



Learning and Skills Act 2000

2000 CHAPTER 21

PART V

MISCELLANEOUS AND GENERAL

General

150 Wales.

- (1) Where this Part of this Act confers a function on the Secretary of State (whether by amendment of another Act or otherwise)—
 - (a) the function shall be exercisable in relation to Wales by the National Assembly for Wales, and
 - (b) for that purpose any reference to the Secretary of State shall be taken as a reference to the National Assembly.
- (2) Where—
 - (a) this Part confers a function on the Secretary of State by amendment of an Act, and
 - (b) any functions of that Act have before the passing of this Act been transferred to the National Assembly by Order in Council under section 22 of the ^{M1}Government of Wales Act 1998 (transfer of functions),the Order shall be treated for the purposes of any varying or revoking Order as having transferred to the National Assembly the function mentioned in paragraph (a).
- (3) Subsection (1)(a) has effect subject to any Order in Council made by virtue of subsection (2).
- (4) This section shall not apply in relation to—
 - (a) section 90, 92, 104, 134 or 154 of this Act,
 - (b) the amendment of section 1(3) of the ^{M2}Education (Fees and Awards) Act 1983 (fees at institutions) made by Schedule 9 to this Act,

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- (c) the amendment of section 26 of the ^{M3}Employment Act 1988 (status of trainees etc) made by Schedule 9 to this Act, or
- (d) the amendment of section 19 of the ^{M4}Disability Discrimination Act 1995 (discrimination in relation to goods, facilities and services) made by Schedule 9 to this Act.

Marginal Citations

- M1** 1998 c. 38.
- M2** 1983 c. 40.
- M3** 1988 c. 19.
- M4** 1995 c. 50.

151 Transitional provisions.

- (1) Parts I and II of Schedule 10 contain transitional provisions relating to—
 - (a) the dissolution of the Further Education Funding Councils, and
 - (b) the establishment of the Learning and Skills Council for England and the National Council for Education and Training for Wales.
- (2) Part III of Schedule 10 contains transitional provision relating to the establishment of the Adult Learning Inspectorate.
- (3) Part IV of Schedule 10 contains transitional provision relating to the ^{M5}Education (Student Loans) Act 1990.
- (4) Nothing in that Schedule prejudices the generality of section 152(6).

Marginal Citations

- M5** 1990 c. 6.

152 Orders and regulations.

- (1) Any power to make an order or regulations under this Act shall be exercised by statutory instrument.
- (2) A statutory instrument is subject to annulment in pursuance of a resolution of either House of Parliament if the instrument contains—
 - (a) an order made by the Secretary of State under any provision of this Act other than section 143(4) or 154(1) or (3), or
 - (b) regulations made by the Secretary of State under any provision of this Act.
- (3) A statutory instrument is subject to annulment in pursuance of a resolution of the Scottish Parliament if the instrument contains regulations made by the Scottish Ministers under section 104.
- (4) The power of [^{F1}the Department for Employment and Learning] in Northern Ireland to make regulations under section 106 or 109 shall be exercisable by statutory rule for the purposes of the ^{M6}Statutory Rules (Northern Ireland) Order 1979; and any such regulations shall be subject to negative resolution within the meaning of

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section 41(6) of the ^{M7}Interpretation Act (Northern Ireland) 1954 as if they were statutory instruments within the meaning of that Act.

- (5) An order or regulations under this Act may make different provision for different purposes.
- (6) An order or regulations under this Act may contain such incidental, supplementary, saving or transitional provisions as the person making the order or regulations thinks fit.

Textual Amendments

F1 Words in s. 152(4) substituted (N.I.) (20.7.2001) by [2001 c. 15 \(N.I.\), s. 1\(2\)\(a\)](#)

Marginal Citations

M6 [S.I. 1979/1573 \(N.I. 12\)](#).

M7 [1954 c. 33 \(N.I.\)](#).

153 Repeals.

Schedule 11 contains repeals.

Commencement Information

II S. 153 partly in force; S. 153 not in force at Royal Assent see s. 154; s. 153 in force so far as it relates to specified repeals in Sch. 11 (in some cases for limited extents or purposes) as follows: at 1.10.2000 and 1.11.2000 by [S.I. 2000/2559, art. 2\(1\)\(2\), Sch. Pts. I, II](#); at 1.1.2001 by [S.I. 2000/3230, art. 2, Sch.](#); at 1.4.2001 and 1.9.2001 by [S.I. 2001/654, art. 2 Sch. Pts. II, III](#) and [S.I. 2001/1274, art. 2 Sch. Pts. I, II](#); at 1.4.2002 by [S.I. 2001/2705, art. 2 Sch. Pt. I](#)

154 Commencement.

- (1) The following provisions of this Act shall come into force in accordance with provision made by the Secretary of State by order—
 - (a) Parts I and III,
 - (b) sections 89, 90, 92, 94, 98, 100(1), 101, 104 to 109, 114 to 122, 132 to 136, 146 and 147,
 - (c) in Schedule 9, paragraphs 11, 14, 35, 37 to 39, 41 to 43, 47 to 50, 52(3), 83, 87 and 88,
 - (d) Part IV of Schedule 10, and
 - (e) in Schedule 11, the repeals in section 91 of the ^{M8}Further and Higher Education Act 1992 and section 142 of the ^{M9}School Standards and Framework Act 1998 and the repeals consequential upon any provision mentioned in paragraph (c).
- (2) The following provisions of this Act shall come into force in accordance with provision made by the National Assembly for Wales by order—
 - (a) Parts II and IV, and
 - (b) sections 91, 93, 99, 100(2), 102, 123 to 129 and 138.
- (3) If and in so far as a provision of this Part relates to England, the Secretary of State may (subject to subsection (5)) make provision by order about its commencement.

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- (4) If and in so far as a provision of this Part relates to Wales, the National Assembly for Wales may (subject to subsection (5)) make provision by order about its commencement.
- (5) Subsections (3) and (4) do not apply to—
- (a) a provision mentioned in subsection (1) or (2),
 - (b) any of sections 130, 131, 150, 151, 152, 155 and 156,
 - (c) Schedule 8,
 - (d) any provision of Schedule 9 or 11 which is consequential upon section 130 or 131 or Schedule 8,
 - (e) Parts I to III of Schedule 10, or
 - (f) this section.
- (6) The Secretary of State may by order make provision—
- (a) in consequence of a provision of this Act being brought into force at different times in relation to England and in relation to Wales, or
 - (b) in consequence of one provision of this Act being brought into force before another.
- (7) The National Assembly for Wales may by order make provision in relation to Wales in consequence of either of the matters mentioned in subsection (6)(a) and (b).
- (8) An order under subsection (6) or (7) may, in particular, disapply or modify the application of provision made by or under this or any other Act.

Subordinate Legislation Made

P1 S. 154(1)(3) power partly exercised: different dates appointed for specified provisions by: [S.I. 2000/2540, art. 2, Sch.](#); [S.I. 2000/2114, art. 2, Sch.](#); [S.I. 2000/2559, art. 2, Sch.](#); [S.I. 2000/3230, art. 2, Sch.](#); [S.I. 2001/654, art. 2 Sch.](#); [S.I. 2001/1274, art. 2 Sch.](#); [S.I. 2001/2705, art. 2 Sch.](#); [S.I. {2002/279}, art. 2 \(with transitional provisions in art. 3\)](#)

Marginal Citations

M8 1992 c. 13.
M9 1998 c. 31.

155 Extent.

- (1) Sections 104, 152, 154, 156 and this section extend to England and Wales, Scotland and Northern Ireland.
- (2) Section 107 extends to England and Wales and Northern Ireland.
- (3) Sections 106, 109 and 147 extend to Northern Ireland only.
- (4) Any amendment or repeal in this Act has the same extent as the provision amended or repealed.
- (5) Subject to the above, this Act extends to England and Wales only.

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156 Citation.

This Act may be cited as the Learning and Skills Act 2000.

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