



Learning and Skills Act 2000

2000 CHAPTER 21

PART II

[^{F1}FURTHER EDUCATION AND SIXTH FORM EDUCATION: WALES]

Textual Amendments

- F1** 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)

Modifications etc. (not altering text)

- C1** Pt. 2 certain functions made exercisable jointly with the Welsh Ministers (1.4.2018) by [Higher Education and Research Act 2017 \(c. 29\)](#), ss. **113(3)(f)**, 124(5); S.I. 2018/241, reg. 2(m)

F2 ...

Textual Amendments

- F2** 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)

^{F3}**30 The Council.**

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Textual Amendments

F3 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) [^{F4}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, ^{F5}...
 - (b) of a quality adequate to meet those needs [^{F6}and]
 - [^{F7}(c) sufficient to satisfy the entitlements conferred under section 33F]
- (3) In performing the duty imposed [^{F8}on them] by subsection (1) the [^{F9}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;
 - [^{F10}(cc) take account of the education and training that is required in order to ensure that employees and potential employees are available who are able to deliver additional learning provision in Welsh;
 - (cd) take account of the education and training that is required in order to ensure that facilities are available for assessing through the medium of Welsh whether persons have additional learning needs;]
 - (d) take account of facilities whose provision the [^{F11}Welsh Ministers think] might reasonably be secured by other persons;
 - ^{F12}(e)
- ^{F13}(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.

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Textual Amendments

- F4** 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)
- F5** 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)
- F6** 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)
- F7** 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)
- F8** 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)
- F9** 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)
- F10** S. 31(3)(cc)(cd) inserted (1.9.2021) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), [ss. 50\(2\)](#), 100(3); S.I. 2021/373, art. 8(b)
- F11** 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)
- F12** 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)
- F13** 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](#)

Marginal Citations

- M1** 1988 c. 40.

32 Education and training for persons over 19.

- (1) The [^{F14}Welsh Ministers] must secure the provision of reasonable facilities for—
- education (other than higher education) suitable to the requirements of persons who have attained the age of 19,
 - training suitable to the requirements of such persons,
 - organised leisure-time occupation connected with such education, and
 - organised leisure-time occupation connected with such training.

^{F15}(2)

- (3) In performing the duty imposed [^{F16}on them] by subsection (1) the [^{F17}Welsh Ministers] must—
- take account of the places where facilities are provided, the character of facilities and the way they are equipped;
 - take account of the different abilities and aptitudes of different persons;
 - take account of the education and training required in different sectors of employment for employees and potential employees;

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- [^{F18}(cc) take account of the education and training that is required in order to ensure that employees and potential employees are available who are able to deliver additional learning provision in Welsh;
- (cd) take account of the education and training that is required in order to ensure that facilities are available for assessing through the medium of Welsh whether persons have additional learning needs;]
- (d) take account of facilities whose provision the [^{F19}Welsh Ministers think] might reasonably be secured by other persons;
- ^{F20}(e)
- ^{F21}(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 ^{M2}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

- F14** 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)
- F15** 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)
- F16** 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)
- F17** 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)
- F18** S. 32(3)(cc)(cd) inserted (1.9.2021) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), [ss. 50\(3\)](#), 100(3); S.I. 2021/373, art. 8(b)
- F19** 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)
- F20** 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)
- F21** 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](#)

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Marginal Citations

M2 1988 c. 40 .

33 Encouragement of education and training.

The [^{F22}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

F22 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](#)

[^{F23}The local curricula

Textual Amendments

F23 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)

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.]

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[^{F24}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

F24 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)

[^{F25}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

F25 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)

[^{F26}33D Determination of a pupil's “relevant school or institution”

- (1) Where, during the [^{F27}fourth key stage][^{F27}relevant period], a registered pupil of a maintained school requests that the school's head teacher determines the pupil's relevant school or institution, the head teacher must comply with that request. But this is subject to regulations made under subsection (3).

[The relevant period, in relation to a registered pupil of a maintained school, is the ^{F28}(1A) period—

- (a) beginning at the same time as the school year in which the majority of pupils in the pupil's class attain the age of 15, and
 - (b) ending at the same time as the school year in which the majority of pupils in the pupil's class cease to be of compulsory school age.]
- (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.]

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Textual Amendments

- F26** 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)
- F27** Words in s. 33D(1) substituted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Primary Legislation\) Regulations 2022 \(S.I. 2022/744\)](#), reg. 1(3), **Sch. 2 para. 5(2)(a)**
- F28** S. 33D(1A) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Primary Legislation\) Regulations 2022 \(S.I. 2022/744\)](#), reg. 1(3), **Sch. 2 para. 5(2)(b)**

[^{F29} 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);
 - (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,

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the local curriculum in respect of which the institution is designated under section 33C(2).]

Textual Amendments

F29 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)

[^{F30}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 [^{F31}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

- F30** 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)
- F31** 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

[^{F32}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;
 - (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.

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- (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

F32 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)

[^{F33}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

F33 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)

[^{F34}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.
- (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.

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- (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

F34 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)

[^{F35}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.
- [^{F36}(3) The persons mentioned in paragraphs (a) to (c) of subsection (1) must have regard to any guidance given from time to time by the Welsh Ministers as to the exercise of their functions under that subsection.
- (4) The persons mentioned in paragraphs (a) and (b) of subsection (1) must comply with any direction given by the Welsh Ministers as to the exercise of their functions under that subsection.]]

Textual Amendments

F35 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)

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F36 S. 33J(3)(4) substituted for s. 33J(3) (1.9.2014) by [Further and Higher Education \(Governance and Information\) \(Wales\) Act 2014 \(anaw 1\), ss. 6\(1\), 11\(2\); S.I. 2014/1706, art. 3\(f\)](#)

[^{F37}**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
 - ^{F38}(ba) section 4 of the Education (Wales) Measure 2011.]
 - ^{F39}(c)
 - ^{F39}(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
 - (ii) where the Welsh Ministers have formed more than one local curriculum for the local authority area in which the institution is

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situated, the local curriculum in respect of which the institution is designated under section 33C(2).]

Textual Amendments

- F37** 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)
- F38** 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
- F39** 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

[^{F40}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) [^{F41}A local authority and a governing body of a maintained school] 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

- F40** 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)
- F41** Words in s. 33L(3) substituted (1.9.2014) by [Further and Higher Education \(Governance and Information\) \(Wales\) Act 2014 \(anaw 1\)](#), **ss. 6(2)**, 11(2); S.I. 2014/1706, art. 3(f)

[^{F42}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.]

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Textual Amendments

F42 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)**

[^{F43}33N The local curriculum: interpretation

(1) In sections 33A to 33L—

[^{F44}“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;]

[^{F45}“course of study” means a course of education or training that—

(a) leads to a form of qualification or set of forms of qualification approved under Part 4 of the Qualifications Wales Act 2015 or designated under Part 5 of that Act, or

(b) is designated by the Welsh Ministers under section 34(8) of that Act;]

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

[^{F46}“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 [^{F47}a learning difficulty (within the meaning of section 41)]; [^{F47}additional learning needs (within the meaning given by the Additional Learning Needs and Education Tribunal (Wales) Act 2018);]

“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

F43 S. 33N inserted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), **ss. 35**, 49(2); S.I. 2011/97, **art. 2(1)(k)**

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- F44** 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](#)
- F45** Words in s. 33N(1) substituted (1.5.2016) by [The Qualifications Wales Act 2015 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/236\), regs. 1, 2](#)
- F46** Words in s. 33N(1) omitted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by virtue of [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Primary Legislation\) Regulations 2022 \(S.I. 2022/744\), reg. 1\(3\), Sch. 2 para. 5\(3\)](#)
- F47** Words in s. 33N substituted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\), s. 100\(3\), Sch. 1 para. 8\(2\); S.I. 2021/373, arts. 3, 4, 6, 7 \(as amended by S.I. 2021/938, art. 2\); S.I. 2021/1243, art. 3 \(with arts. 4-23\) \(as amended by S.I. 2021/1428, art. 2\); S.I. 2021/1244, art. 3 \(with arts. 4-21\) \(as amended by S.I. 2021/1428, art. 3\); S.I. 2021/1245, arts. 3, 4 \(with art. 1\(4\)\); S.I. 2022/891, art. 3 \(with arts. 4-25\); S.I. 2022/892, arts. 2, 3 \(with arts. 4-18\); S.I. 2022/893, art. 4; S.I. 2022/894, art. 3; S.I. 2022/895, arts. 3, 4; S.I. 2022/896, art. 3 \(with arts. 1\(7\), 4-22\); S.I. 2022/897, art. 3 \(with arts. 1\(8\), 4-21\); S.I. 2022/898, arts. 2, 3](#)

[^{F48}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.]

Textual Amendments

- F48** 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\(1\)\(k\)](#)

[^{F49}33P Application of local curriculum provisions to students who are registered pupils of special schools or who have [^{F50}learning difficulties][^{F50}additional learning needs]

- (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 ^{F51}... 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 [^{F52}a learning difficulty][^{F52}additional learning needs] (within the meaning of section 41).]

Status: Point in time view as at 01/09/2023.

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Textual Amendments

- F49** 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)
- F50** Words in s. 33P heading heading substituted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), s. 100(3), **Sch. 1 para. 8(3)(a)**; S.I. 2021/373, arts. 3, 4, 6, 7 (as amended by S.I. 2021/938, art. 2); S.I. 2021/1243, art. 3 (with arts. 4-23) (as amended by S.I. 2021/1428, art. 2); S.I. 2021/1244, art. 3 (with arts. 4-21) (as amended by S.I. 2021/1428, art. 3); S.I. 2021/1245, arts. 3, 4 (with art. 1(4)); S.I. 2022/891, art. 3 (with arts. 4-25); S.I. 2022/892, arts. 2, 3 (with arts. 4-18); S.I. 2022/893, art. 4; S.I. 2022/894, art. 3; S.I. 2022/895, arts. 3, 4; S.I. 2022/896, art. 3 (with arts. 1(7), 4-22); S.I. 2022/897, art. 3 (with arts. 1(8), 4-21); S.I. 2022/898, arts. 2, 3
- F51** 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)
- F52** Words in s. 33P(3)(b)(ii) substituted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), s. 100(3), **Sch. 1 para. 8(3)(b)**; S.I. 2021/373, arts. 3, 4, 6, 7 (as amended by S.I. 2021/938, art. 2); S.I. 2021/1243, art. 3 (with arts. 4-23) (as amended by S.I. 2021/1428, art. 2); S.I. 2021/1244, art. 3 (with arts. 4-21) (as amended by S.I. 2021/1428, art. 3); S.I. 2021/1245, arts. 3, 4 (with art. 1(4)); S.I. 2022/891, art. 3 (with arts. 4-25); S.I. 2022/892, arts. 2, 3 (with arts. 4-18); S.I. 2022/893, art. 4; S.I. 2022/894, art. 3; S.I. 2022/895, arts. 3, 4; S.I. 2022/896, art. 3 (with arts. 1(7), 4-22); S.I. 2022/897, art. 3 (with arts. 1(8), 4-21); S.I. 2022/898, arts. 2, 3

[^{F53}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.]

Textual Amendments

- F53** 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 [^{F54}Welsh Ministers] may secure the provision of financial resources to—

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- (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);
 - (f) persons undertaking or proposing to undertake research relating to education or training;
 - (g) 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;
 - (h) persons carrying out means tests under arrangements made under section 37;
 - (i) persons providing or proposing to provide information, advice or guidance about education or training or connected matters (including employment).
- (2) The [^{F54}Welsh Ministers] may secure the provision of financial resources under subsection (1)—
- (a) by providing resources [^{F55}themselves];
 - (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 [^{F54}Welsh Ministers]).
- (3) In exercising [^{F56}their power] under subsection (1)(c) the [^{F54}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

- F54** 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)
- F55** 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)
- F56** 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.

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35 Financial resources: conditions.

- (1) If the [^{F57}Welsh Ministers themselves provide] financial resources [^{F58}under section 34][^{F59}they may impose] conditions; and the conditions may include any provisions described below.
- (2) The conditions may—
 - (a) require the [^{F60}Welsh Ministers] or a person designated [^{F61}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 [^{F60}Welsh Ministers] information [^{F62}they request] for the purpose of carrying out [^{F63}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 ^{F64}... 140.
- (4) ^{F65}
- (5) The conditions may—
 - (a) enable the [^{F66}Welsh Ministers] to require the repayment (in whole or part) of sums paid by the [^{F67}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 [^{F67}National Assembly] in accordance with any condition is unpaid.
- (6) ^{F65}

Textual Amendments

- F57** 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)
- F58** 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)
- F59** 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)
- F60** 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)
- F61** 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)

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- F62** 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)
- F63** 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)
- F64** Words in s. 35(3)(f) omitted (1.9.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 72](#); S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505))
- F65** 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](#)
- F66** 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)
- F67** 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 [^{F68}Welsh Ministers] may make a grant to a [^{F69}local authority]—
- (a) on the condition that the grant be applied as part of the authority's [^{F70}schools budget] for a [^{F71}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 35).

[^{F72}(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; [^{F73}“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).]

Textual Amendments

- F68** 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)
- F69** 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\(2\)](#)
- F70** 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
- F71** 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)

Status: Point in time view as at 01/09/2023.

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F72 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)

F73 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 [^{F74}Welsh Ministers] may develop schemes for the assessment of the performance of persons in providing post-16 education and training.
- (2) The [^{F74}Welsh Ministers] may take the assessments into account in deciding how to exercise [^{F75}their powers] under section 34.
- (3) The [^{F74}Welsh Ministers] may—
 - (a) carry out means tests;
 - (b) arrange for other persons to carry out means tests.
- (4) The [^{F74}Welsh Ministers] may take the results of the tests into account in exercising [^{F76}their power] under section 34(1)(c).

Textual Amendments

F74 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)

F75 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)

F76 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 [^{F77}Welsh Ministers] may promote—
 - (a) the holding of accounts which qualify under section 104;
 - (b) the making of arrangements which qualify under section 105.

^{F78}(2)

Textual Amendments

F77 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)

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F78 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**

F79 **39 Further education: governors.**

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Textual Amendments

F79 S. 39 omitted (1.9.2014) by virtue of [Further and Higher Education \(Governance and Information\) \(Wales\) Act 2014 \(anaw 1\)](#), s. 11(2), **Sch. 2 para. 2(a)**; [S.I. 2014/1706](#), art. 3(h)

Other functions

40 Research and information.

- F80** (1)
- F80** (2)
- F80** (3)
- F80** (4)

- (5) The [^{F81}Welsh Ministers] must establish systems for collecting information which is designed to secure that [^{F82}their decisions] with regard to education and training are made on a sound basis.
- (6) The [^{F81}Welsh Ministers] may secure the provision of facilities for providing information, advice or guidance about education or training or connected matters (including employment).

Textual Amendments

- F80** 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)
- F81** 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)
- F82** 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

I9 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**

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41 Persons with ^{F83}learning difficulties^{F83}additional learning needs^{F83}.

(1) In discharging its functions under sections 31, 32 and 34(1)(a) to (d) and (g) the ^{F84}Welsh Ministers^{F84} must have regard—

(a) to the needs of persons with ^{F85}learning difficulties, and^{F85}additional learning needs^{F85};

^{F86}(b) to the desirability of facilities being available which would assist the discharge of duties under the Additional Learning Needs and Education Tribunal (Wales) Act 2018.]

^{F88}(2) If the ^{F89}Welsh Ministers^{F89} are] satisfied that ^{F90}they cannot^{F90} 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 ^{F91}they also secure^{F91} the provision of boarding accommodation for him, the ^{F92}Welsh Ministers^{F92} must] secure the provision of boarding accommodation for him.]

^{F93}(3) If the ^{F89}Welsh Ministers^{F89} are] satisfied that ^{F90}they cannot^{F90} 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 ^{F91}they also secure^{F91} the provision of boarding accommodation for him, the ^{F92}Welsh Ministers^{F92} must] secure the provision of boarding accommodation for him.]

^{F94}(4) If the ^{F89}Welsh Ministers^{F89} are] satisfied that ^{F90}they cannot^{F90} 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 ^{F91}they also secure^{F91} the provision of boarding accommodation for him, the ^{F95}Welsh Ministers^{F95} may] secure the provision of boarding accommodation for him.]

^{F96}(5A) In this Part, “additional learning needs” has the meaning given by section 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018, and “additional learning provision” has the meaning given by section 3 of that Act.]

^{F97}(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

F83 Words in s. 41 heading heading substituted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), ss. 50(4)(a), 100(3); S.I. 2021/373, arts. 3, 4, 6, 7 (as amended by S.I. 2021/938, art. 2); S.I. 2021/1243, art. 3 (with arts. 4-23) (as amended by S.I. 2021/1428, art. 2); S.I. 2021/1244, art. 3 (with arts. 4-21) (as amended by S.I. 2021/1428, art. 3); S.I. 2021/1245, arts. 3, 4 (with art. 1(4)); S.I. 2022/891, art. 3 (with arts. 4-25); S.I. 2022/892, arts. 2, 3 (with arts. 4-18); S.I. 2022/893, art. 4; S.I. 2022/894, art. 3; S.I. 2022/895, arts. 3, 4; S.I. 2022/896, art. 3 (with arts. 1(7), 4-22); S.I. 2022/897, art. 3 (with arts. 1(8), 4-21); S.I. 2022/898, arts. 2, 3

F84 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)

F85 Words in s. 41(1)(a) substituted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), ss. 50(4)(b)(i), 100(3); S.I. 2021/373, arts. 3, 4, 6, 7 (as amended by S.I. 2021/938, art. 2); S.I. 2021/1243, art. 3 (with arts. 4-23) (as amended by S.I. 2021/1428, art. 2); S.I. 2021/1244, art. 3 (with arts. 4-21) (as amended by S.I. 2021/1428, art. 3); S.I. 2021/1245, arts. 3, 4 (with art. 1(4)); S.I.

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- 2022/891, art. 3 (with arts. 4-25); S.I. 2022/892, arts. 2, 3 (with arts. 4-18); S.I. 2022/893, art. 4; S.I. 2022/894, art. 3; S.I. 2022/895, arts. 3, 4; S.I. 2022/896, art. 3 (with arts. 1(7), 4-22); S.I. 2022/897, art. 3 (with arts. 1(8), 4-21); S.I. 2022/898, arts. 2, 3
- F86** S. 41(1)(b) substituted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by **Additional Learning Needs and Education Tribunal (Wales) Act 2018** (anaw 2), **ss. 50(4)(b)(ii)**, 100(3); S.I. 2021/373, arts. 3, 4, 6, 7 (as amended by S.I. 2021/938, art. 2); S.I. 2021/1243, art. 3 (with arts. 4-23) (as amended by S.I. 2021/1428, art. 2); S.I. 2021/1244, art. 3 (with arts. 4-21) (as amended by S.I. 2021/1428, art. 3); S.I. 2021/1245, arts. 3, 4 (with art. 1(4)); S.I. 2022/891, art. 3 (with arts. 4-25); S.I. 2022/892, arts. 2, 3 (with arts. 4-18); S.I. 2022/893, art. 4; S.I. 2022/894, art. 3; S.I. 2022/895, arts. 3, 4; S.I. 2022/896, art. 3 (with arts. 1(7), 4-22); S.I. 2022/897, art. 3 (with arts. 1(8), 4-21); S.I. 2022/898, arts. 2, 3
- F87** Words in s. 41(1)(b) omitted (1.9.2014) by virtue of **Children and Families Act 2014** (c. 6), s. 139(6), **Sch. 3 para. 73**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)
- F88** S. 41(2) omitted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by virtue of **Additional Learning Needs and Education Tribunal (Wales) Act 2018** (anaw 2), **ss. 50(4)(c)**, 100(3); S.I. 2021/373, arts. 3, 4, 6, 7 (as amended by S.I. 2021/938, art. 2); S.I. 2021/1243, art. 3 (with arts. 4-23) (as amended by S.I. 2021/1428, art. 2); S.I. 2021/1244, art. 3 (with arts. 4-21) (as amended by S.I. 2021/1428, art. 3); S.I. 2021/1245, arts. 3, 4 (with art. 1(4)); S.I. 2022/891, art. 3 (with arts. 4-25); S.I. 2022/892, arts. 2, 3 (with arts. 4-18); S.I. 2022/893, art. 4; S.I. 2022/894, art. 3; S.I. 2022/895, arts. 3, 4; S.I. 2022/896, art. 3 (with arts. 1(7), 4-22); S.I. 2022/897, art. 3 (with arts. 1(8), 4-21); S.I. 2022/898, arts. 2, 3
- F89** 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)
- F90** 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)
- F91** 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)
- F92** 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)
- F93** S. 41(3) omitted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by virtue of **Additional Learning Needs and Education Tribunal (Wales) Act 2018** (anaw 2), **ss. 50(4)(c)**, 100(3); S.I. 2021/373, arts. 3, 4, 6, 7 (as amended by S.I. 2021/938, art. 2); S.I. 2021/1243, art. 3 (with arts. 4-23) (as amended by S.I. 2021/1428, art. 2); S.I. 2021/1244, art. 3 (with arts. 4-21) (as amended by S.I. 2021/1428, art. 3); S.I. 2021/1245, arts. 3, 4 (with art. 1(4)); S.I. 2022/891, art. 3 (with arts. 4-25); S.I. 2022/892, arts. 2, 3 (with arts. 4-18); S.I. 2022/893, art. 4; S.I. 2022/894, art. 3; S.I. 2022/895, arts. 3, 4; S.I. 2022/896, art. 3 (with arts. 1(7), 4-22); S.I. 2022/897, art. 3 (with arts. 1(8), 4-21); S.I. 2022/898, arts. 2, 3
- F94** S. 41(4) omitted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by virtue of **Additional Learning Needs and Education Tribunal (Wales) Act 2018** (anaw 2), **ss. 50(4)(c)**, 100(3); S.I. 2021/373, arts. 3, 4, 6, 7 (as amended by S.I. 2021/938, art. 2); S.I. 2021/1243, art. 3 (with arts. 4-23) (as amended by S.I. 2021/1428, art. 2); S.I. 2021/1244, art. 3 (with arts. 4-21) (as amended by S.I. 2021/1428, art. 3); S.I. 2021/1245, arts. 3, 4 (with art. 1(4)); S.I. 2022/891, art. 3 (with arts. 4-25); S.I. 2022/892, arts. 2, 3 (with arts. 4-18); S.I. 2022/893, art. 4; S.I. 2022/894, art. 3; S.I. 2022/895, arts. 3, 4; S.I. 2022/896, art. 3 (with arts. 1(7), 4-22); S.I. 2022/897, art. 3 (with arts. 1(8), 4-21); S.I. 2022/898, arts. 2, 3
- F95** 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)
- F96** S. 41(5A) substituted for (1.9.2021 for specified purposes, 1.1.2022 for specified purposes) by **Additional Learning Needs and Education Tribunal (Wales) Act 2018** (anaw 2), **ss. 50(4)(d)**, 100(3); S.I. 2021/373, arts. 3, 4, 6, 7 (as amended by S.I. 2021/938, art. 2); S.I. 2021/1243, art. 3(h); S.I. 2021/1244, art. 3(h); S.I. 2021/1245, arts. 3(h), 4 (with art. 1(4))

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F97 S. 41(6) omitted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by virtue of [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018](#) (anaw 2), **ss. 50(4)(e)**, 100(3); S.I. 2021/373, arts. 3, 4, 6, 7 (as amended by S.I. 2021/938, art. 2); S.I. 2021/1243, art. 3 (with arts. 4-23) (as amended by S.I. 2021/1428, art. 2); S.I. 2021/1244, art. 3 (with arts. 4-21) (as amended by S.I. 2021/1428, art. 3); S.I. 2021/1245, arts. 3, 4 (with art. 1(4)); S.I. 2022/891, art. 3 (with arts. 4-25); S.I. 2022/892, arts. 2, 3 (with arts. 4-18); S.I. 2022/893, art. 4; S.I. 2022/894, art. 3; S.I. 2022/895, arts. 3, 4; S.I. 2022/896, art. 3 (with arts. 1(7), 4-22); S.I. 2022/897, art. 3 (with arts. 1(8), 4-21); S.I. 2022/898, arts. 2, 3

Commencement Information

I10 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. I**

F98 **42 Equality of opportunity.**

.....

Textual Amendments

F98 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)

F98 **43 Plans.**

.....

Textual Amendments

F98 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)

F98 **44 Strategy.**

.....

Textual Amendments

F98 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)

F98 **45 Use of information by Council.**

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Textual Amendments

F98 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)

F98 46 Supplementary functions.

.....

Textual Amendments

F98 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

F98 47 Directions.

.....

Textual Amendments

F98 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)

F98 48 Committees.

.....

Textual Amendments

F98 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)

F98 49 Grants to Council.

.....

Textual Amendments

F98 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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F98 50 Annual report.

.....

Textual Amendments

F98 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)

F98 51 Council's financial year.

.....

Textual Amendments

F98 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)

Status:

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