



Learning and Skills Act 2000

2000 CHAPTER 21

PART I

LEARNING AND SKILLS COUNCIL FOR ENGLAND

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 ^{M1}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 ^{M2}Further and Higher Education Act 1992) which provide or propose to provide secondary education (other than post-16 education);
 - [^{F1}(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;

Status: Point in time view as at 01/04/2007.

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- (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).
- [^{F2}(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

- F1** S. 5(1)(ea) inserted (1.10.2002 except in relation to W.) by [Education Act 2002 \(c. 32\)](#), [s. 178\(2\)\(a\)](#) (with [ss. 210\(8\)](#), [214\(4\)](#)); [S.I. 2002/2439](#), [art. 3](#)
- F2** S. 5(4) inserted (1.10.2002 except in relation to W.) by [Education Act 2002 \(c. 32\)](#), [s. 178\(2\)\(b\)](#) (with [ss. 210\(8\)](#), [214\(4\)](#)); [S.I. 2002/2439](#), [art. 3](#)

Commencement Information

- I1** 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

- M1** 1988 c. 40.
- M2** 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);

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- (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) ^{F3}
- (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;
 - (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) ^{F3}

Textual Amendments

F3 S. 6(4)(6) repealed (1.9.2002) by 2001 c. 10, ss. 34(7), 42(6), Sch. 9 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. 1

Commencement Information

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

7 Funding of school sixth-forms.

- (1) The Council may make a grant to a local education authority—
- (a) on the condition that the grant be applied as part of the authority's [^{F4}schools budget] for a [^{F5}funding period], and
 - (b) with a view to the grant being used for the purposes of, or for purposes connected with, the provision by schools of education suitable to the requirements of persons above compulsory school age.
- (2) A grant made under this section may be made on conditions in addition to the condition mentioned in subsection (1)(a) (including conditions of a kind which could be imposed under section 6).

[^{F6}(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).]

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Textual Amendments

- F4** 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
- F5** 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
- F6** 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.
- (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) [^{F7}or 11A(1)(b)].

Textual Amendments

- F7** 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—

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- (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.

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 ^{M3}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

M3 1992 c. 13.

Status:

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