



Learning and Skills Act 2000

2000 CHAPTER 21

PART I

LEARNING AND SKILLS COUNCIL FOR ENGLAND

The Council

1 The Council.

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

Textual Amendments

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

Status: Point in time view as at 01/09/2008.

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Main duties

2 Education and training for persons aged 16 to 19.

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

Textual Amendments

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

Marginal Citations

M1 1988 c. 40.

3 Education and training for persons over 19.

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

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

Textual Amendments

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

Marginal Citations

M2 1988 c. 40.

Status: Point in time view as at 01/09/2008.

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4 Encouragement of education and training.

The Council must—

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

Main powers

5 Provision of financial resources.

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

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

Textual Amendments

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

Commencement Information

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

Marginal Citations

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

6 Financial resources: conditions.

- (1) If the Council itself provides financial resources it may impose conditions; and the conditions may include any provisions described below.
- (2) The conditions may—
- (a) require the Council or a person designated by it to be allowed access to a person’s accounts and documents and to be given rights in relation to a person’s computers and associated apparatus and material;
 - (b) require a person to whom financial resources are provided to give to the Council information it requests for the purpose of carrying out its functions.
- (3) The conditions may require a person providing or proposing to provide education or training (the provider) to make arrangements providing for all or any of the following—
- (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 140.
- (4) ^{F7}.....
- (5) The conditions may—
- (a) enable the Council to require the repayment (in whole or part) of sums paid by the Council if any of the conditions subject to which the sums were paid is not complied with;

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

(6) ^{F7}

Textual Amendments

F7 S. 6(4)(6) repealed (1.9.2002) by 2001 c. 10, ss. 34(7), 42(6), Sch. 9 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. 1

Commencement Information

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

7 Funding of school sixth-forms.

- (1) The Council may make a grant to a local education authority—
- on the condition that the grant be applied as part of the authority's [^{F8}schools budget] for a [^{F9}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 6).

[^{F10}(3) In this section—

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

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

Textual Amendments

F8 Words in s. 7(1)(a) substituted (1.10.2002 for E., 2.1.2008 for W.) by Education Act 2002 (c. 32), s. 216(4), Sch. 21 para. 124(2) (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3 (with art. 4Sch. para. 2); S.I. 2007/3611, art. 4(1), Sch. Pt. 1

F9 Words in s. 7(1)(a) substituted (1.11.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), Sch. 18 para. 12(2) (with s. 119); S.I. 2005/2034, art. 8

F10 S. 7(3) substituted (1.11.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), Sch. 18 para. 12(3) (with s. 119); S.I. 2005/2034, art. 8

8 Links between education and training and employment.

- (1) The Council may secure the provision of facilities for the gaining of work experience by young persons receiving education.

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

9 Assessments and means tests.

- (1) The Council may develop schemes for the assessment of the performance of persons in providing post-16 education and training.
- (2) The Council may take the assessments into account in deciding how to exercise its powers under section 5.
- (3) The Council may—
 - (a) carry out means tests;
 - (b) arrange for other persons to carry out means tests.
- (4) The Council may take the results of the tests into account in exercising its power under section 5(1)(c) [^{F11}or 11A(1)(b)].

Textual Amendments

F11 Words in s. 9(4) inserted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 176(2), 188(3); [S.I. 2007/935](#), art. 5(y)

10 Qualifying accounts and arrangements.

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

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11 Further education: governors.

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

Marginal Citations

M5 1992 c. 13.

Other functions

[^{F12}11A Support schemes relating to education and training for persons aged 10 to 15

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

Textual Amendments

F12 S. 11A inserted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. **176(1)**, 188(3); S.I. 2007/935, art. 5(y)

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12 Research and information.

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

Commencement Information

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

13 Persons with learning difficulties.

- (1) In discharging its functions under sections 2, 3, 5(1)(a) to (d) and (g)^[F13], 8 and 11A] the Council must have regard—
 - (a) to the needs of persons with learning difficulties, and
 - (b) in particular, to any report of an assessment conducted under section 140.
- (2) If the Council is satisfied that it cannot secure the provision of facilities for education or training which are sufficient in quantity and adequate in quality for a person with a learning difficulty who is over compulsory school age but who has not attained the age of 19 unless it also secures the provision of boarding accommodation for him, the Council must secure the provision of boarding accommodation for him.
- (3) If the Council is satisfied that it cannot secure the provision of reasonable facilities for education or training for a person with a learning difficulty who has attained the age of 19 but not the age of 25 unless it also secures the provision of boarding accommodation for him, the Council must secure the provision of boarding accommodation for him.
- (4) If the Council is satisfied that it cannot secure the provision of reasonable facilities for education or training for a person with a learning difficulty who has attained the age of 25 unless it also secures the provision of boarding accommodation for him, the Council may secure the provision of boarding accommodation for him.
- (5) A person has a learning difficulty if—
 - (a) he has a significantly greater difficulty in learning than the majority of persons of his age, or

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- (b) he has a disability which either prevents or hinders him from making use of facilities of a kind generally provided by institutions providing post-16 education or training.
- (6) But a person is not to be taken to have a learning difficulty solely because the language (or form of language) in which he is or will be taught is different from a language (or form of language) which has at any time been spoken in his home.
- [^{F14}(7) In its application for the purposes of subsection (1) in relation to the functions of the Council under section 11A, the reference in subsection (5)(b) to “post-16 education or training” is to be read as a reference to “relevant education or training” (within the meaning of section 11A).]

Textual Amendments

- F13** Words in s. 13(1) inserted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 176(3)(a)**, 188(3); [S.I. 2007/935](#), art. 5(y)
- F14** S. 13(7) inserted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 176(3)(b)**, 188(3); [S.I. 2007/935](#), art. 5(y)

14 Equality of opportunity.

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

Marginal Citations

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

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[^{F15}14A Consultation

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

Textual Amendments

F15 S. 14A inserted (23.12.2007) by [Further Education and Training Act 2007 \(c. 25\)](#), ss. 7, 32(5); S.I. 2007/3505, art. 2(a)

15 Plans.

- (1) The Council—
 - (a) must make and publish a plan for [^{F16}each academic year];
 - (b) may make and publish such other plans as it thinks fit.
- ^{F17}(2)
- (3) A plan for [^{F18}an academic year] must be published before the year starts.
- (4) A plan for [^{F19}an academic year] must include—
 - (a) proposals as to how the Council intends to achieve in [^{F20}the academic year] any objectives which should be achieved in the year in conformity with directions of the Secretary of State or with conditions imposed under section 27;
 - (b) the Council’s financial proposals for the year.
- [^{F21}(5) In this section “academic year” means—
 - (a) the period starting with the 1 April following the date on which section 8 of the Further Education and Training Act 2007 comes into force and ending with the second 31 July following that 1 April;
 - (b) each successive period of 12 months.]

Textual Amendments

F16 Words in s. 15(1)(a) substituted (23.12.2007) by [Further Education and Training Act 2007 \(c. 25\)](#), ss. 8(2), 32(5); S.I. 2007/3505, art. 2(a)

F17 S. 15(2) repealed (23.12.2007) by [Further Education and Training Act 2007 \(c. 25\)](#), ss. 8(3), 32(5), [Sch. 2](#); S.I. 2007/3505, art. 2(a)(i)

F18 Words in s. 15(3) substituted (23.12.2007) by [Further Education and Training Act 2007 \(c. 25\)](#), ss. 8(4), 32(5); S.I. 2007/3505, art. 2(a)

F19 Words in s. 15(4) substituted (23.12.2007) by [Further Education and Training Act 2007 \(c. 25\)](#), ss. 8(5)(a), 32(5); S.I. 2007/3505, art. 2(a)

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

16 Strategy.

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

17 Use of information by Council.

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

18 Supplementary functions.

- (1) The Council may do anything which appears to it to be necessary or expedient for the purpose of or in connection with the exercise of its other functions.
- (2) In particular it may—
 - (a) acquire and dispose of land and other property;
 - (b) enter into contracts;
 - (c) invest sums not immediately needed for the purpose of exercising its other functions;
 - (d) accept financial resources (whether as gifts or otherwise);
 - (e) accept gifts of land and other property.
- (3) But the Council has no power—
 - (a) to borrow money;
 - (b) to lend money unless the Secretary of State consents;
 - [^{F22}(c) to form, participate in forming or invest in a company unless the Secretary of State consents;
 - (d) to form, participate in forming or otherwise become a member of a charitable incorporated organisation (within the meaning of section 69A of the Charities Act 1993) unless the Secretary of State consents.]
- (4) The Secretary of State may by order confer or impose on the Council such supplementary powers or duties relating to the provision of post-16 education or training as he thinks fit.

Status: Point in time view as at 01/09/2008.

Changes to legislation: Learning and Skills Act 2000, Part 1 is up to date with all changes known to be in force on or before 04 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (5) For the purposes of subsection (4) a power or duty is supplementary if—
- (a) it is exercisable in connection with functions of the Secretary of State, and
 - (b) it is relevant to the provision of facilities for post-16 education or training.
- [^{F23}(6) The Secretary of State may by order confer or impose on the Council such powers or duties falling within subsection (7) as he thinks fit.
- (7) A power or duty falls within this subsection if it is exercisable in connection with—
- (a) the Secretary of State's function under section 509AA(9) of the Education Act 1996 (power to direct LEA to make arrangements additional to those specified in transport policy statement), or
 - (b) any function of the Secretary of State under any of sections 496 to 497B of the Education Act 1996 as regards anything done, proposed to be done or omitted to be done by a local education authority in England under section 509AA or 509AB of that Act.]

[^{F24}(8) The reference in this section to investing in a company includes a reference to becoming a member of the company and to investing in it by the acquisition of any assets, securities or rights or otherwise.]

Textual Amendments

- F22** S. 18(3)(c)(d) substituted for s. 18(3)(c) (23.10.2007) by [Further Education and Training Act 2007 \(c. 25\), ss. 9\(2\), 32\(1\)](#)
- F23** S. 18(6)(7) inserted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\), ss. 83\(4\), 188\(3\); S.I. 2007/935, art. 5\(o\)](#)
- F24** S. 18(8) inserted (23.10.2007) by [Further Education and Training Act 2007 \(c. 25\), ss. 9\(3\), 32\(1\)](#)

Modifications etc. (not altering text)

- C1** S. 18 modified (23.10.2007) by [Further Education and Training Act 2007 \(c. 25\), ss. 9\(4\), 32\(1\)](#)

[^{F25}Regional councils

Textual Amendments

- F25** Ss. 18A-18C and cross-heading inserted (31.1.2008 for the insertion of s. 18A(2)-(4), 1.9.2008 in so far as not already in force) by [Further Education and Training Act 2007 \(c. 25\), ss. 2, 32\(5\); S.I. 2007/3505, art. 3\(a\); S.I. 2008/313, art. 3](#)

18A Regional councils

- (1) The Council must establish a committee (to be called a regional learning and skills council) for each area of England specified by the Secretary of State.
- (2) The Secretary of State may by regulations make provision about regional councils
- (3) Regulations under subsection (2) may, in particular, make provision about—
 - (a) the membership of a regional council;
 - (b) the appointment of the members of a regional council;
 - (c) the appointment of a member of a regional council as chairman;

Status: Point in time view as at 01/09/2008.

Changes to legislation: Learning and Skills Act 2000, Part I is up to date with all changes known to be in force on or before 04 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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

18B Functions of regional councils

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

18C Guidance to regional councils

- (1) In relation to each financial year of the Council it must prepare guidance for each regional council.
- (2) The guidance must include objectives which a regional council should achieve in seeking to carry out its functions.
- (3) The guidance must set a regional council's budget for the financial year.
- (4) The Council must consult the regional development agencies and local authorities on the guidance.

Status: Point in time view as at 01/09/2008.

Changes to legislation: Learning and Skills Act 2000, Part I is up to date with all changes known to be in force on or before 04 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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

Local councils

F26¹⁹ Local councils.

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Textual Amendments

F26 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)

F26²⁰ Functions of local councils.

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Textual Amendments

F26 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)

F26²¹ Guidance to local councils.

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Textual Amendments

F26 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)

F26²² Plans of local councils.

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Status: Point in time view as at 01/09/2008.

Changes to legislation: Learning and Skills Act 2000, Part I is up to date with all changes known to be in force on or before 04 September 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

F26 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)

^{F26}23 Duty of local education authorities.

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Textual Amendments

F26 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)

^{F26}24 Guidance and plans: timing.

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Textual Amendments

F26 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

[^{F27}24A Strategies for functions of Council

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

Status: Point in time view as at 01/09/2008.

Changes to legislation: Learning and Skills Act 2000, Part I is up to date with all changes known to be in force on or before 04 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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

Textual Amendments

F27 Ss. 24A-24C inserted (21.2.2008) by [Further Education and Training Act 2007 \(c. 25\)](#), **ss. 4**, 32(5); S.I. 2008/313, art. 2(c)

24B Strategy for functions of Council: Greater London

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

Status: Point in time view as at 01/09/2008.

Changes to legislation: Learning and Skills Act 2000, Part I is up to date with all changes known to be in force on or before 04 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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

Textual Amendments

F27 Ss. 24A-24C inserted (21.2.2008) by [Further Education and Training Act 2007 \(c. 25\), ss. 4, 32\(5\); S.I. 2008/313, art. 2\(c\)](#)

24C Duty of Council

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

Status: Point in time view as at 01/09/2008.

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

Textual Amendments

F27 Ss. 24A-24C inserted (21.2.2008) by [Further Education and Training Act 2007 \(c. 25\)](#), ss. 4, 32(5); S.I. 2008/313, art. 2(c)

25 Directions.

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

26 Committees.

Schedule 3 contains provisions about committees.

27 Grants to Council.

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

Status: Point in time view as at 01/09/2008.

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

28 Annual report.

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

29 Council's financial year.

A financial year of the Council is—

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

Status:

Point in time view as at 01/09/2008.

Changes to legislation:

Learning and Skills Act 2000, Part I is up to date with all changes known to be in force on or before 04 September 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.