force in relation to specified repeals (in some cases for limited extents and purposes) as follows: at 3.8.2000 by [S.I. 2000/2114](#), [art. 2\(1\)](#), [Sch. Pt. I](#); 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](#); at 1.4.2001 and 1.9.2001 by [S.I. 2001/1274](#), [art. 2](#), [Sch. Pts. I, II](#); at 1.9.2001 by [S.I. 2001/1274](#), [art. 2](#), [Sch. Pt. II](#); at 1.4.2002 by [S.I. 2001/2705](#), [art. 2](#), [Sch. Pt. I](#)

Chapter	Short title	Extent of repeal
1972 c. 11.	Superannuation Act 1972.	In Schedule 1, in the list of “Other Bodies”, the words “Further Education Funding Council for England in receipt of remuneration.” and “Further Education Funding Council for Wales in receipt of remuneration.”.
1975 c. 24.	House of Commons Disqualification Act 1975.	In Schedule 1, in Part III the words “Any member of the Further Education Funding Council for England in receipt of remuneration.” and “Any member of the Further Education Funding Council for Wales in receipt of remuneration.”.
1975 c. 65.	Sex Discrimination Act 1975.	Section 25(6)(d).
1976 c. 74.	Race Relations Act 1976.	Section 19(6)(d).
1988 c. 40.	Education Reform Act 1988.	In section 124(2)(b), the words “, as defined by section 15(6) and (7) of the Education Act 1996”.
1992 c. 13.	Further and Higher Education Act 1992.	Sections 1 to 9.  Section 18(4) to (6). Section 28(2)(b). Section 32(2A). Section 44(6). Section 45(6).

*Status: Point in time view as at 22/04/2014.*

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		In section 52(1), the word “full-time”.
		In section 55, subsections (1) to (3) and paragraphs (a) and (b) of subsection (7).
		Section 56.
		Section 60A.
		Section 91(2).
		In Schedule 1, paragraph 9.
		Schedule 2.
		Schedule 5A.
1995 c. 50.	Disability Discrimination Act 1995.	Section 19(6)(e) and (f).
		Section 30(2) to (4).
1996 c. 56.	Education Act 1996.	Section 15.
		In section 403(1) the words “local education authority,”.
		In section 482, in subsection (2)(c) the word “either” and in subsection (3) the word “or” immediately preceding paragraph (b).
		In section 509(1), paragraph (d) and the word “or” immediately preceding that paragraph.
		In Schedule 37, paragraphs 70, 112 and 113.
1996 c. 57.	School Inspections Act 1996.	In section 10(3) the word “and” at the end of paragraph (g).
1997 c. 44.	Education Act 1997.	In section 30, in subsection (1) the words “or by subsection (3)” and subsection (3).
		In section 37, subsections (1) to (4) and in subsection (5) the words “, which are superseded by this section,”.
1998 c. 18.	Audit Commission Act 1998.	In section 36(1), in the Table, the entry relating to a further education funding council.

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1998 c. 30.	Teaching and Higher Education Act 1998.	In section 36(2), the words “or a further education funding council”.
		In section 19, in subsection (1) the word “or” immediately preceding paragraph (b), in subsection (2)(f) the words “employed as a teacher at a school” and in subsection (10) the word “and” immediately preceding paragraph (c).
		In section 22(2)(h) and (7) the words “attendance on”.
		Section 26(1) and (2).
		In section 28(1), in the definition of “publicly-funded institution”, in paragraph (a) the words “5 or” and the words from “from a further” to “its costs”.
		Section 34.
1998 c. 31.	School Standards and Framework Act 1998.	Sections 125 and 126.
		In section 142(1), the definition of “the appropriate further education funding council”.
		In Schedule 6, in paragraph 4(3) the word “or” immediately after paragraph (c).
		In Schedule 7, in paragraph 4(5) the word “or” immediately after paragraph (c)(i), in paragraph 8(7) the word “or” immediately after paragraph (b), in paragraph 8(10) the word “or” immediately after paragraph (a), in paragraph 13(4) the word “and” immediately after paragraph (b) and in paragraph 13(7) the word



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*Status: Point in time view as at 22/04/2014.*

*Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 02 June 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)*

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		“or” immediately after paragraph (a).
		In Schedule 22, in paragraph 5(1) the word “or” immediately after paragraph (a)(i).
		Schedule 27.
1998 c. 31.—Contd.	School Standards and Framework Act 1998— Contd.	In Schedule 30, paragraphs 41 and 42.
1998 c. 38.	Government of Wales Act 1998.	In section 104(4), the words from “; and in determining” to the end.

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**Status:**

Point in time view as at 22/04/2014.

**Changes to legislation:**

Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 02 June 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.