



# Learning and Skills Act 2000

## 2000 CHAPTER 21

### PART V

#### MISCELLANEOUS AND GENERAL

##### *External qualifications*

#### 96 Persons under 19.

- (1) This section applies to a course of education or training—
  - (a) which is provided (or proposed to be provided) by or on behalf of a school or institution or employer,
  - (b) which leads to [<sup>F1</sup>a relevant qualification], and
  - (c) which is provided (or proposed to be provided) for pupils who are of compulsory school age or for pupils who are above that age but have not attained the age of 19.
- (2) Unless the [<sup>F2</sup>relevant] qualification is approved under section 98 or 99, the course must not be—
  - (a) funded by an authorised body (as defined in section 100), or
  - (b) provided by or on behalf of a maintained school.
- (3) In relation to a maintained school, the local education authority and the governing body must carry out their functions with a view to securing that subsection (2)(b) is not contravened.
- (4) The course mentioned in subsection (1) may be one of two or more components leading to the same qualification.
- [<sup>F3</sup>(5) In this section “a relevant qualification”—
  - (a) in relation to England, means a qualification to which Part 7 of the Apprenticeships, Skills, Children and Learning Act 2009 applies;
  - (b) in relation to Wales, has the same meaning as in section 30 of the Education Act 1997.]

*Status: Point in time view as at 01/04/2010.*

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

- (8) These are maintained schools—
- (a) a community, foundation or voluntary school;
  - (b) a community or foundation special school.

#### Textual Amendments

- F1** Words in s. 96(1)(b) substituted (1.4.2010 for E., 1.11.2010 for W.) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), **Sch. 12 para. 27(2)**; S.I. 2010/1151, art. 2, Sch. 1, S.I. 2010/2413, art. 2(a)
- F2** Word in s. 96(2) substituted (1.4.2010 for E., 1.11.2010 for W.) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), **Sch. 12 para. 27(3)**; S.I. 2010/1151, art. 2, Sch. 1, S.I. 2010/2413, art. 2(a)
- F3** S. 96(5) substituted for s. 95(5)-(7) (1.4.2010 for E., 1.11.2010 for W.) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), **Sch. 12 para. 27(4)**; S.I. 2010/1151, art. 2, Sch. 1, S.I. 2010/2413, art. 2(a)

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

- C1** S. 96 restricted (with effect in accordance with art. 2 of the affecting S.I.) by [Coventry City Council and the North West Federation of Schools \(International General Certificate of Secondary Education\) Order 2005 \(S.I. 2005/1739\)](#), arts. 1(1), 2

#### Commencement Information

- I1** S. 96 wholly in force at 1.9.2001; s. 96 not in force at Royal Assent see s. 154; s. 96 in force at 1.9.2001 by [S.I. 2001/654](#), **art. 2 Sch. Pt. III**; [S.I. 2001/1274](#), **art. 2 Sch. Pt. II**

## <sup>F4</sup>97 **Persons over 19.**

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#### Textual Amendments

- F4** S. 97 repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), Sch. 6 para. 43, **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2

## 98 **Approved qualifications: England.**

- (1) This section has effect for the purposes of [<sup>F5</sup>section 96 in its application ]to England.
- (2) A qualification is approved at a given time if—
- (a) it is then approved by the Secretary of State, or
  - (b) it is then approved by a body then designated by him for the purposes of this section.

<sup>F6</sup>(2A) .....

[<sup>F7</sup>(2B) A qualification may be approved only if—

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

*Status: Point in time view as at 01/04/2010.*

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- (2C) The conditions are that—
- (a) the qualification is a regulated qualification within the meaning of Part 7 of the Apprenticeships, Skills, Children and Learning Act 2009, and
  - (b) if the qualification is subject to the accreditation requirement (within the meaning of Chapter 2 of that Part), it is accredited under section 139 of that Act.]
- (3) Approval may be given generally or in relation to particular cases.
- <sup>F8</sup>(4) .....
- (5) The Secretary of State may at any time revoke—
- (a) a designation;
  - (b) an approval given by him;
  - (c) an approval given by a designated body.
- (6) A designated body may at any time revoke an approval given by it.
- (7) If the Secretary of State asks the [<sup>F9</sup>Qualifications and Curriculum Development Agency or the Young People's Learning Agency for England] to do so, it must advise him on any approval he proposes to give under subsection (2)(a).
- (8) If a designated body asks the [<sup>F10</sup>Qualifications and Curriculum Development Agency or the Young People's Learning Agency for England] to do so, it must advise the body on any approval the body proposes to give under subsection (2)(b).

#### Textual Amendments

- F5** Words in s. 98(1) substituted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 6 para. 44(2)**; S.I. 2010/303, art. 3, Sch. 2
- F6** S. 98(2A) repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 44(3), **16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2
- F7** S. 98(2B)(2C) inserted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 12 para. 28(2)**; S.I. 2010/1151, art. 2, Sch. 1
- F8** S. 98(4) repealed (28.2.2009) by Education and Skills Act 2008 (c. 25), ss. 159(3), 173(4), **Sch. 2**; S.I. 2009/387, art. 2
- F9** Words in s. 98(7) substituted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 12 para. 28(3)**; S.I. 2010/1151, art. 2, Sch. 1
- F10** Words in s. 98(8) substituted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 12 para. 28(3)**; S.I. 2010/1151, art. 2, Sch. 1

## 99 Approved qualifications: Wales.

- (1) This section has effect for the purposes of [<sup>F11</sup>section 96 in its application] to Wales.
- (2) A qualification is approved at a given time if—
- (a) it is then approved by the National Assembly for Wales, or
  - (b) it is then approved by a body then designated by the National Assembly for the purposes of this section.
- (3) Approval may be given generally or in relation to particular cases.

*Status: Point in time view as at 01/04/2010.*

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(4) An approval given by a designated body is ineffective unless the National Assembly consents to the approval.

(5) The National Assembly may at any time revoke—

- (a) a designation;
- (b) an approval given by the National Assembly;
- (c) an approval given by a designated body.

(6) A designated body may at any time revoke an approval given by it.

<sup>F12</sup>(7) .....

<sup>F13</sup>(8) .....

#### Textual Amendments

- F11** Words in s. 99(1) substituted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 6 para. 45(2)**; S.I. 2010/303, art. 3, Sch. 2
- F12** S. 99(7) omitted (1.4.2006) by virtue of Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 30** (with art. 7)
- F13** S. 99(8) omitted (1.4.2006) by virtue of Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 30** (with art. 7)

#### Commencement Information

- I2** S. 99 not in force at Royal Assent see s. 154; s. 99 in force for W. at 1.4.2001 by S.I. 2001/1274, art. 2, **Sch. Pt. 1**

### 100 Authorised bodies.

(1) For the purposes of [<sup>F14</sup>section 96 in its application] to England these are authorised bodies—

- (a) the Learning and Skills Council for England;
- (b) a local education authority;
- (c) a body specified by order by the Secretary of State for the purposes of this section.

(2) For the purposes of [<sup>F14</sup>section 96 in its application] to Wales these are authorised bodies—

- (a) the [<sup>F15</sup>National Assembly for Wales];
- (b) a local education authority;
- (c) a body specified by order by the National Assembly for Wales for the purposes of this section.

#### Textual Amendments

- F14** Words in s. 100 substituted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 6 para. 46**; S.I. 2010/303, art. 3, Sch. 2

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**F15** Words in s. 100(2) substituted (1.4.2006) by National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 72** (with art. 7)

**Commencement Information**

**I3** S. 100 not in force at Royal Assent see s. 154; s. 100(1) wholly in force at 1.9.2001 by S.I. 2001/654, **art. 2 Sch. Pt. III**; s. 100(2) in force for W. at 1.4.2001 by S.I. 2001/1274, **art. 2, Sch. Pt. II**

**101 Enforcement: England.**

- (1) This section has effect for the purposes of [<sup>F16</sup>section 96 in its application] to England, and it applies if the Secretary of State is satisfied that—
  - (a) a local education authority or specified body has failed to comply with section 96(2)(a) or is proposing to do so, [<sup>F17</sup>or]
  - (b) a local education authority or governing body has failed to comply with section 96(3) or is proposing to do so, <sup>F18</sup>...
  - <sup>F18</sup>(c) .....
- (2) The Secretary of State may give such directions to the authority or body as he thinks fit.
- (3) An authority or body must comply with any directions given to it under this section.
- (4) A specified body is a body specified under section 100(1)(c).

**Textual Amendments**

- F16** Words in s. 101(1) substituted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 6 para. 47(a)**; S.I. 2010/303, art. 3, Sch. 2
- F17** Word in s. 101(1) inserted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 6 para. 47(b)**; S.I. 2010/303, art. 3, Sch. 2
- F18** S. 101(1)(c) and preceding word "or" repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 47(c), **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2

**102 Enforcement: Wales.**

- (1) This section has effect for the purposes of [<sup>F19</sup>section 96 in its application] to Wales, and it applies if the National Assembly for Wales is satisfied that—
  - (a) a local education authority or specified body has failed to comply with section 96(2)(a) or is proposing to do so, [<sup>F20</sup>or]
  - (b) a local education authority or governing body has failed to comply with section 96(3) or is proposing to do so, <sup>F21</sup>...
  - <sup>F21</sup>(c) .....
- (2) The National Assembly may give such directions to the authority or body as it thinks fit.
- (3) An authority or body must comply with any directions given to it under this section.
- (4) A specified body is a body specified under section 100(2)(c).

*Status: Point in time view as at 01/04/2010.*

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#### Textual Amendments

- F19** Words in s. 102(1) substituted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), [Sch. 6 para. 48\(a\)](#); S.I. 2010/303, art. 3, Sch. 2
- F20** Word in s. 102(1) inserted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), [Sch. 6 para. 48\(b\)](#); S.I. 2010/303, art. 3, Sch. 2
- F21** S. 102(1)(c) and preceding word "or" repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), Sch. 6 para. 48(c), [Sch. 16 Pt. 2](#); S.I. 2010/303, art. 3, Sch. 2

#### Commencement Information

- I4** S. 102 not in force at Royal Assent see s. 154; s. 102 in force for W. at 1.9.2001 by [S.I. 2001/1274](#), art. 2, [Sch. Pt. II](#)

### 103 Amendments relating to external qualifications.

(1) The <sup>M1</sup>Education Act 1997 shall be amended as follows.

<sup>F22</sup>(2) .....

<sup>F22</sup>(3) .....

(4) In section 30 (functions of Qualifications, Curriculum and Assessment Authority for Wales in relation to external qualifications)—

- (a) in subsection (1) omit “or by subsection (3)”;
- (b) in subsection (2) for “(g)” substitute “ (gg) ”;
- (c) omit subsection (3).

(5) In section 37 (requirement for approval of certain courses leading to external qualifications) omit subsections (1) to (4) and in subsection (5) the words “, which are superseded by this section,”.

#### Textual Amendments

- F22** S. 103(2)(3) repealed (1.4.2010 for E., 1.11.2010 for W.) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), [Sch. 16 Pt. 4](#); S.I. 2010/1151, art. 2, Sch. 1, S.I. 2010/2413, art. 2(a)

#### Commencement Information

- I5** S. 103 partly in force; s. 103 not in force at Royal Assent see s. 154; s. 103(1)(5) in force (E.) at 1.9.2001 by [S.I. 2001/654](#), art. 2, [Sch. Pt. III](#); s. 103(1)(2)(3) in force (W.) for specified purposes at 1.4.2001 by [S.I. 2001/1274](#), art. 2, [Sch. Pt. I](#); s. 103(4) in force (W.) at 1.4.2001 by [S.I. 2001/1274](#), art. 2, [Sch. Pt. I](#); s. 103(5) in force (W.) at 1.9.2001 by [S.I. 2001/1274](#), art. 2 [Sch. Pt. II](#); s. 103(2)(3) in force (E.) at 1.4.2002 in so far as not already in force by [S.I. 2002/279](#), [art. 2\(2\)\(a\)](#)

#### Marginal Citations

- M1** 1997 c. 44.

**Status:**

Point in time view as at 01/04/2010.

**Changes to legislation:**

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