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SCHEDULES

SCHEDULE 1

Section 1.

LEARNING AND SKILLS COUNCIL FOR ENGLAND

Chief executive

- 1 (1) One of the Council's members is to be its chief executive.
- (2) The first chief executive is to be appointed by the Secretary of State and to hold and vacate office in accordance with the terms of his appointment.
- (3) Each subsequent chief executive is to be appointed by the Council on such terms as it determines.
- (4) An appointment or determination under sub-paragraph (3) requires the Secretary of State's approval.
- (5) If a person to be appointed under sub-paragraph (3) is not already a member of the Council, the Secretary of State must appoint him as a member for the same term as the term of his appointment as chief executive.
- (6) If a person to be appointed under sub-paragraph (3) is already a member of the Council but his term of appointment as such ends before the term of his appointment as chief executive ends, the Secretary of State must extend his term of appointment as a member so that it ends when the term of his appointment as chief executive ends.

Tenure of members

- 2 (1) A person is to hold and vacate office as a member or as chairman or chief executive of the Council in accordance with the terms of his appointment.
- (2) On ceasing to be a member or chairman or chief executive a person is eligible for re-appointment.
- (3) A person may at any time by notice in writing to the Secretary of State resign his office as a member or as chairman or chief executive.
- 3 (1) This paragraph applies if the Secretary of State is satisfied that a member—
 - (a) has been absent from meetings of the Council for a period longer than 6 consecutive months without the Council's permission, or
 - (b) is unable or unfit to carry out the functions of a member.
- (2) The Secretary of State may by notice in writing to the member remove him from office, which shall then become vacant.

Salaries, pensions, etc

- 4 (1) The Council must pay in respect of its members such salaries and fees and such travelling, subsistence and other allowances as the Secretary of State may determine.

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- (2) A payment under sub-paragraph (1) may be made to the member concerned or (if the member consents) to another person.
- (3) As regards any member in whose case the Secretary of State may so determine, the Council must pay or make provision for the payment of such sums by way of pension, allowances and gratuities to or in respect of him as the Secretary of State may determine.
- (4) If a person ceases to be a member and it appears to the Secretary of State that there are special circumstances making it right that he should receive compensation, the Secretary of State may direct the Council to make to the person a payment of such amount as the Secretary of State may determine.

Staff

- 5 (1) The Council may appoint such employees as it thinks fit.
- (2) A person is to be appointed as an employee of the Council on such terms (including terms as to remuneration and allowances) as the Council may determine.
- (3) A determination under this paragraph requires the Secretary of State's approval.
- 6 (1) Employment with the Council is to be included among the kinds of employment to which a scheme under section 1 of the ^{M1}Superannuation Act 1972 can apply.
- (2) The Council must pay to the Minister for the Civil Service such sums as he may determine in respect of the increase attributable to sub-paragraph (1) in the sums payable out of money provided by Parliament under that Act; and the Council must pay the sums at such times as that Minister may direct.
- (3) If an employee of the Council is by reference to that employment a participant in a scheme under section 1 of that Act and is also a member of the Council, the Secretary of State may determine that his service as such a member is to be treated for the purposes of the scheme as service as an employee of the Council (whether or not any benefits are payable to or in respect of him by virtue of paragraph 4).

Marginal Citations

M1 1972 c. 11.

Delegation of functions

- 7 (1) The Council may authorise the chairman or the chief executive to exercise such of its functions as it may determine.
- (2) If the chairman is authorised to exercise a function he may authorise another member of the Council to exercise it.
- (3) If the chief executive is authorised to exercise a function he may authorise an employee of the Council to exercise it.

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Members' interests

- 8 (1) A member of the Council who is in any way directly or indirectly interested in any matter that is brought up for consideration at a meeting of the Council or a committee of the Council must disclose the nature of his interest to the meeting.
- (2) If such a disclosure is made—
- (a) the disclosure must be recorded in the minutes of the meeting, and
 - (b) the member must not take any part in any deliberation or decision of the Council or any committee of the Council with respect to that matter.
- (3) If a member is not present at a meeting at which a matter in which he is interested is brought up for consideration, sub-paragraph (1) only applies to him if he was aware that the matter would be brought up for consideration at the meeting.
- (4) For the purposes of sub-paragraph (1) a general notification given at a meeting by a member to the effect that he—
- (a) has an interest in a specified company, firm or other organisation, and
 - (b) is to be regarded as interested in any matter involving that company, firm or other organisation,
- must be regarded as a sufficient disclosure of his interest in relation to any such matter.
- (5) A member need not attend in person at a meeting in order to make a disclosure which he is required to make under this paragraph if he takes reasonable steps to secure that the disclosure is made by a notice which is read and considered at the meeting.
- (6) The Secretary of State may remove a disability under this paragraph subject to such conditions as he considers appropriate.
- (7) The power of the Secretary of State under sub-paragraph (6) includes power to remove (either indefinitely or for any period) a disability which would otherwise attach to any member, or members of any description, by reason of such interests, and in respect of such matters, as may be specified or described by the Secretary of State.
- (8) Nothing in this paragraph precludes any member from taking part in the consideration or discussion of, or in voting on, any question whether an application should be made to the Secretary of State for the exercise of the power conferred by sub-paragraph (6).

Proceedings

- 9 (1) A representative of the Secretary of State is entitled to attend and take part in any deliberations (but not in decisions) at meetings of the Council.
- (2) The Council must provide the Secretary of State with such copies (and made in such form) as he may require of any information distributed to members of the Council.
- (3) This paragraph is without prejudice to any other rights the Secretary of State may have as a condition of any grants made to the Council under this Act.
- 10 The validity of any proceedings of the Council is not to be affected by a vacancy among the members or by any defect in the appointment of a member.
- 11 The Council may regulate its own procedure, subject to the preceding provisions of this Schedule.

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Seal and proof of instruments

- 12 The application of the Council’s seal must be authenticated by the signature—
- (a) of the chairman or of some other person authorised (generally or specially) by the Council to act for that purpose, and
 - (b) of one other member.
- 13 (1) This paragraph applies if a document purports to be an instrument made or issued by or on behalf of the Council and—
- (a) to be duly executed under the Council’s seal, or
 - (b) to be signed or executed by a person authorised by the Council to act in that behalf.
- (2) The document must be received in evidence and treated (without further proof) as being so made or issued unless the contrary is shown.

Accounts

- 14 (1) The Council must—
- (a) keep proper accounts and proper records in relation to them;
 - (b) prepare a statement of accounts in respect of each financial year of the Council;
 - (c) send copies of the statement to the Secretary of State and to the Comptroller and Auditor General before the end of August next following the financial year to which the statement relates.
- (2) The statement of accounts must comply with any directions given by the Secretary of State as to—
- (a) the information to be contained in it;
 - (b) the manner in which the information is to be presented;
 - (c) the methods and principles according to which the statement is to be prepared.
- (3) The statement of accounts must contain such additional information as the Secretary of State may require to be provided for the information of Parliament.
- (4) The Comptroller and Auditor General must—
- (a) examine, certify and report on each statement received by him under this paragraph;
 - (b) lay copies of each statement and of his report before each House of Parliament.

Council’s status

- 15 (1) The Council is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.
- (2) The Council’s property is not to be regarded as property of the Crown or as property held by or on its behalf.

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SCHEDULE 2

Section 19.

LOCAL COUNCILS

Director

- 1 (1) The Council must appoint one of its employees as the director of a local council.
- (2) The Council must seek the advice of the chairman of a local council before appointing a director.
- (3) Sub-paragraph (2) does not apply to the appointment of the first director of a local council.
- (4) If a person to be appointed as a director of a local council is not already a member of that local council, the Council must appoint him as a member of the local council for the same term as the term of his appointment as director.
- (5) If a person to be appointed as a director of a local council is already a member of that local council but his term of appointment as such ends before the term of his appointment as director ends, the Council must extend his term of appointment as a member so that it ends when the term of his appointment as director ends.

Tenure of members

- 2 (1) A person is to hold and vacate office as a member or as chairman of a local council in accordance with the terms of his appointment.
- (2) On ceasing to be a member or chairman a person is eligible for re-appointment.
- (3) A person may at any time by notice in writing to the Council resign his office as a member.
- (4) A person may at any time by notice in writing to the Secretary of State resign his office as chairman.
- 3 (1) This paragraph applies if the Council is satisfied that a member of a local council—
 - (a) has been absent from meetings of the local council for a period longer than 6 consecutive months without the local council's permission, or
 - (b) is unable or unfit to carry out the functions of a member.
- (2) The Council may by notice in writing to the member remove him from office, which shall then become vacant.
- (3) A notice under this paragraph requires the Secretary of State's approval.

[^{F1}Salaries, allowances

Textual Amendments

- F1** Sch. 2 para. 4 and cross-heading substituted (1.4.2003) by [Education Act 2002 \(c. 32\)](#), **ss. 209**, 216(2) (with **ss. 210(8)**, 214(4)); [S.I. 2003/124](#), **art. 3**

- 4 The Council must pay—

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- (a) in respect of the chairman of a local council such salary and such travelling, subsistence and other allowances as the Secretary of State may determine, and
- (b) in respect of the other members of a local council such travelling, subsistence and other allowances as the Secretary of State may determine.]

Staff

- 5 The Council may appoint such of its employees as it thinks fit to act as the staff of a local council.

Delegation of functions

- 6 (1) A local council may authorise the chairman or the director to exercise such of its functions as it may determine.
- (2) If the chairman is authorised to exercise a function he may authorise another member of the local council to exercise it.
- (3) If the director is authorised to exercise a function he may authorise an employee of the local council to exercise it.

Proceedings

- 7 The validity of any proceedings of a local council is not to be affected by a vacancy among the members or by any defect in the appointment of a member.
- 8 A local council may regulate its own procedure.

SCHEDULE 3

Section 26.

COMMITTEES (ENGLAND)

General

- 1 (1) The Council—
- (a) must establish a young people’s learning committee and an adult learning committee;
 - (b) may establish such other committees as it thinks fit.
- (2) Members of a committee may be (but need not be) members of the Council.
- (3) Nothing in this Schedule applies to local learning and skills councils.

Young people’s learning committee

- 2 (1) This paragraph applies to the young people’s learning committee.
- (2) The committee must—
- (a) investigate the provision of education and training of young persons and the provision of financial resources for their education and training;

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- (b) advise the Council on the provision of such education and training and the provision of such resources.
- (3) The committee must also consider, and advise the Council on, what education and training would be appropriate for young persons of different abilities and aptitudes in order to prepare them for those opportunities, responsibilities and experiences of adult life which are not connected to employment.
- (4) The committee is to have such other functions relating to the education and training of young persons, and such functions relating to their employment, as the Council specifies.
- (5) The committee's members are to be appointed by the Council with the approval of the Secretary of State.
- (6) The Secretary of State must appoint one of the members as chairman after seeking the Council's advice.
- (7) In appointing a member the Council and the Secretary of State must have regard to the desirability of appointing a person who appears to them to understand the needs of young persons receiving education or training.
- (8) 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 when he attains the age of 19.
- (9) A year is a year beginning with 1 September.

Adult learning committee

- 3 (1) This paragraph applies to the adult learning committee.
- (2) The committee must—
 - (a) investigate the provision of education and training of adults and the provision of financial resources for their education and training;
 - (b) advise the Council on the provision of such education and training and the provision of such resources.
- (3) The committee is to have such other functions relating to the education and training of adults, and such functions relating to their employment, as the Council specifies.
- (4) The committee's members are to be appointed by the Council with the approval of the Secretary of State.
- (5) The Secretary of State must appoint one of the members as chairman after seeking the Council's advice.
- (6) In appointing a member the Council and the Secretary of State must have regard to the desirability of appointing a person who appears to them to understand the needs of adults receiving education or training.
- (7) An adult is a person who has attained the age of 19.

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Other committees

- 4 (1) This paragraph applies to any committee of the Council other than the young people’s learning committee and the adult learning committee.
- (2) The committee’s functions—
- (a) are to be such functions as the Council specifies, and
 - (b) are to concern such matters as the Council specifies.
- (3) The committee’s members are to be appointed by the Council.

Tenure of members

- 5 (1) A person is to hold and vacate office as a member of a committee of the Council in accordance with the terms of his appointment.
- (2) On ceasing to be a member of a committee a person is eligible for re-appointment.
- (3) A person may at any time by notice in writing to the Secretary of State resign his office as a member of the young people’s learning committee or of the adult learning committee.
- (4) A person may at any time by notice in writing to the Council resign his office as a member of any other committee.
- 6 (1) This paragraph applies if the Council is satisfied that a member of a committee of the Council—
- (a) has been absent from meetings of the committee for a period longer than 6 consecutive months without the committee’s permission, or
 - (b) is unable or unfit to carry out the functions of a member.
- (2) The Council may by notice in writing to the member remove him from office, which shall then become vacant.

Allowances

- 7 The Council must pay to the members of any of its committees who are not members of the Council such travelling, subsistence and other allowances as the Secretary of State may determine.

Proceedings

- 8 (1) A representative of the Secretary of State is entitled to attend and take part in any deliberations (but not in decisions) at meetings of any committee of the Council.
- (2) The Council must provide the Secretary of State with such copies as he may require of any documents distributed to members of any committee of the Council.
- 9 The validity of any proceedings of any committee of the Council is not to be affected by a vacancy among the members or by any defect in the appointment of a member.
- 10 The Council may regulate the procedure of any of its committees, subject to the preceding provisions of this Schedule.

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F²SCHEDULE 4

Section 30.

Textual Amendments

- F2** Sch. 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. 80](#) (with art. 7)

F³SCHEDULE 5

Section 48.

Textual Amendments

- F3** Sch. 5 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. 81 (with art. 7)

SCHEDULE 6

Section 52.

THE ADULT LEARNING INSPECTORATE

Tenure of members

- 1 (1) A person is to hold and vacate office as a member or as chairman or chief officer of the Inspectorate in accordance with the terms of his appointment.
- (2) If a person to be appointed under section 52(3) is not already a member of the Inspectorate, the Secretary of State must appoint him as a member for the same term as his appointment as chairman or chief officer.
- (3) If a person to be appointed under section 52(3) is already a member of the Inspectorate but his term of appointment as such would end before his term of appointment as chairman or chief officer ends, the Secretary of State must extend his term of appointment as a member so that it ends when his appointment as chairman or chief officer ends.
- (4) On ceasing to be a member, chairman or chief officer a person is eligible for re-appointment.
- (5) A person may at any time by notice in writing to the Secretary of State resign his office as a member or as chairman or chief officer.
- 2 (1) This paragraph applies if the Secretary of State is satisfied that a member—
- (a) has been absent from meetings of the Inspectorate for a period longer than 6 consecutive months without the Inspectorate's permission, or

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(b) is unable or unfit to carry out the functions of a member.

(2) The Secretary of State may by notice in writing to the member remove him from office, which shall then become vacant.

Salaries, pensions, etc

3 (1) The Inspectorate must pay in respect of its members such salaries and fees and such travelling, subsistence and other allowances as the Secretary of State may determine.

(2) A payment under sub-paragraph (1) may be made to the member concerned or (if the member consents) to another person.

(3) As regards any member in whose case the Secretary of State may so determine, the Inspectorate must pay or make provision for the payment of such sums by way of pension, allowances and gratuities to or in respect of him as the Secretary of State may determine.

(4) If a person ceases to be a member and it appears to the Secretary of State that there are special circumstances making it right that he should receive compensation, the Secretary of State may direct the Inspectorate to make to that person a payment of such amount as the Secretary of State may determine.

Staff

4 (1) The Inspectorate may appoint such employees, including inspectors, as it thinks fit.

(2) A person employed as an inspector is to be known as an Inspector of Adult Learning.

(3) In appointing inspectors, the Inspectorate must have regard to the need to appoint persons who have the appropriate experience and expertise.

5 (1) The Inspectorate must pay to its employees such remuneration and allowances as it may determine.

(2) Its employees are to be appointed on such other terms as the Inspectorate may determine.

(3) A determination under this paragraph requires the Secretary of State's approval.

6 (1) Employment with the Inspectorate is to be included among the kinds of employment to which a scheme under section 1 of the ^{M2}Superannuation Act 1972 can apply.

(2) The Inspectorate must pay to the Minister for the Civil Service, at such times as he may direct, such sums as that Minister may determine in respect of the increase attributable to sub-paragraph (1) in the sums payable out of money provided by Parliament under that Act.

(3) If an employee of the Inspectorate is by reference to that employment a participant in a scheme under section 1 of that Act and is also a member of the Inspectorate, the Secretary of State may determine that his service as such a member is to be treated for the purposes of the scheme as service as an employee of the Inspectorate (whether or not any benefits are payable to or in respect of him as a result of paragraph 3).

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Marginal Citations

M2 1972 c. 11.

Committees

- 7 (1) The Inspectorate may establish such committees as it considers appropriate.
- (2) The members of any committee are to be appointed by the Inspectorate and may include persons who are not members of the Inspectorate.

Supplementary powers

- 8 (1) The Inspectorate may do anything which appears to it to be necessary or expedient for the purpose of or in connection with the exercise of its functions.
- (2) In particular it may—
- (a) acquire and dispose of land and other property;
 - (b) enter into contracts;
 - (c) invest sums not immediately needed for the purpose of exercising its other functions;
 - (d) accept gifts of money, land and other property.
- (3) But the Inspectorate has no power—
- (a) to borrow money;
 - (b) to lend money without the consent of the Secretary of State;
 - (c) to hold shares in a company, or otherwise become a member of a company, without his consent.

Delegation of functions

- 9 The Inspectorate may authorise the chairman, the chief officer or one of its committees to exercise such of its functions as it may determine.

Members' interests

- 10 (1) A member of the Inspectorate who is in any way directly or indirectly interested in any matter that is brought up for consideration at a meeting of the Inspectorate or a committee of the Inspectorate must disclose the nature of his interest to the meeting.
- (2) If such a disclosure is made—
- (a) the disclosure must be recorded in the minutes of the meeting, and
 - (b) the member must not take any part in any deliberation or decision of the Inspectorate or any committee of the Inspectorate with respect to that matter.
- (3) If a member is not present at a meeting at which a matter in which he is interested is brought up for consideration, sub-paragraph (1) only applies to him if he was aware that the matter would be brought up for consideration at the meeting.
- (4) For the purposes of sub-paragraph (1) a general notification given at a meeting by a member to the effect that he—
- (a) has an interest in a specified company, firm or other organisation, and

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- (b) is to be regarded as interested in any matter involving that company, firm or other organisation,
 must be regarded as a sufficient disclosure of his interest in relation to any such matter.
- (5) A member need not attend in person at a meeting in order to make a disclosure which he is required to make under this paragraph if he takes reasonable steps to secure that the disclosure is made by a notice which is read and considered at the meeting.
- (6) The Secretary of State may remove a disability under this paragraph subject to such conditions as he considers appropriate.
- (7) The power of the Secretary of State under sub-paragraph (6) includes power to remove (either indefinitely or for any period) a disability which would otherwise attach to any member, or members of any description, by reason of such interests, and in respect of such matters, as may be specified or described by the Secretary of State.
- (8) Nothing in this paragraph precludes any member from taking part in the consideration or discussion of, or in voting on, any question whether an application should be made to the Secretary of State for the exercise of the power conferred by sub-paragraph (6).

Proceedings

- 11 (1) A representative of the Secretary of State is entitled to attend and take part in any deliberations (but not in decisions) at meetings of the Inspectorate.
- (2) The Inspectorate must provide the Secretary of State with such copies (and made in such form) as he may require of any documents distributed to members of the Inspectorate.
- (3) The validity of any proceedings of the Inspectorate is not to be affected by a vacancy among the members or by any defect in the appointment of a member.
- (4) The Inspectorate may regulate its own procedure, subject to the preceding provisions of this Schedule.

Seal and proof of instruments

- 12 The application of the Inspectorate's seal must be authenticated by the signature—
- (a) of the chairman or of some other person authorised (generally or specially) by the Inspectorate to act for that purpose, and
- (b) of one other member.
- 13 (1) This paragraph applies if a document purports to be an instrument made or issued by or on behalf of the Inspectorate and—
- (a) to be duly executed under the Inspectorate's seal, or
- (b) to be signed or executed by a person authorised by the Inspectorate to act in that behalf.
- (2) The document must be received in evidence and treated (without further proof) as being so made or issued unless the contrary is shown.

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Accounts

- 14 (1) The Inspectorate must—
- (a) keep proper accounts and proper records in relation to them;
 - (b) prepare a statement of accounts in respect of each financial year of the Inspectorate;
 - (c) send copies of the statement to the Secretary of State and to the Comptroller and Auditor General before the end of August next following the financial year to which the statement relates.
- (2) The statement of accounts must comply with any directions given by the Secretary of State as to—
- (a) the information to be contained in it;
 - (b) the manner in which the information is to be presented;
 - (c) the methods and principles according to which the statement is to be prepared.
- (3) The statement of accounts must contain such additional information as the Secretary of State may require to be provided for the information of Parliament.
- (4) The Comptroller and Auditor General must—
- (a) examine, certify and report on each statement received by him under this paragraph;
 - (b) lay copies of each statement and of his report before each House of Parliament.

Financial year of the Inspectorate

- 15 A financial year of the Inspectorate is—
- (a) the period starting with the date on which it is established and ending with the second 31 March following that date;
 - (b) each successive period of twelve months.

Inspectorate's status

- 16 (1) The Inspectorate is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.
- (2) The Inspectorate's property is not to be regarded as property of the Crown or as property held by or on its behalf.

House of Commons disqualification

- 17 In Part III of Schedule 1 to the ^{M3}House of Commons Disqualification Act 1975 (disqualifying offices) insert at the appropriate place—
- “Any member of the Adult Learning Inspectorate.”

Marginal Citations

M3 1975 c. 24.

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SCHEDULE 7

Section 113.

[^{F4}SIXTH FORMS REQUIRING SIGNIFICANT IMPROVEMENT]

Textual Amendments

- F4** Sch. 7 heading substituted (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 5 para. 3\(2\)](#); S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1

PART I

POWER TO PUBLISH PROPOSALS

Modifications etc. (not altering text)

- C1** Sch. 7 Pt. 1: functions transferred (E.) (1.4.2002) by [Contracting Out \(Local Education Authority Functions\) \(England\) Order 2002 \(S.I. 2002/928\)](#), [art. 3](#), Sch. 3 para. (p)

Secondary schools

- 1 (1) Paragraphs 2 to 7 apply to a maintained school (within the meaning given by section 20(7) of the ^{M4}School Standards and Framework Act 1998) which—
- (a) provides full-time education suitable to the requirements of pupils over compulsory school age, and
 - (b) provides full-time education suitable to the requirements of pupils of compulsory school age.
- [^{F5}(2) For the purposes of those paragraphs a school requires significant improvement in relation to its sixth form if—
- (a) the school is failing to give its pupils over compulsory school age an acceptable standard of education, or
 - (b) in relation to its provision for pupils over compulsory school age, the school is performing significantly less well than it might in all the circumstances reasonably be expected to perform.]

Textual Amendments

- F5** Sch. 7 para. 1(2) substituted (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 5 para. 3\(3\)](#); S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1

Commencement Information

- I1** Sch. 7 para. 1 wholly in force at 1.4.2002; Sch. 7 para. 1 not in force at Royal Assent see s. 154; Sch. 7 para. 1 in force (E.) for the purpose of authorising the making of Regulations at 1.10.2000 by [S.I. 2000/2559](#), [art. 2\(1\)](#), [Sch. Pt. I](#); Sch. 7 para. 1 wholly in force for E. at 1.4.2001 by [S.I. 2001/654](#), [art. 2](#), [Sch. 2 Pt. II](#); Sch. 7 para. 1 in force for W. at 1.4.2002 by [S.I. 2001/2705](#), [art. 2](#), [Sch. Pt. I](#)

Marginal Citations

- M4** 1998 c. 31.

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Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 19 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)

- [^{F6}2 If a person who inspects a school—
- (a) states in his report an opinion, in accordance with section 13(4), 34(7) or 35 (2) or (5) of the Education Act 2005 (school no longer requiring special measures), that special measures are not required to be taken in relation to the school, but
 - (b) is of the opinion that the school requires significant improvement in relation to its sixth form,
- he shall state that opinion in his report.]

Textual Amendments

- F6** Sch. 7 para. 2 substituted (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 5 para. 3\(4\)](#); [S.I. 2005/2034, art. 4](#); [S.I. 2006/1338, art. 3, Sch. 1](#)

- 3 (1) This paragraph applies if in the course of an area inspection under section 65 or 83 the Chief Inspector forms the opinion that a particular school [^{F7}requires significant improvement in relation to its sixth form].
- (2) The Chief Inspector shall make a report about the school stating his opinion.
- [^{F8}(3) The report shall be treated for all purposes of this Schedule and Part 1 of the Education Act 2005 (inspections) as if it were a report of an inspection of a school under section 5 or 28 of that Act.]

Textual Amendments

- F7** Words in Sch. 7 para. 3(1) substituted (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 5 para. 3\(5\)\(a\)](#); [S.I. 2005/2034, art. 4](#); [S.I. 2006/1338, art. 3, Sch. 1](#)
- F8** Sch. 7 para. 3(3) substituted (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 5 para. 3\(5\)\(b\)](#); [S.I. 2005/2034, art. 4](#); [S.I. 2006/1338, art. 3, Sch. 1](#)

Commencement Information

- I2** Sch. 7 para. 3 wholly in force at 1.4.2002; Sch. 7 para. 3 not in force at Royal Assent see s. 154; Sch. 7 para. 3 in force (E.) for the purpose of authorising the making of Regulations at 1.10.2000 by [S.I. 2000/2559, art. 2\(1\), Sch. Pt. I](#); Sch. 7 para. 3 wholly in force for E. at 1.4.2001 by [S.I. 2001/654, art. 2, Sch. Pt. II](#); Sch. 7 para. 3 in force for W. at 1.4.2002 by [S.I. 2001/2705, art. 2, Sch. Pt. I](#)

- 4 (1) Parts II and III of this Schedule shall apply in relation to a school if—
- (a) an opinion that it [^{F9}requires significant improvement in relation to its sixth form] is stated in a report in accordance with paragraph 2, and
 - (b) where [^{F10}the report relates to a school in Wales and] the person making the report is not a member of the Inspectorate, the report also states that the Chief Inspector agrees with his opinion.
- (2) Parts II and III of this Schedule shall also apply in relation to a school if—
- [^{F11}(a) a report of an inspection under Chapter 1 or 3 of Part 1 of the Education Act 2005 states the opinion that the school requires significant improvement in relation to its sixth form,]
 - (b) the next report of a kind mentioned in paragraph (a) also states that opinion,

Status: Point in time view as at 01/04/2006.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 19 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)

- (c) [^{F12}in the case of a school in Wales] each report either results from an inspection by a member of the Inspectorate or states that the Chief Inspector agrees with the opinion mentioned in paragraph (a) or (b), and
- (d) neither report states the opinion that special measures are required to be taken in relation to the school.

Textual Amendments

- F9** Words in Sch. 7 para. 4(1)(a) substituted (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 5 para. 3\(6\)\(a\)\(i\)](#); S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1
- F10** Words in Sch. 7 para. 4(1)(b) inserted (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 5 para. 3\(6\)\(a\)\(ii\)](#); S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1
- F11** Sch. 7 para. 4(2)(a) substituted (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 5 para. 3\(6\)\(b\)\(i\)](#); S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1
- F12** Words in Sch. 7 para. 4(2)(c) inserted (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 5 para. 3\(6\)\(b\)\(ii\)](#); S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1

Commencement Information

- I3** Sch. 7 para. 4 wholly in force at 1.4.2002; Sch. 7 para. 4 not in force at Royal Assent see s. 154; Sch. 7 para 4 in force (E.) for the purpose of authorising the making of Regulations at 1.10.2000 by [S.I. 2000/2559](#), art. 2(1), [Sch. Pt. I](#); Sch. 7 para. 4 wholly in force for E. at 1.4.2001 by [S.I. 2001/654](#), art. 2, [Sch. Pt. II](#); Sch. 7 para. 4 in force for W. at 1.4.2002 by [S.I. 2001/2705](#), art. 2, [Sch. Pt. I](#)

- 5 (1) Parts II and III of this Schedule shall cease to apply in relation to a school if a report of an inspection under [^{F13}Chapter 1 or 3 of Part 1 of the Education Act 2005] or section 65 or 83 of this Act concludes—
- (a) that special measures are required to be taken in relation to the school, or
- (b) that the school does not [^{F14}require significant improvement in relation to its sixth form].
- (2) Where [^{F15}in the case of a school in Wales,] the person making a report is not a member of the Inspectorate, sub-paragraph (1) shall not apply unless the report states that the Chief Inspector agrees with the conclusion mentioned in that sub-paragraph.
- (3) Sub-paragraph (1) shall not prevent the continued application of Parts II and III of this Schedule in a case where proposals have been published under paragraph 16 or 20.

Textual Amendments

- F13** Words in Sch. 7 para. 5(1) substituted (1.9.2005 for E., 1.9.2006 for W..) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 5 para. 3\(7\)\(a\)\(i\)](#); S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1
- F14** Words in Sch. 7 para. 5(1)(b) substituted (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 5 para. 3\(7\)\(a\)\(ii\)](#); S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1
- F15** Words in Sch. 7 para. 5(2) inserted (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 5 para. 3\(7\)\(b\)](#); S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1

Commencement Information

- I4** Sch. 7 para. 5 wholly in force at 1.4.2002; Sch. 7 para. 5 not in force at Royal Assent see s. 154; Sch. 7 para. 5 in force (E.) for the purpose of authorising the making of Regulations at 1.10.2000 by [S.I.](#)

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2000/2559, art. 2(1), **Sch. Pt. I**; Sch. 7 para. 5 wholly in force for E. at 1.4.2001 by S.I. 2001/654, art. 2, **Sch. Pt. II**; Sch. 7 para. 5 in force for W. at 1.4.2002 by S.I. 2001/2705, art. 2, **Sch. Pt. I**

- 6 [F16](1) This paragraph applies to a report of an inspection under Chapter 1 or 3 of Part 1 of the Education Act 2005 which—
- (a) states an opinion that a school requires significant improvement in relation to its sixth form, and
 - (b) in the case of a school in Wales, is made by a member of the Inspectorate or states that the Chief Inspector agrees with the opinion mentioned in paragraph (a).]
- (2) The person making a report to which this paragraph applies shall send a copy (together with a copy of the summary, if there is one)—
- (a) to the Secretary of State or, in the case of a school in Wales, the National Assembly for Wales, and
 - [F17](b) if either—
 - (i) the school is in England, or
 - (ii) the school is in Wales and the person making the report is a member of the Inspectorate,to the appropriate authority for the school.]
- [F18](3) The following provisions of the Education Act 2005 shall apply (with the necessary modifications) in relation to a report to which this paragraph applies—
- (a) in the case of a school in England—
 - (i) section 14(2) (additional copies),
 - (ii) section 14(4) (publication by appropriate authority), and
 - (iii) where the local education authority receives a copy of a report about a school the governing body of which have a delegated budget, section 15(2) and (3) (measures by local education authority), and
 - (b) in the case of a school in Wales—
 - (i) section 38(2) (additional copies),
 - (ii) section 38(4) (publication by appropriate authority),
 - (iii) section 39 (action plan by appropriate authority), and
 - (iv) where the local education authority receives a copy of a report about a school the governing body of which have a delegated budget, section 40(2) and (3) (measures by local education authority).]
- (4) In the application of those provisions—
- (a) a reference to a report and summary shall be taken as a reference to a report and, if there is one, its summary, and
 - (b) a reference to a summary alone shall be taken, in a case where there is no summary, as a reference to the report.

Textual Amendments

- F16** Sch. 7 para. 6(1) substituted (1.9.2005 for E. for specified purposes, 1.9.2006 for W.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 5 para. 3\(8\)\(a\)](#); S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1
- F17** Sch. 7 para. 6(2)(b) substituted (1.9.2005 for E. for specified purposes, 1.9.2006 for W.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 5 para. 3\(8\)\(b\)](#); S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1

Status: Point in time view as at 01/04/2006.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 19 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)

F18 Sch. 7 para. 6(3) substituted (1.9.2005 for E. for specified purposes, 1.9.2006 for W.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 5 para. 3\(8\)\(c\)](#); S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1

Commencement Information

I5 Sch. 7 para. 6 wholly in force at 1.4.2002; Sch. 7 para. 6 not in force at Royal Assent see s. 154; Sch. 7 para. 6 in force (E.) for the purpose of authorising the making of Regulations at 1.10.2000 by [S.I. 2000/2559, art. 2\(1\), Sch. Pt. I](#); Sch. 7 para. 6 wholly in force for E. at 1.4.2001 by [S.I. 2001/654, art. 2, Sch. Pt. II](#); Sch. 7 para. 6 in force for W. at 1.4.2002 by [S.I. 2001/2705, art. 2, Sch. Pt. I](#)

[^{F197} (1) Where a person who inspects a school is of the opinion that a school requires significant improvement in relation to its sixth form, the provisions specified in subparagraph (2) shall apply, with the necessary modifications, as they apply where he is of the opinion that special measures are required to be taken in relation to the school.

(2) Those provisions are—

- (a) in the case of a school in England, section 13(1) to (3) of the Education Act 2005 (duty of Chief Inspector to send draft report to governing body or proprietor, to consider their comments and to state opinion in report),
- (b) in the case of a school in Wales, section 34(1) to (6) of that Act (registered inspectors) or, as the case requires, section 35(1) of that Act (members of the Inspectorate).]

Textual Amendments

F19 Sch. 7 para. 7 substituted (1.9.2005 for E. for specified purposes, 1.9.2006 for W.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 5 para. 3\(9\)](#); S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1

Institutions for 16-19 year olds

- 8 Paragraphs 9 to 14 apply to a maintained school (within the meaning given by section 20(7) of the ^{M5}School Standards and Framework Act 1998) which—
- (a) provides full-time education suitable to the requirements of pupils over compulsory school age, and
 - (b) does not provide full-time education suitable to the requirements of pupils of compulsory school age.

Commencement Information

I6 Sch. 7 para. 8 wholly in force at 1.4.2002; Sch. 7 para. 8 not in force at Royal Assent see s. 154; Sch. 7 para. 8 in force (E.) for the purpose of authorising the making of Regulations at 1.10.2000 by [S.I. 2000/2559, art. 2\(1\), Sch. Pt. I](#); Sch. 7 para. 8 wholly in force for E. at 1.4.2001 by [S.I. 2001/654, art. 2, Sch. Pt. II](#); Sch. 7 para. 8 in force for W. at 1.4.2002 by [S.I. 2001/2705, art. 2, Sch. Pt. I](#)

Marginal Citations

M5 1998 c. 31.

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Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 19 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)

Textual Amendments

F20 Sch. 7 para. 9 repealed (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 5 para. 3\(10\), Sch. 19 Pt. 1](#); [S.I. 2005/2034, art. 4](#); [S.I. 2006/1338, art. 3, Sch. 1](#)

- 10 (1) This paragraph applies if in the course of an area inspection under section 65 or 83 the Chief Inspector forms the opinion that—
- (a) special measures are required to be taken in relation to a particular school, or
 - (b) that a particular school [^{F21}requires significant improvement].
- (2) The Chief Inspector shall make a report about the school stating his opinion.
- (3) The report shall be treated for all purposes of this Schedule and the [^{F22}Part 1 of the Education Act 2005] as if it were the report of an inspection of a school under [^{F23}section 5 or 28] of that Act.

Textual Amendments

F21 Words in Sch. 7 para. 10(1)(b) substituted (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 5 para. 3\(11\)\(a\)](#); [S.I. 2005/2034, art. 4](#); [S.I. 2006/1338, art. 3, Sch. 1](#)

F22 Words in Sch. 7 para. 10(3) substituted (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 5 para. 3\(11\)\(b\)\(i\)](#); [S.I. 2005/2034, art. 4](#); [S.I. 2006/1338, art. 3, Sch. 1](#)

F23 Words in Sch. 7 para. 10(3) substituted (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 5 para. 3\(11\)\(b\)\(ii\)](#); [S.I. 2005/2034, art. 4](#); [S.I. 2006/1338, art. 3, Sch. 1](#)

Commencement Information

I7 Sch. 7 para. 10 wholly in force at 1.4.2002; Sch. 7 para. 10 not in force at Royal Assent see s. 154; Sch. 7 para. 10 in force (E.) for the purpose of authorising the making of Regulations at 1.10.2000 by [S.I. 2000/2559, art. 2\(1\), Sch. Pt. I](#); Sch. 7 para. 10 wholly in force for E. at 1.4.2001 by [S.I. 2001/654, art. 2, Sch. Pt. II](#); Sch. 7 para. 10 in force for W. at 1.4.2002 by [S.I. 2001/2705, art. 2, Sch. Pt. I](#)

- 11 [^{F24}(1) Parts 2 and 3 of this Schedule shall apply—
- (a) in relation to a school in England, if a report of an inspection of the school made under Chapter 1 of Part 1 of the Education Act 2005 states—
 - (i) in accordance with subsection (4) of section 13, an opinion that special measures are not required to be taken in relation to the school, and
 - (ii) in accordance with subsection (3)(b) of that section, an opinion that the school requires significant improvement,
 - (b) in relation to a school in Wales, if—
 - (i) a report of an inspection of the school made under Chapter 3 of Part 1 of the Education Act 2005 states in accordance with section 34(7) or 35(5) an opinion that special measures are not required to be taken in relation to the school,
 - (ii) the report also states in accordance with section 34(6) or 35(4) an opinion that the school requires significant improvement, and
 - (iii) where the person making the report is not a member of the Inspectorate, the report also states that the Chief Inspector agrees with his opinion.]

(2) Parts II and III of this Schedule shall also apply in relation to a school if—

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- [^{F25}(a) a report of an inspection under Chapter 1 or 3 of Part 1 of the Education Act 2005 states that special measures are required to be taken in relation to the school or that the school requires significant improvement,]
- (b) the next report of a kind mentioned in paragraph (a) also states an opinion of a kind mentioned in that paragraph, and
- (c) [^{F26}in the case of a school in Wales] each report either results from an inspection by a member of the Inspectorate or states that the Chief Inspector agrees with the opinion mentioned in paragraph (a) or (b).

Textual Amendments

- F24** Sch. 7 para. 11(1) substituted (1.9.2005 for E. for specified purposes, 1.9.2006 for W.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 5 para. 3\(12\)\(a\)](#); S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1
- F25** Sch. 7 para. 11(2)(a) substituted (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 5 para. 3\(12\)\(b\)\(i\)](#); S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1
- F26** Words in Sch. 7 para. 11(2)(c) inserted (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 5 para. 3\(12\)\(b\)\(ii\)](#); S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1

Commencement Information

- I8** Sch. 7 para. 11 wholly in force at 1.4.2002; Sch. 7 para. 11 not in force at Royal Assent see s. 154; Sch. 7 para. 11 in force (E.) for the purpose of authorising the making of Regulations at 1.10.2000 by [S.I. 2000/2559](#), art. 2(1), [Sch. Pt. I](#); Sch. 7 para. 11 wholly in force for E. at 1.4.2001 by [S.I. 2001/654](#), art. 2, [Sch. Pt. II](#); Sch. 7 para. 11 in force for W. at 1.4.2002 by [S.I. 2001/2705](#), art. 2, [Sch. Pt. I](#)

- 12 (1) Parts II and III of this Schedule shall cease to apply in relation to a school if a report of an inspection under [^{F27}Chapter 1 or 3 of Part 1 of the Education Act 2005] or section 65 or 83 of this Act states—
 - (a) that special measures are not required to be taken in relation to the school, or
 - (b) that the school does not [^{F28}require significant improvement].
- (2) Where [^{F29}in the case of a school in Wales,] the person making a report is not a member of the Inspectorate, sub-paragraph (1) shall not apply unless the report states that the Chief Inspector agrees with the conclusion mentioned in that sub-paragraph.
- (3) Sub-paragraph (1) shall not prevent the continued application of Parts II and III of this Schedule in a case where proposals have been published under paragraph 24 or 28.

Textual Amendments

- F27** Words in Sch. 7 para. 12(1) substituted (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 5 para. 3\(13\)\(a\)\(i\)](#); S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1
- F28** Words in Sch. 7 para. 12(1)(b) substituted (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 5 para. 3\(13\)\(a\)\(ii\)](#); S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1
- F29** Words in Sch. 7 para. 12(2) inserted (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 5 para. 3\(13\)\(b\)](#); S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1

Commencement Information

- I9** Sch. 7 para. 12 wholly in force at 1.4.2002; Sch. 7 para. 12 not in force at Royal Assent see s. 154; Sch. 7 para. 12 in force (E.) for the purpose of authorising the making of Regulations at 1.10.2000 by [S.I.](#)

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2000/2559, art. 2, **Sch. Pt. I**; Sch. 7 para. 12 wholly in force for E. at 1.4.2001 by S.I. 2001/654, art. 2, **Sch. Pt. II**; Sch. 7 para. 12 in force for W. at 1.4.2002 by S.I. 2001/2705, art. 2, **Sch. Pt. I**

- 13 ^{F30}(1) This paragraph applies to a report of an inspection under Chapter 1 or 3 of Part 1 of the Education Act 2005 which—
- (a) states an opinion that a school requires significant improvement, and
 - (b) in the case of a school in Wales, is made by a member of the Inspectorate or states that the Chief Inspector agrees with the opinion mentioned in paragraph (a).]
- (2) The person making a report to which this paragraph applies shall send a copy (together with a copy of the summary, if there is one)—
- (a) to the Secretary of State or, in the case of a school in Wales, the National Assembly for Wales, and
 - ^{F31}(b) if either—
 - (i) the school is in England, or
 - (ii) the school is in Wales and the person making the report is a member of the Inspectorate,
- to the appropriate authority for the school.]
- ^{F32}(3) The following provisions of the Education Act 2005 shall apply (with the necessary modifications) in relation to a report to which this paragraph applies—
- (a) in the case of a school in England—
 - (i) section 14(2) (additional copies),
 - (ii) section 14(4) (publication by appropriate authority), and
 - (iii) where the local education authority receives a copy of a report about a school the governing body of which have a delegated budget, section 15(2) and (3) (measures by local education authority), and
 - (b) in the case of a school in Wales—
 - (i) section 38(2) (additional copies),
 - (ii) section 38(4) (publication by appropriate authority),
 - (iii) section 39 (action plan by appropriate authority), and
 - (iv) where the local education authority receives a copy of a report about a school the governing body of which have a delegated budget, section 40(2) and (3) (measures by local education authority).]
- (4) In the application of those provisions—
- (a) a reference to a report and summary shall be taken as a reference to a report and, if there is one, its summary, and
 - (b) a reference to a summary alone shall be taken, in a case where there is no summary, as a reference to the report.

Textual Amendments

- F30** Sch. 7 para. 13(1) substituted (1.9.2005 for E. for specified purposes, 1.9.2006 for W.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 5 para. 3\(14\)\(a\)](#); S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1
- F31** Sch. 7 para. 13(2)(b) substituted (1.9.2005 for E. for specified purposes, 1.9.2006 for W.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 5 para. 3\(14\)\(b\)](#); S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1
- F32** Sch. 7 para. 13(3) substituted (1.9.2005 for E. for specified purposes, 1.9.2006 for W.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 5 para. 3\(14\)\(c\)](#); S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1

Status: Point in time view as at 01/04/2006.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 19 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)

Commencement Information

- I10** Sch. 7 para. 13 wholly in force at 1.4.2002; Sch. 7 para. 13 not in force at Royal Assent see s. 154; Sch. 7 para. 13 in force (E.) for the purpose of authorising the making of Regulations at 1.10.2000 by [S.I. 2000/2559, art. 2\(1\), Sch. Pt. I](#); Sch. 7 para. 13 wholly in force for E. at 1.4.2001 by [S.I. 2001/654, art. 2, Sch. Pt. II](#); Sch. 7 para. 13 in force for W. at 1.4.2002 by [S.I. 2001/2705, art. 2, Sch. Pt. I](#); [S.I. 2006/1338, art. 3, Sch. 1](#)

^{F33}14

Textual Amendments

- F33** Sch. 7 para. 14 repealed (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 5 para. 3\(15\), Sch. 19 Pt. 1](#); [S.I. 2005/2034, art. 4](#); [S.I. 2006/1338, art. 3, Sch. 1](#)

PART II

PUBLICATION OF PROPOSALS

Closure of sixth form: England

- 15 Paragraphs 16 and 17 apply to a school which is maintained by a local education authority in England and which—
- (a) provides full-time education suitable to the requirements of pupils who are over compulsory school age, and
 - (b) provides full-time education suitable to the requirements of pupils of compulsory school age.

Commencement Information

- I11** Sch. 7 para. 15 wholly in force at 1.4.2002; Sch. 7 para. 15 not in force at Royal Assent see s. 154; Sch. 7 para. 15 in force (E.) for the purpose of authorising the making of Regulations at 1.10.2000 by [S.I. 2000/2559, art. 2\(1\), Sch. Pt. I](#); Sch. 7 para. 15 wholly in force for E. at 1.4.2001 by [S.I. 2001/654, art. 2, Sch. Pt. II](#); Sch. 7 para. 15 in force for W. at 1.4.2002 by [S.I. 2001/2705, art. 2, Sch. Pt. I](#)

- 16 (1) The Learning and Skills Council for England may publish proposals for an alteration of the school as a result of which it will no longer provide education suitable to the requirements of pupils who are over compulsory school age.
- (2) The proposals shall contain such information and be published in such manner as may be prescribed.
- (3) Before publishing proposals the Council shall, having regard to any guidance issued by the Secretary of State, consult such persons as they consider appropriate.

Commencement Information

- I12** Sch. 7 para. 16 wholly in force at 1.4.2002; Sch. 7 para. 16 not in force at Royal Assent see s. 154; Sch. 7 para. 16 in force (E.) for the purpose of authorising the making of Regulations at 1.10.2000 by [S.I.](#)

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2000/2559, art. 2, **Sch. Pt. I**; Sch. 7 para. 15 wholly in force for E. at 1.4.2001 by S.I. 2001/654, art. 2, **Sch. Pt. II**; Sch. 7 para. 15 in force for W. at 1.4.2002 by S.I. 2001/2705, art. 2, **Sch. Pt. I**

- 17 (1) The Council shall send—
- (a) a copy of the published proposals, and
 - (b) such other information as may be prescribed,
- to the school organisation committee for the area of the local education authority who maintain the school.
- (2) In the case of a community or foundation special school, the Council shall also send the ^{F34}copy mentioned in sub-paragraph (1)(a)] to such other persons as may be prescribed.

Textual Amendments

F34 Words in Sch. 7 para. 17(2) substituted (1.4.2003 for E.) by [Education Act 2002 \(c. 32\), s. 216\(4\), Sch. 21 para. 126\(2\)](#) (with [ss. 210\(8\), 214\(4\)](#)); S.I. 2003/124, art. 4

Modifications etc. (not altering text)

C2 Sch. 7 para. 17 applied (with modifications) (1.4.2003) by [The School Organisation Proposals by the Learning and Skills Council for England Regulations 2003 \(S.I. 2003/507\), regs. 1, 27, Sch. 5 para. 2](#)

Commencement Information

I13 Sch. 7 para. 17 wholly in force at 1.4.2002; Sch. 7 para. 17 not in force at Royal Assent see s. 154; Sch. 7 para. 17 in force (E.) for the purpose of authorising the making of Regulations at 1.10.2000 by S.I. 2000/2559, art. 2(1), **Sch. Pt. I**; Sch. 7 para. 17 wholly in force for E. at 1.4.2001 by S.I. 2001/654, art. 2, **Sch. Pt. II**; Sch. 7 para. 17 in force for W. at 1.4.2002 by S.I. 2001/2705, art. 2, **Sch. Pt. I**

- 18 In paragraphs 16 and 17 “prescribed” means prescribed by regulations made by the Secretary of State.

Commencement Information

I14 Sch. 7 para. 18 wholly in force at 1.4.2002; Sch. 7 para. 18 not in force at Royal Assent see s. 154; Sch. 7 para. 18 in force (E.) for the purpose of authorising the making of Regulations at 1.10.2000 by S.I. 2000/2559, art. 2(1), **Sch. Pt. I**; Sch. 7 para. 18 wholly in force for E. at 1.4.2001 by S.I. 2001/654, art. 2, **Sch. Pt. II**; Sch. 7 para. 18 in force for W. at 1.4.2002 by S.I. 2001/2705, art. 2, **Sch. Pt. I**

Closure of sixth form: Wales

- 19 Paragraphs 20 and 21 apply to a school which is maintained by a local education authority in Wales and which—
- (a) provides full-time education suitable to the requirements of pupils who are over compulsory school age, and
 - (b) provides full-time education suitable to the requirements of pupils of compulsory school age.

Status: Point in time view as at 01/04/2006.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 19 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)

Commencement Information

I15 Sch. 7 para. 19 wholly in force at 1.4.2002; Sch. 7 para. 19 not in force at Royal Assent see s. 154; Sch. 7 para. 19 in force (E.) for the purpose of authorising the making of Regulations at 1.10.2000 by [S.I. 2000/2559, art. 2\(1\), Sch. Pt. I](#); Sch. 7 para. 19 wholly in force for E. at 1.4.2001 by [S.I. 2001/654, art. 2, Sch. Pt. II](#); Sch. 7 para. 19 in force for W. at 1.4.2002 by [S.I. 2001/2705, art. 2, Sch. Pt. I](#)

- 20 (1) The [^{F35}National Assembly for Wales] may publish proposals for an alteration of the school as a result of which it will no longer provide education suitable to the requirements of pupils who are over compulsory school age.
- (2) The proposals shall contain such information and be published in such manner as may be prescribed.
- (3) Before publishing proposals the [^{F36}National Assembly for Wales] shall ^{F37}... consult such persons as they consider appropriate.

Textual Amendments

- F35** Words in Sch. 7 para. 20(1) 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. 82\(2\)\(a\)](#) (with art. 7)
- F36** Words in Sch. 7 para. 20(3) 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. 82\(2\)\(b\)\(i\)](#) (with art. 7)
- F37** Words in Sch. 7 para. 20(3) 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. 82\(2\)\(b\)\(ii\)](#) (with art. 7)

Commencement Information

I16 Sch. 7 para. 20 wholly in force at 1.4.2002; Sch. 7 para. 20 not in force at Royal Assent see s. 154; Sch. 7 para. 20 in force (E.) for the purpose of authorising the making of Regulations at 1.10.2000 by [S.I. 2000/2559, art. 2\(1\), Sch. Pt. I](#); Sch. 7 para. 20 wholly in force for E. at 1.4.2001 by [S.I. 2001/654, art. 2, Sch. Pt. II](#); Sch. 7 para. 20 in force for W. at 1.4.2002 by [S.I. 2001/2705, art. 2, Sch. Pt. I](#)

21 ^{F38}(1)

[^{F39}(2) In the case of a community or foundation special school, the National Assembly for Wales shall send a copy of the published proposals to such persons as may be prescribed.]

Textual Amendments

- F38** Sch. 7 para. 21(1) 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. 82\(3\)\(a\)](#) (with art. 7)
- F39** Sch. 7 para. 21(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. 82\(3\)\(b\)](#) (with art. 7)

Status: Point in time view as at 01/04/2006.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 19 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)

Commencement Information

I17 Sch. 7 para. 21 wholly in force at 1.4.2002; Sch. 7 para. 21 not in force at Royal Assent see s. 154; Sch. 7 para. 21 in force (E.) for the purpose of authorising the making of Regulations at 1.10.2000 by [S.I. 2000/2559, art. 2\(1\), Sch. Pt. I](#); Sch. 7 para. 21 wholly in force for E. at 1.4.2001 by [S.I. 2001/654, art. 2, Sch. Pt. II](#); Sch. 7 para. 21 in force for W. at 1.4.2002 by [S.I. 2001/2705, art. 2, Sch. Pt. I](#)

- 22 In paragraphs 20 and 21 “prescribed” means prescribed by regulations made by the National Assembly for Wales.

Commencement Information

I18 Sch. 7 para. 22 wholly in force at 1.4.2002; Sch. 7 para. 22 not in force at Royal Assent see s. 154; Sch. 7 para. 22 in force (E.) for the purpose of authorising the making of Regulations at 1.10.2000 by [S.I. 2000/2559, art. 2\(1\), Sch. Pt. I](#); Sch. 7 para. 22 wholly in force for E. at 1.4.2001 by [S.I. 2001/654, art. 2, Sch. Pt. II](#); Sch. 7 para. 22 in force for W. at 1.4.2002 by [S.I. 2001/2705, art. 2, Sch. Pt. I](#)

Closure of institution for 16-19 year olds: England

- 23 Paragraphs 24 and 25 apply to a school which—
- (a) is maintained by a local education authority in England,
 - (b) provides full-time education suitable to the requirements of pupils over compulsory school age, and
 - (c) does not provide full-time education suitable to the requirements of pupils of compulsory school age.

Commencement Information

I19 Sch. 7 para. 23 wholly in force at 1.4.2002; Sch. 7 para. 23 not in force at Royal Assent see s. 154; Sch. 7 para. 23 in force (E.) for the purpose of authorising the making of Regulations at 1.10.2000 by [S.I. 2000/2559, art. 2\(1\), Sch. Pt. I](#); Sch. 7 para. 23 wholly in force for E. at 1.4.2001 by [S.I. 2001/654, art. 2, Sch. Pt. II](#); Sch. 7 para. 23 in force for W. at 1.4.2002 by [S.I. 2001/2705, art. 2, Sch. Pt. I](#)

- 24 (1) The Learning and Skills Council for England may publish proposals to discontinue the school.
- (2) The proposals shall contain such information and be published in such manner as may be prescribed.
- (3) Before publishing proposals the Council shall, having regard to any guidance issued by the Secretary of State, consult such persons as they consider appropriate.

Commencement Information

I20 Sch. 7 para. 24 wholly in force at 1.4.2002; Sch. 7 para. 24 not in force at Royal Assent see s. 154; Sch. 7 para. 24 in force (E.) for the purpose of authorising the making of Regulations at 1.10.2000 by [S.I. 2000/2559, art. 2\(1\), Sch. Pt. I](#); Sch. 7 para. 24 wholly in force for E. at 1.4.2001 by [S.I. 2001/654, art. 2, Sch. Pt. II](#); Sch. 7 para. 24 in force for W. at 1.4.2002 by [S.I. 2001/2705, art. 2, Sch. Pt. I](#)

- 25 (1) The Council shall send—
- (a) a copy of the published proposals, and

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- (b) such other information as may be prescribed,
to the school organisation committee for the area of the local education authority who maintain the school.
- (2) In the case of a community or foundation special school, the Council shall also send the ^{F40}copy mentioned in sub-paragraph (1)(a)] to such other persons as may be prescribed.

Textual Amendments

F40 Words in Sch. 7 para. 25(2) substituted (1.4.2003 for E.) by [Education Act 2002 \(c. 32\), s. 216\(4\), Sch. 21 para. 126\(2\)](#) (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2003/124, art. 4](#)

Modifications etc. (not altering text)

C3 Sch. 7 para. 25 applied (with modifications) (1.4.2003) by [The School Organisation Proposals by the Learning and Skills Council for England Regulations 2003 \(S.I. 2003/507\)](#), regs. 1, 27, [Sch. 5 para. 2](#)

Commencement Information

I21 Sch. 7 para. 25 wholly in force at 1.4.2002; Sch. 7 para. 25 not in force at Royal Assent see s. 154; Sch. 7 para. 25 in force (E.) for the purpose of authorising the making of Regulations at 1.10.2000 by [S.I. 2000/2559, art. 2\(1\), Sch. Pt. I](#); Sch. 7 para. 25 wholly in force for E. at 1.4.2001 by [S.I. 2001/654, art. 2, Sch. Pt. II](#); Sch. 7 para. 25 in force for W. at 1.4.2002 by [S.I. 2001/2705, art. 2, Sch. Pt. I](#)

- 26 In paragraphs 24 and 25 “prescribed” means prescribed by regulations made by the Secretary of State.

Commencement Information

I22 Sch. 7 para. 26 wholly in force at 1.4.2002; Sch. 7 para. 26 not in force at Royal Assent see s. 154; Sch. 7 para. 26 in force (E.) for the purpose of authorising the making of Regulations at 1.10.2000 by [S.I. 2000/2559, art. 2\(1\), Sch. Pt. I](#); Sch. 7 para. 26 wholly in force for E. at 1.4.2001 by [S.I. 2001/654, art. 2, Sch. Pt. II](#); Sch. 7 para. 26 in force for W. at 1.4.2002 by [S.I. 2001/2705, art. 2, Sch. Pt. I](#)

Closure of institution for 16-19 year olds: Wales

- 27 Paragraphs 28 and 29 apply to a school which—
- (a) is maintained by a local education authority in Wales,
 - (b) provides full-time education suitable to the requirements of pupils over compulsory school age, and
 - (c) does not provide full-time education suitable to the requirements of pupils of compulsory school age.

Commencement Information

I23 Sch. 7 para. 27 wholly in force at 1.4.2002; Sch. 7 para. 27 not in force at Royal Assent see s. 154; Sch. 7 para. 27 in force (E.) for the purpose of authorising the making of Regulations at 1.10.2000 by [S.I. 2000/2559, art. 2\(1\), Sch. Pt. I](#); Sch. 7 para. 27 wholly in force for E. at 1.4.2001 by [S.I. 2001/654, art. 2, Sch. Pt. II](#); Sch. 7 para. 27 in force for W. at 1.4.2002 by [S.I. 2001/2705, art. 2, Sch. Pt. I](#)

Status: Point in time view as at 01/04/2006.

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- 28 (1) The [^{F41}National Assembly for Wales] may publish proposals to discontinue the school.
- (2) The proposals shall contain such information and be published in such manner as may be prescribed.
- (3) Before publishing proposals the [^{F42}National Assembly for Wales] shall ^{F43}... consult such persons as they consider appropriate.

Textual Amendments

- F41** Words in Sch. 7 para. 28(1) 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. 82(4)(a)** (with art. 7)
- F42** Words in Sch. 7 para. 28(3) 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. 82(4)(b)(i)** (with art. 7)
- F43** Words in Sch. 7 para. 28(3) 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. 82(4)(b)(ii)** (with art. 7)

Commencement Information

- I24** Sch. 7 para. 28 wholly in force at 1.4.2002; Sch. 7 para. 28 not in force at Royal Assent see s. 154; Sch. 7 para. 28 in force (E.) for the purpose of authorising the making of Regulations at 1.10.2000 by [S.I. 2000/2559](#), art. 2(1), **Sch. Pt. I**; Sch. 7 para. 28 wholly in force for E. at 1.4.2001 by [S.I. 2001/654](#), art. 2, **Sch. Pt. II**; Sch. 7 para. 28 in force for W. at 1.4.2002 by [S.I. 2001/2705](#), art. 2, **Sch. Pt. I**

29 ^{F44}(1)

[^{F45}(2) In the case of a community or foundation special school, the National Assembly for Wales shall send a copy of the published proposals to such persons as may be prescribed.]

Textual Amendments

- F44** Sch. 7 para. 29(1) 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. 82(5)(a)** (with art. 7)
- F45** Sch. 7 para. 29(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. 82(5)(b)** (with art. 7)

Commencement Information

- I25** Sch. 7 para. 29 wholly in force at 1.4.2002; Sch. 7 para. 29 not in force at Royal Assent see s. 154; Sch. 7 para. 29 in force (E.) for the purpose of authorising the making of Regulations at 1.10.2000 by [S.I. 2000/2559](#), art. 2, **Sch. Pt. I**; Sch. 7 para. 29 wholly in force for E. at 1.4.2001 by [S.I. 2001/654](#), art. 2, **Sch. Pt. II**; Sch. 7 para. 29 in force for W. at 1.4.2002 by [S.I. 2001/2705](#), art. 2, **Sch. Pt. I**

30 In paragraphs 28 and 29 “prescribed” means prescribed by regulations made by the National Assembly for Wales.

Status: Point in time view as at 01/04/2006.

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Commencement Information

I26 Sch. 7 para. 30 wholly in force at 1.4.2002; Sch. 7 para. 30 not in force at Royal Assent see s. 154; Sch. 7 para. 30 in force (E.) for the purpose of authorising the making of Regulations at 1.10.2000 by [S.I. 2000/2559, art. 2\(1\), Sch. Pt. I](#); Sch. 7 para. 30 wholly in force for E. at 1.4.2001 by [S.I. 2001/654, art. 2, Sch. Pt. II](#); Sch. 7 para. 30 in force for W. at 1.4.2002 by [S.I. 2001/2705, art. 2, Sch. Pt. I](#)

Schools maintained by LEA outside its area

- 31 (1) This paragraph applies to a school which—
- (a) is a community, voluntary or foundation school, and
 - (b) is situated in an area other than that of the local education authority who maintain it.
- (2) This Part of this Schedule shall have effect in relation to a school to which this paragraph applies with such modifications as may be prescribed—
- (a) for schools in England, by regulations made by the Secretary of State, and
 - (b) for schools in Wales, by regulations made by the National Assembly for Wales.

Commencement Information

I27 Sch. 7 para. 31 wholly in force at 1.4.2002; Sch. 7 para. 31 not in force at Royal Assent see s. 154; Sch. 7 para. 31 in force (E.) for the purpose of authorising the making of Regulations at 1.10.2000 by [S.I. 2000/2559, art. 2\(1\), Sch. Pt. I](#); Sch. 7 para. 31 wholly in force for E. at 1.4.2001 by [S.I. 2001/654, art. 2, Sch. Pt. II](#); Sch. 7 para. 31 in force for W. at 1.4.2002 by [S.I. 2001/2705, art. 2, Sch. Pt. I](#)

PART III

IMPLEMENTATION OF PROPOSALS

England

- 32 (1) Paragraphs 33 to 38 apply to schools [^{F46}maintained by a local education authority] in England in respect of which proposals are published under this Schedule.
- (2) In those paragraphs—
- “adjudicator” means a person appointed under section 25 of the ^{M6}School Standards and Framework Act 1998 (and that section and Schedule 5 to that Act shall have effect in relation to references to “the adjudicator”),
- “the Council” means the Learning and Skills Council for England,
- “prescribed” means prescribed by or determined in accordance with regulations,
- “regulations” means regulations made by the Secretary of State, and
- “the school organisation committee” means, in relation to a school, the school organisation committee for the area of the local education authority who maintain the school.

Status: Point in time view as at 01/04/2006.

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(3) Regulations prescribing the period mentioned in paragraph 35(6) or 37(1) may make provision by reference to the opinion of the committee.

Textual Amendments

F46 Words in Sch. 7 para. 32(1) inserted (1.4.2003 for E., 2.1.2008 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 21 para. 126\(3\)](#) (with [ss. 210\(8\)](#), [214\(4\)](#)); [S.I. 2003/124](#), art. 4; [S.I. 2007/3611](#), art. 4(1), Sch. Pt. 1

Commencement Information

I28 Sch. 7 para. 32 wholly in force at 1.4.2002; Sch. 7 para. 32 not in force at Royal Assent see s. 154; Sch. 7 para. 32 in force (E.) for the purpose of authorising the making of Regulations at 1.10.2000 by [S.I. 2000/2559](#), art. 2(1), [Sch. Pt. I](#); Sch. 7 para. 32 wholly in force for E. at 1.4.2001 by [S.I. 2001/654](#), art. 2 [Sch. Pt. II](#); Sch. 7 para. 32 in force for W. at 1.4.2002 by [S.I. 2001/2705](#), art. 2, [Sch. Pt. I](#)

Marginal Citations

M6 1998 c. 31.

33 Regulations may require any of the following to provide prescribed information to prescribed persons at prescribed times—

- (a) the Council,
- (b) a school organisation committee, and
- (c) an adjudicator.

Commencement Information

I29 Sch. 7 para. 33 wholly in force at 1.4.2002; Sch. 7 para. 33 not in force at Royal Assent see s. 154; Sch. 7 para. 33 in force (E.) for the purpose of authorising the making of Regulations at 1.10.2000 by [S.I. 2000/2559](#), art. 2(1), [Sch. Pt. I](#); Sch. 7 para. 33 wholly in force for E. at 1.4.2001 by [S.I. 2001/654](#), art. 2, [Sch. Pt. II](#); Sch. 7 para. 33 in force for W. at 1.4.2002 by [S.I. 2001/2705](#), art. 2, [Sch. Pt. I](#)

34 Any person may send objections to [^{F47}, or comments on,] the proposals to the school organisation committee within such period as may be prescribed.

Textual Amendments

F47 Words in Sch. 7 para. 34 inserted (1.4.2003 for E., 2.1.2008 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 10 para. 12](#) (with [ss. 210\(8\)](#), [214\(4\)](#)); [S.I. 2003/124](#), art. 4; [S.I. 2007/3611](#), art. 4(1), Sch. Pt. 1

Commencement Information

I30 Sch. 7 para. 34 wholly in force at 1.4.2002; Sch. 7 para. 34 not in force at Royal Assent see s. 154; Sch. 7 para. 34 in force (E.) for the purpose of authorising the making of Regulations at 1.10.2000 by [S.I. 2000/2559](#), art. 2(1), [Sch. Pt. I](#); Sch. 7 para. 34 wholly in force for E. at 1.4.2001 by [S.I. 2001/654](#), art. 2, [Sch. Pt. II](#); Sch. 7 para. 34 in force for W. at 1.4.2002 by [S.I. 2001/2705](#), art. 2, [Sch. Pt. I](#)

35 (1) The school organisation committee shall consider the proposals and—

- (a) reject them,
- (b) approve them without modification, or
- (c) approve them subject to modifications [^{F48}or]

Status: Point in time view as at 01/04/2006.

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- [^{F48}(d) if the committee think it appropriate to do so, and subject to regulations, refer them to the adjudicator.]
- (2) In considering proposals a school organisation committee shall have regard to—
- (a) any guidance issued by the Secretary of State,
 - ^{F49}(b)
 - (c) any objections [^{F50}or comments] made in accordance with paragraph 34 and not withdrawn.
- (3) Before approving proposals subject to modifications a school organisation committee shall consult such persons as may be prescribed.
- (4) An approval under sub-paragraph (1)(b) or (c) may be subject to the occurrence by a specified time of a specified event which is of a prescribed kind; and if the event does not occur by the specified time, the proposals shall [^{F51}fall to be considered afresh under sub-paragraph (1)].
- (5) A committee shall refer proposals to the adjudicator if—
- (a) the committee votes on a decision in relation to the proposals,
 - (b) the decision is required to be unanimous by regulations under paragraph 5 of Schedule 4 to the ^{M7}School Standards and Framework Act 1998 (school organisation committees), and
 - (c) the result of the vote is not unanimous.
- (6) A committee shall also refer proposals to the adjudicator if—
- (a) by the end of the prescribed period the committee has not determined what action to take in relation to the proposals, and
 - (b) the Council requests that the proposals be referred to the adjudicator.
- (7) Where proposals are referred to the adjudicator—
- (a) he shall consider them afresh, and
 - (b) for that purpose, [^{F52}sub-paragraphs (1)(a) to (c) and (2) to (4)] shall apply to him as they apply to the committee.
- (8) The Council may withdraw proposals by notice in writing to the school organisation committee at any time before a determination has been made by the committee or the adjudicator.

Textual Amendments

- F48** Sch. 7 para. 35(1)(d) and word "or" inserted (1.4.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 10 para. 13\(2\)](#) (with [ss. 210\(8\)](#), [214\(4\)](#)); S.I. 2003/124, art. 4
- F49** Sch. 7 para. 35(2)(b) repealed (1.3.2005 for E., 1.9.2006 for W.) by [Children Act 2004 \(c. 31\)](#), [Sch. 5 Pt. 1](#); S.I. 2005/394, art. 2(1)(l); S.I. 2006/885, art. 3(b)
- F50** Words in Sch. 7 para. 35(2)(c) inserted (1.4.2003 for E., 2.1.2008 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 10 para. 13\(3\)](#) (with [ss. 210\(8\)](#), [214\(4\)](#)); S.I. 2003/124, art. 4S.I. 2007/3611, art. 4(1), Sch. Pt. 1
- F51** Words in Sch. 7 para. 35(4) substituted (1.4.2003 for E., 2.1.2008 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 10 para. 13\(4\)](#) (with [ss. 210\(8\)](#), [214\(4\)](#)); S.I. 2003/124, art. 4S.I. 2007/3611, art. 4(1), Sch. Pt. 1

Status: Point in time view as at 01/04/2006.

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F52 Words in Sch. 7 para. 35(7) substituted (1.4.2003 for E., 2.1.2008 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 10 para. 13\(5\)](#) (with ss. 210(8), 214(4)); [S.I. 2003/124](#), art. 4S.I. 2007/3611, art. 4(1), Sch. Pt. 1

Modifications etc. (not altering text)

C4 Sch. 7 para. 35 applied (with modifications) (1.4.2003) by [The School Organisation Proposals by the Learning and Skills Council for England Regulations 2003 \(S.I. 2003/507\)](#), regs. 1, 27, [Sch. 5 para. 3](#)

Commencement Information

I31 Sch. 7 para. 35 wholly in force at 1.4.2002; Sch. 7 para. 35 not in force at Royal Assent see s. 154; Sch. 7 para. 35 in force (E.) for the purpose of authorising the making of Regulations at 1.10.2000 by [S.I. 2000/2559](#), art. 2(1), [Sch. Pt. I](#); Sch. 7 para. 35 wholly in force for E. at 1.4.2001 by [S.I. 2001/654](#), art. 2, [Sch. Pt. II](#); Sch. 7 para. 35 in force for W. at 1.4.2002 by [S.I. 2001/2705](#), art. 2, [Sch. Pt. I](#)

Marginal Citations

M7 1998 c. 31.

- 36 (1) Where proposals are approved under paragraph 35 they shall be implemented.
- (2) But the school organisation committee—
- (a) may modify the proposals, after consulting such persons as may be prescribed;
 - (b) where the proposals were approved subject to the occurrence of a specified event by a specified time, may (before the arrival of the specified time) substitute a later time;
 - (c) may determine that the proposals shall not be implemented if implementation would be unreasonably difficult or if it would be inappropriate because of changes in circumstances since the proposals were approved.
- (3) A school organisation committee may act under sub-paragraph (2)(a) or (b) only in response to a request by the Council.
- (4) A determination may be made under sub-paragraph (2)(c) only in response to a proposal of the Council which is published and dealt with in accordance with regulations (which may, in particular, apply any provision of this Schedule with or without modification); and where a determination is made under sub-paragraph (2)(c) in relation to proposals they shall be treated as rejected.

Commencement Information

I32 Sch. 7 para. 36 wholly in force at 1.4.2002; Sch. 7 para. 36 not in force at Royal Assent see s. 154; Sch. 7 para. 36 in force (E.) for the purpose of authorising the making of Regulations at 1.10.2000 by [S.I. 2000/2559](#), art. 2(1), [Sch. Pt. I](#); Sch. 7 para. 36 wholly in force for E. at 1.4.2001 by [S.I. 2001/654](#), art. 2, [Sch. Pt. II](#); Sch. 7 para. 36 in force for W. at 1.4.2002 by [S.I. 2001/2705](#), art. 2, [Sch. Pt. I](#)

- 37 (1) If a school organisation committee has not, by the end of the prescribed period, determined whether to take any action under paragraph 36(2), the committee shall, if the Council requests, refer the question to the adjudicator.
- (2) A committee shall also refer to the adjudicator the question mentioned in sub-paragraph (1) if—
- (a) the committee votes on the question,

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- (b) the decision is required to be unanimous by regulations under paragraph 5 of Schedule 4 to the ^{M8}School Standards and Framework Act 1998 (school organisation committees), and
- (c) the result of the vote is not unanimous.

[^{F53}(2A) A committee may, where they think it appropriate to do so and subject to regulations, refer to the adjudicator the question mentioned in sub-paragraph (1).]

- (3) Where a question is referred to the adjudicator—
 - (a) he shall consider the matter afresh, and
 - (b) for that purpose, paragraph 36 shall apply to him as it applies to the committee.

Textual Amendments

F53 Sch. 7 para. 37(2A) inserted (1.4.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 10 para. 14** (with ss. 210(8), 214(4)); [S.I. 2003/124](#), art. 4

Commencement Information

I33 Sch. 7 para 37 wholly in force at 1.4.2002; Sch. 7 para. 37 not in force at Royal Assent see s. 154; Sch. 7 para. 37 in force (E.) for the purpose of authorising the making of Regulations at 1.10.2000 by [S.I. 2000/2559](#), art. 2(1), **Sch. Pt. I**; Sch. 7 para. 37 wholly in force for E. at 1.4.2001 by [S.I. 2001/654](#), art. 2, **Sch. Pt. II**; Sch. 7 para. 37 in force for W. at 1.4.2002 by [S.I. 2001/2705](#), art. 2, **Sch. Pt. I**

Marginal Citations

M8 1998 c. 31.

- 38 (1) The duty to implement proposals to alter a school—
 - (a) in the case of a community or community special school, shall be a duty of the local education authority, and
 - (b) in the case of a voluntary, foundation or foundation special school, shall be a duty of the governing body.
- (2) The duty to implement proposals to discontinue a school—
 - (a) in the case of a community or community special school, shall be a duty of the local education authority, and
 - (b) in the case of a voluntary, foundation or foundation special school, shall be a shared duty of the governing body and the local education authority.
- (3) For the purpose of sub-paragraph (2)(a) or (b), a local education authority's duty to discontinue a school is a duty to cease maintaining it.

Commencement Information

I34 Sch. 7 para. 38 wholly in force at 1.4.2002; Sch. 7 para. 38 not in force at Royal Assent see s. 154; Sch. 7 para. 38 in force (E.) for the purpose of authorising the making of Regulations at 1.10.2000 by [S.I. 2000/2559](#), art. 2, **Sch. Pt. I**; Sch. 7 para. 38 wholly in force for E. at 1.4.2001 by [S.I. 2001/654](#), art. 2, **Sch. Pt. II**; Sch. 7 para. 38 in force for W. at 1.4.2002 by [S.I. 2001/2705](#), art. 2, **Sch. Pt. I**

Status: Point in time view as at 01/04/2006.

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Wales

39 (1) Paragraphs 40 to 44 apply to schools [^{F54}maintained by a local education authority] in Wales in respect of which proposals are published under this Schedule.

(2) In those paragraphs—

“the National Assembly” means the National Assembly for Wales,

^{F55}
...

“prescribed” means prescribed by or determined in accordance with regulations, and

“regulations” means regulations made by the National Assembly.

Textual Amendments

F54 Words in Sch. 7 para. 39(1) inserted (19.12.2002 for W., 1.4.2003 for E.) by [Education Act 2002 \(c. 32\)](#), ss. 215(1), 216, [Sch. 21 para. 126\(3\)](#) (with ss. 210(8), 214(4)); S.I. 2002/3185, [art. 4](#), Sch. Pt. 1; S.I. 2003/124, [art. 4](#)

F55 Words in Sch. 7 para. 39(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. 82\(6\)](#) (with [art. 7](#))

Commencement Information

I35 Sch. 7 para. 39 wholly in force at 1.4.2002; Sch. 7 para. 39 not in force at Royal Assent see s. 154; Sch. 7 para. 39 in force (E.) for the purpose of authorising the making of Regulations at 1.10.2000 by S.I. 2000/2559, [art. 2\(1\)](#), [Sch. Pt. I](#); Sch. 7 para. 39 wholly in force for E. at 1.4.2001 by S.I. 2001/654, [art. 2](#), [Sch. Pt. II](#); Sch. 7 para. 39 in force for W. at 1.4.2002 by S.I. 2001/2705, [art. 2](#), [Sch. Pt. I](#)

40 Regulations may require [^{F56}the National Assembly] to provide prescribed information to prescribed persons at prescribed times—

^{F57}(a)

^{F57}(b)

Textual Amendments

F56 Words in Sch. 7 para. 40 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. 82\(7\)\(a\)](#) (with [art. 7](#))

F57 Sch. 7 para. 40(a)(b) 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. 82\(7\)\(b\)](#) (with [art. 7](#))

Commencement Information

I36 Sch. 7 para. 40 wholly in force at 1.4.2002; Sch. 7 para. 40 not in force at Royal Assent see s. 154; Sch. 7 para. 40 in force (E.) for the purpose of authorising the making of Regulations at 1.10.2000 by S.I. 2000/2559, [art. 29\(1\)](#), [Sch. Pt. I](#); Sch. 7 para. 40 wholly in force for E. at 1.4.2001 by S.I. 2001/654, [art. 2](#), [Sch. Pt. II](#); Sch. 7 para. 40 in force for W. at 1.4.2002 by S.I. 2001/2705, [art. 2](#), [Sch. Pt. I](#)

41 Any person may send objections to the proposals to the National Assembly within such period as may be prescribed.

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Commencement Information

I37 Sch. 7 para. 41 wholly in force at 1.4.2002; Sch. 7 para. 41 not in force at Royal Assent see s. 154; Sch. 7 para. 41 in force (E.) for the purpose of authorising the making of Regulations at 1.10.2000 by [S.I. 2000/2559, art. 2\(1\), Sch. Pt. I](#); Sch. 7 para. 41 wholly in force for E. at 1.4.2001 by [S.I. 2001/654, art. 2, Sch. Pt. II](#); Sch. 7 para. 41 in force for W. at 1.4.2002 by [S.I. 2001/2705, art. 2, Sch. Pt. I](#)

- 42 ^{F58}(1) After the expiry of the period mentioned in paragraph 41, the National Assembly shall determine whether to—
- (a) withdraw the proposals;
 - (b) confirm them without modification; or
 - (c) confirm them subject to modifications.
- (2) In making a determination under sub-paragraph (1), the National Assembly shall have regard to any objections made in accordance with paragraph 41 and not withdrawn.]
- (3) Before ^{F59}confirming] proposals subject to modifications the National Assembly shall consult such persons as they consider appropriate.
- (4) ^{F60}A confirmation] under sub-paragraph (1)(b) or (c) may be subject to the occurrence by a specified time of a specified event which is of a prescribed kind; and if the event does not occur by the specified time, ^{F61}the National Assembly shall reconsider its determination][^{F62}under sub-paragraph (1)].
- ^{F63}(5) The National Assembly may withdraw its proposals at any time before a determination is made under this paragraph.]

Textual Amendments

- F58** Sch. 7 para. 42(1)(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. 82\(8\)\(a\)](#) (with art. 7)
- F59** Word in Sch. 7 para. 42(3) 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. 82\(8\)\(b\)](#) (with art. 7)
- F60** Words in Sch. 7 para. 42(4) 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. 82\(8\)\(c\)\(i\)](#) (with art. 7)
- F61** Words in Sch. 7 para. 42(4) 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. 82\(8\)\(c\)\(ii\)](#) (with art. 7)
- F62** Words in Sch. 7 para. 42(4) substituted (19.12.2002 for W., 1.4.2003 for E.) by [Education Act 2002 \(c. 32\), ss. 75, 216, Sch. 10 para. 15](#) (with ss. 210(8), 214(4)); [S.I. 2002/3185, art. 4, Sch. Pt. 1](#); [S.I. 2003/124, art. 4](#)
- F63** Sch. 7 para. 42(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. 82\(8\)\(d\)](#) (with art. 7)

Commencement Information

I38 Sch. 7 para. 42 wholly in force at 1.4.2002; Sch. 7 para. 42 not in force at Royal Assent see s. 154; Sch. 7 para. 42 in force (E.) for the purpose of authorising the making of Regulations at 1.10.2000 by [S.I.](#)

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2000/2559, art. 2(1), **Sch. Pt. I**; Sch. 7 para. 42 wholly in force for E. at 1.4.2001 by S.I. 2001/654, art. 2, **Sch. Pt. II**; Sch. 7 para. 42 in force for W. at 1.4.2002 by S.I. 2001/2705, art. 2, **Sch. Pt. I**

- 43 (1) Where proposals are [^{F64}confirmed] under paragraph 42 they shall be implemented.
- (2) But the National Assembly—
- (a) may modify the proposals, after consulting such persons as they consider appropriate;
 - (b) where the proposals were [^{F65}confirmed] subject to the occurrence of a specified event by a specified time, may (before the arrival of the specified time) substitute a later time;
 - (c) may determine that the proposals shall not be implemented if implementation would be unreasonably difficult or if it would be inappropriate because of changes in circumstances since the proposals were [^{F65}confirmed].
- ^{F66}(3)
- (4) A determination may be made under sub-paragraph (2)(c) only in response to a proposal of [^{F67}the National Assembly for Wales] which is published and dealt with in accordance with regulations (which may, in particular, apply any provision of this Schedule with or without modification); and where a determination is made under sub-paragraph (2)(c) in relation to the proposals they shall be treated as rejected.

Textual Amendments

- F64** Word in Sch. 7 para. 43(1) 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. 82(9)(a)** (with art. 7)
- F65** Word in Sch. 7 para. 43(2)(b)(c) 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. 82(9)(b)** (with art. 7)
- F66** Sch. 7 para. 43(3) 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. 82(9)(c)** (with art. 7)
- F67** Words in Sch. 7 para. 43(4) 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. 82(9)(d)** (with art. 7)

Commencement Information

- I39** Sch. 7 para. 43 wholly in force at 1.4.2002; Sch. 7 para. 43 not in force at Royal Assent see s. 154; Sch. 7 para. 43 in force (E.) for the purpose of authorising the making of Regulations at 1.10.2000 by S.I. 2000/2559, art. 2(1), **Sch. Pt. I**; Sch. 7 para. 43 wholly in force for E. at 1.4.2001 by S.I. 2001/654, art. 2, **Sch. Pt. II**; Sch. 7 para. 43 in force for W. at 1.4.2002 by S.I. 2001/2705, art. 2, **Sch. Pt. I**

- 44 (1) The duty to implement proposals to alter a school—
- (a) in the case of a community or community special school, shall be a duty of the local education authority, and
 - (b) in the case of a voluntary, foundation or foundation special school, shall be a duty of the governing body.
- (2) The duty to implement proposals to discontinue a school—

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- (a) in the case of a community or community special school, shall be a duty of the local education authority, and
 - (b) in the case of a voluntary, foundation or foundation special school, shall be a shared duty of the governing body and the local education authority.
- (3) For the purpose of sub-paragraph (2)(a) or (b), a local education authority's duty to discontinue a school is a duty to cease maintaining it.

Commencement Information

I40 Sch. 7 para. 44 wholly in force at 1.4.2002; Sch. 7 para. 44 not in force at Royal Assent see s. 154; Sch. 7 para. 44 in force (E.) for the purpose of authorising the making of Regulations at 1.10.2000 by [S.I. 2000/2559, art. 2\(1\), Sch. Pt. I](#); Sch. 7 para. 44 wholly in force for E. at 1.4.2001 by [S.I. 2001/654, art. 2, Sch. Pt. II](#); Sch. 7 para. 44 in force for W. at 1.4.2002 by [S.I. 2001/2705, art. 2, Sch. Pt. I](#)

Schools maintained by LEA outside its area

- 45 (1) This paragraph applies to a school which—
- (a) is a community, voluntary or foundation school, and
 - (b) is situated in an area other than that of the local education authority who maintain it.
- (2) This Part of this Schedule shall have effect in relation to a school to which this paragraph applies with such modifications as may be prescribed—
- (a) for schools in England, by regulations made by the Secretary of State, and
 - (b) for schools in Wales, by regulations made by the National Assembly for Wales.

Commencement Information

I41 Sch. 7 para. 45 wholly in force at 1.4.2002; Sch. 7 para. 45 not in force at Royal Assent see s. 154; Sch. 7 para. 45 in force (E.) for the purpose of authorising the making of Regulations at 1.10.2000 by [S.I. 2000/2559, art. 2\(1\), Sch. Pt. I](#); Sch. 7 para. 45 wholly in force for E. at 1.4.2001 by [S.I. 2001/654, art. 2, Sch. Pt. II](#); Sch. 7 para. 45 in force for W. at 1.4.2002 by [S.I. 2001/2705, art. 2, Sch. Pt. I](#)

[^{F68} SCHEDULE 7A

IMPLEMENTATION OF PROPOSALS FOR RESTRUCTURING SIXTH-FORM EDUCATION

Textual Amendments

F68 Sch. 7A inserted (1.4.2003 for E., 1.8.2004 for W.) by [Education Act 2002 \(c. 32\), s. 216\(4\), Sch. 9](#) (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2003/124, art. 4](#); [S.I. 2004/1728, art. 4, Sch. Pt. 1](#)

Modifications etc. (not altering text)

C5 Sch. 7A power to modify conferred (1.4.2003 for E.) by [Education Act 2002 \(c. 32\), ss. 74\(2\)\(b\), 216\(4\)](#) (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2003/124, art. 4](#)

Status: Point in time view as at 01/04/2006.

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Introductory

- 1 (1) This Schedule applies to proposals under section 113A which have been approved [^{F69}or confirmed] by the relevant authority under that section.
- (2) The proposals shall (subject to the following provisions of this paragraph) be implemented in the form in which they were so approved [^{F69}or confirmed], in accordance with this Schedule.
- (3) At the request of any persons prescribed in regulations, the relevant authority—
 - (a) may modify the proposals after consulting such persons as may be prescribed, and
 - (b) where any approval [^{F70}or confirmation] was given subject to the occurrence of a specified event, may specify a later date by which the event in question must occur.
- (4) If the relevant authority is satisfied, after consulting such persons as may be prescribed in regulations—
 - (a) that implementation of the proposals would be unreasonably difficult, or
 - (b) that circumstances have so altered since approval [^{F70}or confirmation] was given under section 113A that implementation of the proposals would be inappropriate,it may determine that sub-paragraph (2) shall cease to apply to the proposal.

Textual Amendments

- F69** Words in Sch. 7A para. 1(1)(2) 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. 83(a)** (with art. 7) Note: it is believed that the amending provision should read "approved" rather than "approval"
- F70** Words in Sch. 7A para. 1(3)(b)(4)(b) 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. 83(b)** (with art. 7)

Proposals to establish a school

- 2 To the extent that the proposals are proposals to establish a school, they shall be implemented by the local education authority which it is proposed shall establish the school.

Proposals to make a prescribed alteration

- 3 (1) To the extent that the proposals are proposals to make a prescribed alteration to a school, they shall be implemented in accordance with this paragraph.
- (2) Where the proposals relate to a community school, they shall be implemented by the local education authority which maintains the school.
- (3) Where the proposals relate to a voluntary aided school, they shall be implemented—
 - (a) so far as relating to the provision of any relevant premises, by the local education authority which maintains the school, and
 - (b) otherwise, by the governing body of the school.

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- (4) For this purpose “relevant premises” means—
- (a) in relation to a local education authority in England, playing fields, and
 - (b) in relation to a local education authority in Wales—
 - (i) playing fields, or
 - (ii) buildings which are to form part of the school premises but are not to be school buildings (within the meaning of the Education Act 1996).
- (5) Where the proposals relate to any other school, they shall be implemented by the local education authority which maintains the school and the governing body of the school, respectively, to such extent (if any) as the proposals provide for each of them to do so.

Proposals to discontinue a school

- 4 To the extent that the proposals are proposals to discontinue a school they shall be implemented—
- (a) in the case of proposals relating to a community or community special school, by the local education authority which maintains the school, and
 - (b) in any other case, by the local education authority which maintains the school and the governing body of the school.

Supplementary

- 5 Where a local education authority are required under this Schedule to provide a site for a foundation or voluntary controlled school or foundation special school (or a proposed such school), paragraph 16 of Schedule 6 to the School Standards and Framework Act 1998 applies as it applies in the circumstances mentioned in subparagraph (1) of that paragraph.
- 6 Paragraph 17 of that Schedule (grants in respect of certain expenditure relating to voluntary aided schools) applies in relation to the obligation under paragraph 3(3) (b) of this Schedule as it applies in relation to the obligations referred to in subparagraph (1)(a) of that paragraph 17.
- 7 Paragraph 18 of that Schedule (assistance from LEA in respect of voluntary aided schools) applies in relation to obligations imposed on the governing body of a voluntary aided school under this Schedule as it applies in relation to the obligations referred to in that paragraph, and paragraph 20 of that Schedule (duty on LEA to transfer interest in premises provided under paragraph 18) applies accordingly.]

SCHEDULE 8

Section 131.

CITY ACADEMIES: LAND

F71

Textual Amendments

F71 Sch. 8 repealed (1.8.2003 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 22 Pt. 3](#) (with [ss. 210\(8\)](#), [214\(4\)](#)); [S.I. 2003/1718](#), art. 4, Sch. Pt. I

Status: Point in time view as at 01/04/2006.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 19 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)

SCHEDULE 9

Section 149.

AMENDMENTS

Introduction

- 1 The amendments specified in this Schedule shall have effect.

Commencement Information

- I42** Sch. 9 para. 1 wholly in force at 1.4.2002; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 1 in force for specified purposes at 1.4.2001 by [S.I. 2001/654](#), [art. 2 Sch. Pt. II](#); Sch. 9 para. 1 in force at 1.9.2001 (E.) by [S.I. 2001/654](#), [art. 2, Sch. Pt. III](#); Sch. 9 para. 1 in force at 1.4.2002 (W.) by [S.I. 2001/2705](#), [art. 2, Sch. Pt. I](#)

Public Records Act 1958 (c.51)

- 2 In Schedule 1 to the Public Records Act 1958 (definition of public records) in Part II of the Table at the end of paragraph 3, insert at the appropriate places—
- ““Adult Learning Inspectorate.”,
- “Learning and Skills Council for England.””

Commencement Information

- I43** Sch. 9 para. 2 wholly in force at 1.9.2000; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 2 in force for specified purposes at 3.8.2000 and 1.9.2000 respectively by [S.I. 2000/2114](#), [art. 2\(1\)\(3\)](#), [Sch. Pts. I, III](#)

Superannuation Act 1972 (c.11)

- 3 In Schedule 1 to the Superannuation Act 1972 (kinds of employment to which schemes may apply) in the list of “Other Bodies”, insert at the appropriate places—
- “Adult Learning Inspectorate.”,
- “Learning and Skills Council for England.”,
- “National Council for Education and Training for Wales.”

Commencement Information

- I44** Sch. 9 para. 3 wholly in force at 19.9.2000; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 3 in force for specified purposes at 3.8.2000 and 1.9.2000 respectively by [S.I. 2000/2114](#), [art. 2\(1\)\(3\)](#), [Sch. Pts. I, III](#) and at 19.9.2000 by [S.I. 2000/2540](#), [art. 2, Sch.](#)

Status: Point in time view as at 01/04/2006.

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House of Commons Disqualification Act 1975 (c.24)

- 4 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (offices disqualifying for membership) insert at the appropriate places—

“Any member of the Learning and Skills Council for England in receipt of remuneration.”,

“Any member of the National Council for Education and Training for Wales in receipt of remuneration.”

Commencement Information

- I45** Sch. 9 para. 4 wholly in force at 19.9.2000; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 4 in force for specified purposes at 1.9.2000 by [S.I. 2000/2114](#), [art. 2\(3\)](#), [Sch. Pt. III](#) and at 19.9.2000 by [S.I. 2000/2540](#), [art. 2](#), [Sch.](#)

Sex Discrimination Act 1975 (c.65)

- 5 In section 23A of the Sex Discrimination Act 1975 (discrimination by further education and higher education funding councils)—

- (a) for “the Further Education Funding Council for England, the Further Education Funding Council for Wales,” substitute “the Learning and Skills Council for England, the National Council for Education and Training for Wales, ”, and
- (b) after “the Education Acts” insert “and the Learning and Skills Act 2000”.

Commencement Information

- I46** Sch. 9 para. 5 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 5 in force at 1.4.2001 (E.) by [S.I. 2001/654](#), [art. 2 Sch. Pt. II](#) and (W.) by [S.I. 2001/1274](#), [art. 2 Sch. Pt. I](#)

- 6 After section 25 of that Act insert—

“25A General duty: post-16 education and training etc.

- (1) The Learning and Skills Council for England and the National Council for Education and Training for Wales shall be under a general duty to secure that the facilities falling within subsection (2) and any ancillary benefits or services are provided without sex discrimination.

- (2) Facilities falling within this subsection are facilities for—

- (a) education,
- (b) training, and
- (c) organised leisure-time occupation connected with such education or training,

the provision of which is secured by the Learning and Skills Council for England or the National Council for Education and Training for Wales.

Status: Point in time view as at 01/04/2006.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 19 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)

- (3) The provisions of sections 25 and 47 of the Learning and Skills Act 2000 shall be the only sanction for breach of the general duty in subsection (1), but without prejudice to the enforcement of section 23A under section 66 or otherwise (where the breach is also a contravention of that section).”

Commencement Information

I47 Sch. 9 para. 6 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 6 in force at 1.4.2001 (E.) by [S.I. 2001/654](#), [art. 2 Sch. Pt. II](#) and (W.) by [S.I. 2001/1274](#), [art. 2 Sch. Pt. I](#)

- 7 (1) Section 26 of that Act (exception for single-sex establishments) is amended as follows.
- (2) In subsections (1) and (2) for “and 25” in each place where the words occur substitute “, 25 and 25A ”.
- (3) In subsection (3) after “section 25” insert “ or 25A ”.

Commencement Information

I48 Sch. 9 para. 7 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 7 in force at 1.4.2001 (E.) by [S.I. 2001/654](#), [art. 2 Sch. Pt. II](#) and (W.) by [S.I. 2001/1274](#), [art. 2 Sch. Pt. I](#)

F72g

Textual Amendments

F72 Sch. 9 para. 8 repealed (1.10.2005) by [Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), [regs. 1\(1\), 23\(2\)\(a\)](#)

Race Relations Act 1976 (c.74)

- 9 In section 18A of the Race Relations Act 1976 (discrimination by further education and higher education funding councils)—
- (a) for “the Further Education Funding Council for England, the Further Education Funding Council for Wales,” substitute “ the Learning and Skills Council for England, the National Council for Education and Training for Wales, ”, and
- (b) after “the Education Acts” insert “ and the Learning and Skills Act 2000 ”.

Commencement Information

I49 Sch. 9 para. 9 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 9 in force at 1.4.2001 (E.) by [S.I. 2001/654](#), [art. 2 Sch. Pt. II](#) and (W.) by [S.I. 2001/1274](#), [art. 2 Sch. Pt. I](#)

Status: Point in time view as at 01/04/2006.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 19 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)

F73 10

Textual Amendments

F73 Sch. 9 para. 10 repealed (2.4.2001) by 2000 c. 34, s. 9(2), **Sch. 3** (with s. 10(5)); S.I. 2001/566, **art. 2(1)**

Education (Fees and Awards) Act 1983 (c.40)

11 In section 1 of the Education (Fees and Awards) Act 1983 (higher fees for students without UK connection) in subsection (3) insert after paragraph (e)—

- “(f) any institution which receives funding from the Learning and Skills Council for England (whatever proportion that funding represents of the institution’s total funding) and which is specified in, or is of a class or description specified in, the regulations;
- (g) any institution which receives funding from the National Council for Education and Training for Wales (whatever proportion that funding represents of the institution’s total funding) and which is specified in, or is of a class or description specified in, the regulations.”

Disabled Persons (Services, Consultation and Representation) Act 1986 (c.33)

12 In section 5(9) of the Disabled Persons (Services, Consultation and Representation) Act 1986 (disabled persons leaving special education) in the definition of “the responsible authority”, in paragraph (c) for “a further education funding council” substitute “ the Learning and Skills Council for England or the National Council for Education and Training for Wales ”.

Commencement Information

I50 Sch. 9 para. 12 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 12 in force at 1.4.2001 (E.) by S.I. 2001/654, **art. 2, Sch. Pt. II** and (W.) by S.I. 2001/1274, **art. 2, Sch. Pt. I**

Local Government Act 1988 (c.9)

13 In paragraph 8(3)(a)(i) of Schedule 1 to the Local Government Act 1988 (competition: excluded activities) for “section 15” substitute “ section 15A or 15B ”.

Commencement Information

I51 Sch. 9 para. 13 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 13 in force at 1.4.2001 (E.) by S.I. 2001/654, **art. 2 Sch. Pt. II** and (W.) by S.I. 2001/1274, **art. 2 Sch. Pt. I**

Employment Act 1988 (c.19)

14 In section 26 of the Employment Act 1988 (status of trainees etc) after subsection (1) insert—

Status: Point in time view as at 01/04/2006.

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“(1A) Where it appears to the Secretary of State that provision has been made under section 5(1)(c) or 34(1)(c) of the Learning and Skills Act 2000 for trainees to receive payments from the Learning and Skills Council for England or the National Council for Education and Training for Wales, the Secretary of State may by order provide—

- (a) that those trainees are, for the purposes and in the cases specified or described in or determined under the order, to be treated in respect of the training as being or as not being employed;
- (b) that where those trainees are treated as being employed they are to be treated as being the employees of the persons so specified, described or determined and of no others;
- (c) that where those trainees are treated as not being employed they are to be treated in such other manner as may be so specified, described or determined; and
- (d) that those payments are to be treated for the purposes of such enactments and subordinate legislation as may be so specified, described or determined in such manner as may be so specified, described or determined;

and for the purposes of this subsection trainees are persons receiving or proposing to receive training.”

Education Reform Act 1988 (c.40)

15 In section 124 of the Education Reform Act 1988 (powers of higher education corporations)—

- (a) in subsection (2)(b) omit the words “, as defined by section 15(6) and (7) of the Education Act 1996”,
- (b) in subsection (2) for paragraph (f) substitute—
 - “(f) to subscribe for or otherwise acquire shares in or securities of a company for the purpose of carrying on any such activities;”,

and

- (c) at the end insert—

“(5) For the purposes of subsection (2)(b) a person has a learning difficulty if—

- (a) he has a significantly greater difficulty in learning than the majority of persons of his age, or
- (b) he has a disability which either prevents or hinders him from making use of facilities of a kind generally provided by institutions within the higher education sector for persons of his age.

(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.”

Status: Point in time view as at 01/04/2006.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 19 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)

Commencement Information

I52 Sch. 9 para. 15 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 15 in force at 1.4.2001 (E.) by [S.I. 2001/654](#), [art. 2 Sch. Pt. II](#) and (W.) by [S.I. 2001/1274](#), [art. 2 Sch. Pt. I](#)

16 In section 128(1)(b) of that Act (dissolution of higher education corporations) for sub-paragraph (v) substitute—

“(v) the Learning and Skills Council for England or the National Council for Education and Training for Wales.”

Commencement Information

I53 Sch. 9 para. 16 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 16 in force at 1.4.2001 (E.) by [S.I. 2001/654](#), [art. 2 Sch. Pt. II](#) and (W.) by [S.I. 2001/1274](#), [art. 2 Sch. Pt. I](#)

17 For section 161(1)(b) of that Act (interpretation: further or higher education functions) substitute—

“(b) references to the further or higher education functions of a local education authority are references to the functions of the authority (except in so far as they relate to secondary education) under sections 15A and 15B of the Education Act 1996 (post-16 education) and section 120 of this Act (higher education);”.

Commencement Information

I54 Sch. 9 para. 17 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 17 in force at 1.4.2001 (E.) by [S.I. 2001/654](#), [art. 2 Sch. Pt. II](#) and (W.) by [S.I. 2001/1274](#), [art. 2 Sch. Pt. I](#)

^{F74}18

Textual Amendments

F74 Sch. 9 para. 18 repealed (1.8.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); [S.I. 2003/1667](#), art. 3

Environmental Protection Act 1990 (c.43)

19 In section 98 of the Environmental Protection Act 1990 (definitions) in subsection (2)(e) for “or city college for the technology of the arts” substitute “, city college for the technology of the arts or city academy, ”.

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Commencement Information

- I55** Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5)

Further and Higher Education Act 1992 (c.13)

- 20 In the Further and Higher Education Act 1992, omit sections 1 to 9 (the Further Education Funding Councils for England and Wales).

Commencement Information

- I56** Sch. 9 para. 20 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 20 in force at 1.4.2001 (E.) by [S.I. 2001/654](#), [art. 2 Sch. Pt. II](#) and (W.) by [S.I. 2001/1274](#), [art. 2 Sch. Pt. I](#)

- 21 In section 18 of that Act (further education corporation: powers)—
- (a) after subsection (1)(b) insert “and those powers are referred to in section 19 of this Act as the corporation’s principal powers”;
 - (b) subsections (4) to (6) shall cease to have effect.

Commencement Information

- I57** Sch. 9 para. 21 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 21(b) in force (W.) at 1.1.2001 by [S.I. 2000/3230](#), [art. 2, Sch.](#); Sch. 9 para. 21 in force (E.) at 1.4.2001 by [S.I. 2001/654](#), [art. 2, Sch. Pt. II](#); Sch. 9 para. 21(a) in force (W.) at 1.4.2001 by [S.I. 2001/1274](#), [art. 2, Sch. Pt. I](#)

- 22 (1) Section 19 of that Act (supplementary powers of a further education corporation) is amended as follows.
- (2) In subsection (3) omit “within the meaning of section 4(6) of this Act”.
 - (3) In subsection (4) after paragraph (b) insert—
 - “(bb) subscribe for or otherwise acquire shares in or securities of a company,”.
 - (4) After subsection (4) insert—
 - “(4A) The power conferred by subsection (4)(bb) above may not be exercised for the purpose of conducting an educational institution.
 - (4B) The power conferred by subsection (4)(bb) above may not be exercised for the purpose of the provision of education if the provision is secured (wholly or partly) by financial resources provided by the Learning and Skills Council for England or the National Council for Education and Training for Wales.
 - (4C) But subsection (4B) above shall not apply to the extent that the Council concerned consents to the exercise of the power conferred by subsection (4)

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(bb) above in a way which does not comply with the restriction in subsection (4B).”

(5) After subsection (5) insert—

“(6) A person has a learning difficulty if—

- (a) he has a significantly greater difficulty in learning than the majority of persons of his age, or
- (b) he has a disability which either prevents or hinders him from making use of facilities of a kind generally provided by institutions within the further education sector for persons of his age.

(7) 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.”

Commencement Information

I58 Sch. 9 para. 22 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 22 in force at 1.4.2001 (E.) by [S.I. 2001/654](#), [art. 2 Sch. Pt. II](#) and (W.) by [S.I. 2001/1274](#), [art. 2 Sch. Pt. I](#)

23 (1) Section 22 of that Act (subsequent instruments and articles) is amended as follows.

(2) In subsection (2) for “any instrument” substitute “, replace or revoke any instrument of government or articles ”.

(3) In subsection (5)—

- (a) in paragraph (a) after “modify” insert “, replace or revoke ”;
- (b) in paragraph (b) after “modified” insert “, replaced or revoked ”.

Commencement Information

I59 Sch. 9 para. 23 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 23 in force (E.) at 1.10.2000 by [S.I. 2000/2559](#), [art. 2\(1\)](#), [Sch. Pt. I](#); Sch. 9 para. 23 in force (W.) at 1.4.2001 by [S.I. 2001/1274](#), [art. 2 Sch. Pt. I](#)

24 (1) Section 29 of that Act (government and conduct of designated institutions) is amended as follows.

(2) In subsection (2) for “subsection (3)” substitute “ subsections (3) and (7A) ”.

(3) After subsection (7) insert—

“(7A) Provision made by the instrument in relation to the appointment of members of the governing body shall take into account the members who may be appointed by—

- (a) the Learning and Skills Council for England under section 11 of the Learning and Skills Act 2000, or

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(b) the National Council for Education and Training for Wales under section 39 of that Act.”

(4) In subsection (8) after “modify” insert “, replace or revoke ” and after “modified” insert “, replaced or revoked ”.

Commencement Information

I60 Sch. 9 para. 24 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 24(1)(4) in force (E.) at 1.10.2000 by [S.I. 2000/2559](#), [art. 2\(1\)](#), [Sch. Pt. I](#); Sch. 9 para. 24(2)(3) in force (E.) at 1.4.2001 by [S.I. 2001/654](#), [art. 2 Sch. Pt. II](#); Sch. 9 para. 24 in force (W.) at 1.4.2001 by [S.I. 2001/1274](#), [art. 2 Sch. Pt. I](#)

25 In section 31 of that Act (designated institutions conducted by companies) after subsection (2) insert—

“(2A) Provision made by the articles of association of the company in relation to the appointment of members of the governing body shall take into account the members who may be appointed by—

- (a) the Learning and Skills Council for England under section 11 of the Learning and Skills Act 2000, or
- (b) the National Council for Education and Training for Wales under section 39 of that Act.”

Commencement Information

I61 Sch. 9 para. 25 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 25 in force at 1.4.2001 (E.) by [S.I. 2001/654](#), [art. 2 Sch. Pt. II](#) and (W.) by [S.I. 2001/1274](#), [art. 2 Sch. Pt. I](#)

26 ^{F75}

Textual Amendments

F75 Sch. 9 para. 26 repealed (1.10.2002 except in relation to W. and otherwise 19.12.2002) by [Education Act 2002 \(c. 32\)](#), ss. 215(2), 216, [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); [S.I. 2002/2439](#), [art. 3](#); [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. 1](#)

27 (1) Section 44 of that Act (collective worship) is amended as follows.

(2) For subsections (1) and (2) substitute—

“(1) This section applies to any institution within the further education sector which is principally concerned with the provision of full-time education suitable to the requirements of persons over compulsory school age who have not attained the age of nineteen years.

(2) An institution is of voluntary origin for the purposes of this section if—

- (a) immediately before it joined the further education sector it was a voluntary school (within the meaning of the Education Act 1996),

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- (b) immediately before it joined the further education sector it was a foundation or voluntary school (within the meaning of the School Standards and Framework Act 1998) having a foundation established otherwise than under that Act,
 - (c) it is designated for the purposes of this paragraph by order of the Secretary of State, or
 - (d) it is formed by or for the purpose of merging two institutions both of which were within paragraphs (a) to (c).
- (2A) The governing body of an institution to which this section applies shall ensure that at an appropriate time on at least one day in each week during which the institution is open an act of collective worship is held at the institution which persons receiving education at the institution may attend.”
- (3) In subsection (3)(b) for “became a further education institution” substitute “ joined the further education sector ”.
 - (4) In subsection (4) for “other further education institutions” substitute “ other institutions to which this section applies ”.
 - (5) In subsection (5) for “a further education institution” substitute “ an institution to which this section applies ”.
 - (6) Omit subsection (6).
 - (7) At the end of the section insert—
 - “(7) In the application of this section to an institution which is of voluntary origin by virtue of subsection (2)(d), subsection (3)(b) shall be taken as referring to the religious traditions and practices of the two institutions mentioned in subsection (2)(d).”

Commencement Information

I62 Sch. 9 para. 27 partly in force; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 27 in force (E.) at 1.10.2000 for specified purposes by [S.I. 2000/2559, art. 2\(1\)](#), [Sch. Pt. I](#); Sch. 9 para. 27 in force (W.) at 1.4.2001 by [S.I. 2001/1274, art. 2 Sch. Pt. I](#)

- 28 (1) Section 45 of that Act (religious education) shall be amended as follows.
- (2) For subsections (1) and (2) substitute—
- “(1) This section applies to any institution to which section 44 of this Act applies.
 - (2) An institution is of voluntary origin for the purposes of this section if it is of voluntary origin for the purposes of section 44 of this Act.
- (2A) The governing body of an institution to which this section applies shall ensure that religious education is provided at the institution for all persons attending the institution who wish to receive it.”
- (3) In subsection (3) for “a further education institution” substitute “ an institution to which this section applies ”.

Status: Point in time view as at 01/04/2006.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 19 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)

- (4) In subsection (5)—
- (a) for “each further education institution” substitute “ institution to which this section applies ”,
 - (b) in paragraph (a)(ii) for “became a further education institution” substitute “ joined the further education sector ”, and
 - (c) in paragraph (b) for “further education institutions” substitute “ other institutions to which this section applies ”.
- (5) Omit subsection (6).
- (6) At the end of the section insert—
- “(7) In the application of this section to an institution which is an institution of voluntary origin by virtue of section 44(2)(d), subsection (5)(a)(ii) shall be taken as referring to the religious traditions and practices of the two institutions mentioned in section 44(2)(d).”

Commencement Information

I63 Sch. 9 para. 28 partly in force; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 28 in force (E.) at 1.10.2000 for specified purposes by [S.I. 2000/2559, art. 2, Sch. Pt. I](#); Sch. 9 para. 28 in force (W.) at 1.4.2001 by [S.I. 2001/1274, art. 2 Sch. Pt. I](#)

- 29 In section 52 of that Act (duty to provide for named individuals) in subsection (1) omit “full-time”.

Commencement Information

I64 Sch. 9 para. 29 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 29 in force at 1.4.2001 (E.) by [S.I. 2001/654, art. 2 Sch. Pt. II](#) and (W.) by [S.I. 2001/1274, art. 2 Sch. Pt. I](#)

- 30 ^{F76}

Textual Amendments

F76 Sch. 9 para. 30 repealed (1.10.2002 except in relation to W. and otherwise 19.12.2002) by [Education Act 2002 \(c. 32\), ss. 215\(2\), 216, Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); [S.I. 2002/2439, art. 3; S.I. 2002/3185, art. 4, Sch. Pt. 1](#)

- 31 In section 54 of that Act (duty to give information) in subsection (1)(b) for “or city college for the technology of the arts” substitute “ , city college for the technology of the arts or city academy ”.

Status: Point in time view as at 01/04/2006.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 19 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)

Commencement Information

I65 Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5)

32 In section 55 of that Act (inspections etc of local authority institutions other than schools), subsections (1) to (3) and paragraphs (a) and (b) of subsection (7) shall cease to have effect.

Commencement Information

I66 Sch. 9 para. 32 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 32 in force at 1.4.2001 (E.) by [S.I. 2001/654](#), [art. 2 Sch. Pt. II](#) and (W.) by [S.I. 2001/1274](#), [art. 2 Sch. Pt. I](#)

33 Section 56 of that Act (directions) shall cease to have effect.

Commencement Information

I67 Sch. 9 para. 33 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 32 in force at 1.4.2001 (E.) by [S.I. 2001/654](#), [art. 2 Sch. Pt. II](#) and (W.) by [S.I. 2001/1274](#), [art. 2 Sch. Pt. I](#)

34 In that Act for section 57 substitute—

“57 Intervention.

(1) This section applies if one or more of the conditions listed in subsection (2) is satisfied regarding an institution within the further education sector; and it is immaterial whether or not a complaint is made by any person.

(2) These are the conditions—

- (a) the Secretary of State is satisfied that the institution’s affairs have been or are being mismanaged by its governing body;
- (b) he is satisfied that the institution’s governing body have failed to discharge any duty imposed on them by or for the purposes of any Act;
- (c) he is satisfied that the institution’s governing body have acted or are proposing to act unreasonably with respect to the exercise of any power conferred or the performance of any duty imposed by or under any Act;
- (d) a report regarding the institution and made by a person listed in subsection (3) indicates that the institution has serious weaknesses, or is failing or likely to fail to give an acceptable standard of education.

(3) These are the persons—

- (a) Her Majesty’s Chief Inspector of Schools in England;

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- (b) Her Majesty’s Chief Inspector of Education and Training in Wales;
 - (c) the Adult Learning Inspectorate;
 - (d) the Chief Inspector of Adult Learning.
- (4) If this section applies the Secretary of State may by order—
- (a) declare which of the conditions is (or are) satisfied, and
 - (b) do one or more of the things listed in subsection (5).
- (5) He may—
- (a) remove all or any of the members of the institution’s governing body;
 - (b) appoint new members of that body if there are vacancies (however arising);
 - (c) give to that body such directions as he thinks expedient as to the exercise of their powers and performance of their duties.
- (6) Directions may be given to a body under this section despite any enactment making the exercise of a power or performance of a duty contingent on the body’s opinion.
- (7) A governing body must comply with any directions given to them under this section.
- (8) An appointment of a member of a governing body under this section shall have effect as if made in accordance with the instrument of government and articles of government of the institution concerned.
- (9) Section 507 of the Education Act 1996 (power to direct local inquiries) applies for the purposes of the Secretary of State’s functions under this section as it applies for the purposes of his functions under that Act.”

Commencement Information

I68 Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 34 in force (W.) at 1.1.2001 by [S.I. 2000/3230](#), [art. 2](#), [Sch.](#); Sch. 9 para. 34 in force (E.) at 1.4.2001 by [S.I. 2001/654](#), [art. 2](#), [Sch. Pt. II](#)

35

F77

Textual Amendments

F77 Sch. 9 para. 35 repealed (1.10.2002 except in relation to W. and otherwise 19.12.2002) by [Education Act 2002 \(c. 32\)](#), [ss. 215\(2\), 216](#), [Sch. 22 Pt. 3](#) (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2002/2439](#), [art. 3](#); [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. 1](#)

36

Section 60A of that Act (partnership arrangements: Wales) shall cease to have effect.

Status: Point in time view as at 01/04/2006.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 19 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)

Commencement Information

I69 Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 36 in force (W.) at 1.1.2001 by [S.I. 2000/3230](#), [art. 2](#), [Sch.](#)

37 In that Act, after section 61 insert—

“61A References to councils.

- (1) In this Part of this Act any reference to a council is to a learning and skills council.
- (2) In this Part of this Act a reference to the appropriate council, in relation to any educational institution, is to be construed as follows—
 - (a) if the institution mainly serves the population of England, the reference is to the Learning and Skills Council for England;
 - (b) if the institution mainly serves the population of Wales, the reference is to the National Council for Education and Training for Wales;
 - (c) if the institution receives financial support from the other council, the reference is to that council also.”

38 In section 82 of that Act (joint exercise of functions) in subsection (3)(a) for “further education funding council” substitute “ learning and skills council ”.

39 In section 83 of that Act (efficiency studies) in subsection (1) for “further education funding council” substitute “ learning and skills council ”.

40 In section 89(2) of that Act (orders and regulations)—

- (a) after “29(6) and (8),” insert “ 30(2)(b), ”, and
- (b) after “38,” insert “ 44(2)(c), ”.

Commencement Information

I70 Sch. 9 para. 40 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 40 in force at 1.4.2001 (E.) by [S.I. 2001/654](#), [art. 2 Sch. Pt. II](#) and (W.) by [S.I. 2001/1274](#), [art. 2 Sch. Pt. I](#)

41 In section 90 of that Act (interpretation) after subsection (2) insert—

- “(2A) For the purposes of this Act the learning and skills councils are the Learning and Skills Council for England and the National Council for Education and Training for Wales.
- (2B) If in construing this Act or any other Act a dispute arises as to whether any functions are exercisable by one of the learning and skills councils, the dispute shall be determined by the Secretary of State after consulting the National Assembly for Wales.”

42 In section 91 of that Act (interpretation of Education Acts) omit subsection (2) (references to a further education funding council).

Status: Point in time view as at 01/04/2006.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 19 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)

- 43 In section 92 of that Act (index) in the table for the entry beginning “council (in Part I)” substitute—
-
- “council (in Part I), or learning and skills council sections 61A(1) and 90(2A)”.
-
- 44 (1) Schedule 4 to that Act (instruments and articles of government for further education corporations) is amended as follows.
- (2) After paragraph 1 insert—
- “1A Provision made by an instrument under this Schedule in relation to the appointment of members shall take into account the members who may be appointed by—
- (a) the Learning and Skills Council for England under section 11 of the Learning and Skills Act 2000, or
- (b) the National Council for Education and Training for Wales under section 39 of that Act.”
- (3) In paragraph 5, at the end insert “ or to the principal of the institution ”.
- (4) That Act shall be taken to have been enacted with the amendment made by subparagraph (3).

Commencement Information

I71 Sch. 9 para. 44 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 44(3)(4) in force (E.) at 1.10.2000 by [S.I. 2000/2559](#), [art. 2\(1\)](#), [Sch. Pt. I](#); Sch. 9 para. 44(3)(4) in force (W.) at 1.1.2001 by [S.I. 2000/3230](#), [art. 2](#), [Sch.](#); Sch. 9 para. 44(1)(2) in force at 1.4.2001 (E.) by [S.I. 2001/654](#), [art. 2 Sch. Pt. II](#) and (W.) by [S.I. 2001/1274](#), [art. 2 Sch. Pt. I](#)

- 45 Schedule 5A to that Act (partnership arrangements: Wales) shall cease to have effect.

Commencement Information

I72 Sch. 9 para. 45 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 para. 45 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 45 in force (W.) at 1.1.2001 by [S.I. 2000/3230](#), [art. 2](#), [Sch.](#)

Welsh Language Act 1993 (c.38)

- 46 In section 6(1) of the Welsh Language Act 1993 (meaning of “public body”) for paragraph (j) substitute—
- “(j) the National Council for Education and Training for Wales;”.

Status: Point in time view as at 01/04/2006.

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Commencement Information

I73 Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 46 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), **art. 2 Sch. Pt. I**

Value Added Tax Act 1994 (c.23)

47 (1) In Schedule 9 to the Value Added Tax Act 1994 (exemptions) Group 6 (education) is amended as follows.

(2) In item 3 (provision of examination services) in paragraph (b)(i) for “or 5” substitute “, 5 or 5A”.

(3) After item 5 insert—

“5A The provision of education or vocational training and the supply, by the person providing that education or training, of any goods or services essential to that provision, to the extent that the consideration payable is ultimately a charge to funds provided by the Learning and Skills Council for England or the National Council for Education and Training for Wales under Part I or Part II of the Learning and Skills Act 2000.”

(4) After Note (5) insert—

“(5A) For the purposes of item 5A a supply of any goods or services shall not be taken to be essential to the provision of education or vocational training unless—

- (a) in the case of the provision of education, the goods or services are provided directly to the person receiving the education;
- (b) in the case of the provision of vocational training, the goods or services are provided directly to the person receiving the training.”

Education Act 1994 (c.30)

^{F78}48

Textual Amendments

F78 Sch. 9 para. 48 repealed (1.9.2005) by [Education Act 2005 \(c. 18\)](#), s. 125(3)(b), **Sch. 19 Pt. 3**

Disability Discrimination Act 1995 (c.50)

49 ^{F79}

Textual Amendments

F79 Sch. 9 para. 49 repealed (1.9.2002) by [2001 c. 10](#), ss. 38(16), 42(6), [Sch. 9](#) (with s. 43(13)); [S.I. 2002/2217](#), **art. 3**, [Sch. 1 Pt. 1](#)

Status: Point in time view as at 01/04/2006.

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Employment Rights Act 1996 (c.18)

- 50 In section 63A of the Employment Rights Act 1996 (right of young persons to time off for study or training) in subsection (2)(b)(i) for the words from “means such” to “1992,” substitute “ has the same meaning as in the Education Act 1996, ”.

Education Act 1996 (c.56)

- 51 In section 1 of the Education Act 1996 (the stages of education) in subsection (3) for the words from “confers functions” to the end substitute “ makes provision with respect to further education. ”

Commencement Information

I74 Sch. 9 para. 51 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 51 in force at 1.4.2001 (E.) by [S.I. 2001/654](#), [art. 2 Sch. Pt. II](#) and (W.) by [S.I. 2001/1274](#), [art. 2 Sch. Pt. I](#)

- 52 (1) Section 13 of that Act (general responsibility for education) is amended as follows.
- (2) In subsection (1) for “, secondary education and further education” substitute “ and secondary education ”.
- (3) In subsection (2) for paragraphs (a) and (b) substitute—
- “(a) the Learning and Skills Council for England or the National Council for Education and Training for Wales, or
 - (b) the higher education funding councils established under section 62 of the Further and Higher Education Act 1992.”

Commencement Information

I75 Sch. 9 para. 52 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); para. 52(1)(2) in force at 1.4.2001 (E.) by [S.I. 2001/654](#), [art. 2 Sch. Pt. II](#) and (W.) by [S.I. 2001/1274](#), [art. 2 Sch. Pt. I](#); para. 52(3) in force at 1.4.2001 by [S.I. 2001/654](#), [art. 2, Sch. Pt. II](#)

- 53 Section 15 of that Act (functions in respect of provision of further education) shall cease to have effect.

Commencement Information

I76 Sch. 9 para. 53 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 53 in force at 1.4.2001 (E.) by [S.I. 2001/654](#), [art. 2 Sch. Pt. II](#) and (W.) by [S.I. 2001/1274](#), [art. 2 Sch. Pt. I](#)

- 54 (1) Section 15A of that Act (functions of local education authorities in respect of full-time education for 16 to 18 year olds) is amended as follows.
- (2) In subsection (1) after “full-time” insert “ or part-time ”.

Status: Point in time view as at 01/04/2006.

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(3) After subsection (1) insert—

“(1A) The power under subsection (1) to secure the provision of education includes power to secure the provision—

- (a) of training, including vocational, social, physical and recreational training, and
- (b) of organised leisure time occupation (within the meaning of section 2(6)) which is provided in connection with the provision of education or of training within paragraph (a).”

(4) In subsection (2) after “functions under this section” insert “ in respect of secondary education ”.

(5) After subsection (2) insert—

“(3) In exercising their functions under this section in respect of further education a local education authority shall in particular have regard to the needs of persons with learning difficulties (within the meaning of section 13(5) and (6) of the Learning and Skills Act 2000).

(4) A local education authority may do anything which appears to them to be necessary or expedient for the purposes of or in connection with the exercise of their functions under this section.”

Commencement Information

I77 Sch. 9 para. 54 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 54 in force at 1.4.2001 (E.) by S.I. 2001/654, **art. 2 Sch. Pt. II** and (W.) by S.I. 2001/1274, **art. 2 Sch. Pt. I**

55 After section 15A of that Act insert—

“15B Functions in respect of education for persons over 19.

(1) A local education authority may secure the provision for their area of full-time or part-time education suitable to the requirements of persons who have attained the age of 19, including provision for persons from other areas.

(2) The power under subsection (1) to secure the provision of education includes power to secure the provision—

- (a) of training, including vocational, social, physical and recreational training, and
- (b) of organised leisure time occupation (within the meaning of section 2(6)) which is provided in connection with the provision of education or of training within paragraph (a).

(3) In exercising their functions under this section a local education authority shall in particular have regard to the needs of persons with learning difficulties (within the meaning of section 13(5) and (6) of the Learning and Skills Act 2000).

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(4) A local education authority may do anything which appears to them to be necessary or expedient for the purposes of or in connection with the exercise of their functions under this section.

(5) This section does not apply to higher education.”

Commencement Information

I78 Sch. 9 para. 55 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 55 in force at 1.4.2001 (E.) by [S.I. 2001/654, art. 2, Sch. Pt. II](#) and (W.) by [S.I. 2001/1274, art. 2 Sch. Pt. I](#)

56 In section 312(2) of that Act (meaning of “learning difficulty”) for “section 15(5)” substitute “ section 15A or 15B ”.

Commencement Information

I79 Sch. 9 para. 56 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 56 in force at 1.4.2001 (E.) by [S.I. 2001/654, art. 2 Sch. Pt. II](#) and (W.) by [S.I. 2001/1274, art. 2 Sch. Pt. I](#)

57 (1) Section 408 of that Act (provision of information) is amended as follows.

(2) In subsection (1)(a) after “Education Act 1997” insert “ or section 96 of the Learning and Skills Act 2000 ”.

(3) In subsection (2) after paragraph (d) insert “, and

(e) arrangements relating to external qualifications (within the meaning given by section 96(5) of the Learning and Skills Act 2000) and to courses leading to such qualifications.”

Commencement Information

I80 Sch. 9 para. 57 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 57 in force at 1.9.2001 (E.) by [S.I. 2001/654, art. 2, Sch. Pt. III](#); Sch. 9 para. 57 in force at 1.4.2001 (W.) by [S.I. 2001/1274, art. 2, Sch. Pt. II](#)

58 (1) Section 490 of that Act (grants in respect of special provision for ethnic minorities) is amended as follows.

(2) In subsection (1)(b) for “or a city college for the technology of the arts” substitute “, a city college for the technology of the arts or a city academy ”.

(3) In subsection (2) for “or college” substitute “, college or academy ”.

Status: Point in time view as at 01/04/2006.

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Commencement Information

181 Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5)

59 (1) Section 509 of that Act (provision of transport etc) is amended as follows.

(2) In subsection (1)—

- (a) after paragraph (b) insert “or”;
- (b) omit paragraph (d) and the word “or” immediately preceding it.

(3) After subsection (1) insert—

“(1A) A local education authority shall make such arrangements for the provision of transport and otherwise as they consider necessary, or as the Secretary of State may direct, for the purpose of facilitating the attendance of persons receiving education or training at an institution outside both the further education and higher education sectors.

(1B) Arrangements under subsection (1A) may be made in relation to a person only if the Learning and Skills Council for England or the National Council for Education and Training for Wales has secured for him—

- (a) the provision of education or training at the institution, and
- (b) the provision of boarding accommodation under section 13 or 41 of the Learning and Skills Act 2000.”

(4) In subsection (2) after “subsection (1)” insert “ or (1A) ”.

(5) In subsection (3)—

- (a) after “education” insert “ or training ”;
- (b) in paragraph (b) after “subsection (1)” insert “ or (1A) ”;
- (c) in the words following paragraph (b), for “that subsection” substitute “ either of those subsections ”.

(6) In subsection (4)—

- (a) after “subsection (1)” insert “ or (1A) ”;
- ^{F80}(b)

(7) In subsection (5)—

- (a) after “subsection (1)” insert “ or (1A) ”;
- ^{F81}(b)
- ^{F81}(c)

^{F82}(8)

Textual Amendments

F80 Sch. 9 para. 59(6)(b) repealed (19.12.2002 for W., 20.1.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2952, art. 2; S.I. 2002/3185, art. 4, Sch. Pt. 1

F81 Sch. 9 para. 59(7)(b)(c) repealed (20.1.2003 for E.) by [Education Act 2002 \(c. 32\)](#), ss. 215(2), 216, [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2952 {art. 2}

Status: Point in time view as at 01/04/2006.

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F82 Sch. 9 para. 59(8) repealed (20.1.2003 for E.) by [Education Act 2002 \(c. 32\)](#), ss. 215(2), 216, **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); [S.I. 2002/2952](#) {art. 2}

Commencement Information

I82 Sch. 9 para. 59 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 59 in force at 1.4.2001 (E.) by [S.I. 2001/654](#), **art. 2 Sch. Pt. II** and (W.) by [S.I. 2001/1274](#), **art. 2 Sch. Pt. I**

60 In section 537 of that Act (power of the Secretary of State to require information from governing bodies etc) in subsection (7)(b) for “or city college for the technology of the arts” substitute “ , city college for the technology of the arts or city academy ”.

Commencement Information

I83 Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5)

61 In section 541 of that Act (distribution of information about further education institutions) in subsection (1)(b) for “or city college for the technology of the arts” substitute “ , city college for the technology of the arts or city academy ”.

Commencement Information

I84 Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5)

62 In section 550B of that Act (detention outside school hours) in subsection (2)(c) for “or city college for the technology of the arts” substitute “ , city college for the technology of the arts or city academy ”.

Commencement Information

I85 Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5)

63 In section 580 of that Act (index) in the table at the appropriate place insert—

“ city academy ”

“ section 482(3) ”

Commencement Information

I86 Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5)

Status: Point in time view as at 01/04/2006.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 19 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)

64 In Schedule 1 to that Act (pupil referral units) in paragraph 8 for “county schools” substitute “ community schools ”.

Commencement Information

I87 Sch. 9 para. 64 wholly in force at 1.1.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 64 in force (E.) at 1.10.2000 by [S.I. 2000/2559, art. 2\(1\)](#), [Sch. Pt. I](#); Sch. 9 para. 64 in force (W.) at 1.1.2001 by [S.I. 2000/3230, art. 2](#), [Sch.](#)

School Inspections Act 1996 (c.57)

^{F83}65

Textual Amendments

F83 Sch. 9 paras. 65-68 repealed (1.9.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 19 Pt. 1](#); [S.I. 2005/2034, art. 4](#)

^{F83}66

Textual Amendments

F83 Sch. 9 paras. 65-68 repealed (1.9.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 19 Pt. 1](#); [S.I. 2005/2034, art. 4](#)

^{F83}67

Textual Amendments

F83 Sch. 9 paras. 65-68 repealed (1.9.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 19 Pt. 1](#); [S.I. 2005/2034, art. 4](#)

^{F83}68

Textual Amendments

F83 Sch. 9 paras. 65-68 repealed (1.9.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 19 Pt. 1](#); [S.I. 2005/2034, art. 4](#)

Education Act 1997 (c.44)

69 In section 25 of the Education Act 1997 (other functions of the Qualifications and Curriculum Authority) after subsection (4) insert—

“(5) The Authority may supply any person designated by the Secretary of State with such information as the Authority thinks fit about any matter in relation to which it has a function.”

Status: Point in time view as at 01/04/2006.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 19 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)

Commencement Information

188 Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 69 in force (E.) at 1.9.2000 by [S.I. 2000/2114](#), [art. 2\(3\)](#), [Sch. Pt. III](#)

70 In section 31 of that Act (other functions of the Qualifications, Curriculum and Assessment Authority for Wales) after subsection (4) insert—

“(5) The Authority may supply any person designated by the National Assembly for Wales with such information as the Authority thinks fit about any matter in relation to which it has a function.”

Commencement Information

189 Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 70 in force (W.) at 1.1.2001 by [S.I. 2000/3230](#), [art. 2](#), [Sch.](#)

71 In section 43 of that Act (provision of careers education in schools) in subsection (2)(d) for “and city colleges for the technology of the arts” substitute “, city colleges for the technology of the arts and city academies”.

Commencement Information

190 Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5)

72 In section 44(3)(a) of that Act (co-operation with careers advisers) for “the age of 18” there shall be substituted “ the age of 16 ”.

Commencement Information

191 Sch. 9 para. 72 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 72 in force at 1.4.2001 (E.) by [S.I. 2001/654](#), [art. 2 Sch. Pt. II](#) and (W.) by [S.I. 2001/1274](#), [art. 2 Sch. Pt. I](#)

Audit Commission Act 1998 (c.18)

73 (1) Section 36 of the Audit Commission Act 1998 (studies at request of educational bodies) is amended as follows.

(2) In subsection (1), in the Table, after the entry relating to the governing body of an institution receiving funding under Part I of the ^{M9}Education Act 1994 insert—

“ The Learning and Skills Council for England. ” “ The council. ”

Status: Point in time view as at 01/04/2006.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 19 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)

“ The National Council for Education and Training for Wales. ” “ The council. ”

(3) In that Table, in the entry relating to the governing body of an institution within the further education sector, in the second column for “or the appropriate further education funding council” substitute “, the Learning and Skills Council for England or the National Council for Education and Training for Wales ”.

(4) In subsection (2) omit “or a further education funding council”.

Commencement Information

I92 Sch. 9 para. 73 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 73 in force at 1.4.2001 (E.) by [S.I. 2001/654](#), [art. 2 Sch. Pt. II](#) and (W.) by [S.I. 2001/1274](#), [art. 2 Sch. Pt. I](#)

Marginal Citations

M9 1994 c. 30.

Teaching and Higher Education Act 1998 (c.30)

74 (1) Section 26 of the Teaching and Higher Education Act 1998 (imposition of conditions as to fees at further or higher education institutions) is amended as follows.

(2) Omit subsections (1) and (2).

(3) In each of subsections (6), (7), (10)(a) and (11)(b) for “subsection (2) or (4)” substitute “ subsection (4) ”.

(4) In subsection (9)—

- (a) in the definition of “the relevant academic year” for “subsection (2) or (4)” substitute “ subsection (4) ”, and
- (b) in the definition of “specified” for “subsection (1) or (3), as the case may be” substitute “ subsection (3) ”.

(5) In subsection (11) for “subsection (1) or (3)”, in both places where the words occur, substitute “ subsection (3) ”.

Commencement Information

I93 Sch. 9 para. 74 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 74 in force at 1.4.2001 (E.) by [S.I. 2001/654](#), [art. 2 Sch. Pt. II](#) and (W.) by [S.I. 2001/1274](#), [art. 2 Sch. Pt. I](#)

75 In section 28(1) of that Act (interpretation) in the definition of “publicly-funded institution”, in paragraph (a)—

- (a) omit “5 or”,
- (b) omit the words from “from a further” to “its costs”, and
- (c) after “1996” insert “ or any institution receiving financial resources under section 5 or 34 of the Learning and Skills Act 2000 ”.

Status: Point in time view as at 01/04/2006.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 19 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)

Commencement Information

194 Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); para. 75(a)(b) wholly in force for E. and para. 75(c) in force for E.W. for specified purposes at 1.4.2001 by [S.I. 2001/654](#), [art. 2](#), [Sch. Pt. II](#); para. 75(a)(b) wholly in force for W. and para. 75(c) in force for W. for specified purposes at 1.4.2001 by [S.I. 2001/1274](#), [art. 2](#) [Sch. Pt. I](#)

76 Section 34 of that Act (inspection of vocational training in Wales) shall cease to have effect.

Commencement Information

195 Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 76 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), [art. 2](#) [Sch. Pt. I](#)

77 In section 35 of that Act (inspection of careers services in Wales), for subsection (6) substitute—

“(6) Any inspection under this section shall be conducted by one or more of the following—

- (a) any of Her Majesty’s Inspectors of Education and Training in Wales or Arolgwyr Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru, or
- (b) any additional inspector authorised under paragraph 2 of Schedule 1 to the School Inspections Act 1996;

but such an inspector or inspectors may be assisted by such other persons (whether or not members of the Chief Inspector’s staff) as the Chief Inspector thinks fit.

(6A) In conducting an inspection under this section, the inspector or inspectors shall act in accordance with any instruction or guidelines given from time to time by the National Assembly for Wales.

(6B) Where an inspection under this section has been completed, the inspector or inspectors shall make a written report on the inspection and shall send the report to the National Assembly for Wales.

(6C) The National Assembly for Wales may arrange for any report of an inspection under this section to be published in such manner as the National Assembly for Wales considers appropriate; and section 42A(2) to (4) of the School Inspections Act 1996 shall apply in relation to the publication of any such report by the National Assembly for Wales as they apply to the publication of a report by the Chief Inspector under any of the provisions mentioned in section 42A(2).”

Commencement Information

196 Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 77 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), [art. 2](#), [Sch. Pt. I](#)

Status: Point in time view as at 01/04/2006.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 19 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)

School Standards and Framework Act 1998 (c.31)

- 78 In section 15 of the School Standards and Framework Act 1998 (intervention by LEA) after subsection (6) insert—

“(7) For the purposes of this section a report of an inspection under section 65 or 83 of the Learning and Skills Act 2000 shall be treated as a report of an inspection under Part I of the School Inspections Act 1996.”

Commencement Information

I97 Sch. 9 para. 78 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 78 in force at 1.4.2001 (E.) by [S.I. 2001/654](#), [art. 2 Sch. Pt. II](#) and (W.) by [S.I. 2001/1274](#), [art. 2 Sch. Pt. I](#)

- 79 In section 19(2) of that Act (power of Secretary of State to close school) after paragraph (c) (before the word “and”) insert—

“(ca) in the case of a school which provides education suitable to the requirements of persons over compulsory school age, the Learning and Skills Council for England (if the school is in England) or the National Council for Education and Training for Wales (if the school is in Wales);”.

Commencement Information

I98 Sch. 9 para. 79 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 79 in force at 1.4.2001 (E.) by [S.I. 2001/654](#), [art. 2 Sch. Pt. II](#) and (W.) by [S.I. 2001/1274](#), [art. 2 Sch. Pt. I](#)

^{F84}80

Textual Amendments

F84 Sch. 9 para. 80 repealed (1.3.2005 for E., 1.9.2006 for W.) by [Children Act 2004 \(c. 31\)](#), [Sch. 5 Pt. 1](#); [S.I. 2005/394](#), [art. 2\(1\)\(l\)](#); [S.I. 2006/885](#), [art. 3\(b\)](#)

^{F85}81

Textual Amendments

F85 Sch. 9 para. 81 repealed (1.3.2005 for E.) by [Children Act 2004 \(c. 31\)](#), [Sch. 5 Pt. 1](#); [S.I. 2005/394](#), [art. 2\(1\)\(l\)](#)

- 82 (1) Section 27 of that Act (committees and adjudicators for Wales) shall be amended as follows.

(2) In subsection (1) for “sections 24 and 25 and Schedules 4 and 5” substitute “ sections 24 and 25 of, and Schedules 4 and 5 to, this Act and Schedule 7 to the Learning and Skills Act 2000 ”.

Status: Point in time view as at 01/04/2006.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 19 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)

- (3) In subsection (2) for “or Chapter I of Part III” substitute “, Chapter I of Part III or Schedule 7 to the Learning and Skills Act 2000”.

Commencement Information

I99 Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 82 in force for W. at 1.4.2002 by [S.I. 2001/2705](#), [art. 2 Sch. Pt. I](#)

- 83 In section 30(3) of that Act (notice by governing body to discontinue foundation or voluntary school) for “the appropriate further education funding council” substitute “ the Learning and Skills Council for England (if the school is in England) or the National Council for Education and Training for Wales (if the school is in Wales) ”.
- 84 In section 33(1) of that Act (establishment, alteration and discontinuance of schools) after “Schedule 6” insert “ to this Act or under Schedule 7 to the Learning and Skills Act 2000 ”.

Commencement Information

I100 Sch. 9 para. 84 wholly in force 1.4.2002; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 84 in force for E. at 1.4.2001 by [S.I. 2001/654](#), [art. 2, Sch. Pt. II](#); Sch. 9 para. 84 in force for W. at 1.4.2002 by [S.I. 2001/2705](#), [art. 2, Sch. Pt. I](#)

- 85 In section 110 of that Act (home-school agreements) in subsection (1)(b) for “or a city college for the technology of the arts” substitute “, a city college for the technology of the arts or a city academy ”.

Commencement Information

I101 Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5)

- 86 Part VI of that Act (partnership arrangements in Wales) shall cease to have effect.

Commencement Information

I102 Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 86 in force (W.) at 1.1.2001 by [S.I. 2000/3230](#), [art. 2, Sch.](#)

- 87 (1) Section 137 of that Act (Education Transfer Council: alteration and dissolution) shall be amended as follows.
- (2) In subsection (3)(c) for “or under the Education Reform Act 1988” substitute “, under the Education Reform Act 1988 or under the Further and Higher Education Act 1992 ”.
- (3) At the end of subsection (4)(a) insert “or section 34 or 36 of, or Schedule 5 or 7 to, the Further and Higher Education Act 1992”.

Status: Point in time view as at 01/04/2006.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 19 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)

- 88 In section 142(1) of that Act (general interpretation) omit the definition of “the appropriate further education funding council”.
- 89 (1) Schedule 6 to that Act (statutory proposals: procedure and implementation) shall be amended as follows.
- (2) In paragraph 4(3) after paragraph (d) insert—
- “or
- (e) any undetermined proposals published under Schedule 7 to the Learning and Skills Act 2000.”
- (3) In paragraph 4(4)(a) for “or under paragraph 8 or 9 of Schedule 7” substitute “of this Schedule, under paragraph 8 or 9 of Schedule 7 or under Schedule 7 to the Learning and Skills Act 2000”.

Commencement Information

I103 Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 89 in force for E. at 1.4.2001 by [S.I. 2001/654, art. 2, Sch. Pt. II](#)

- 90 (1) Schedule 7 to that Act (rationalisation of school places) shall be amended as follows.
- (2) In paragraph 4(5)—
- (a) in paragraph (b) for “or under paragraph 5” substitute “of this Act, paragraph 5 of this Schedule or Schedule 7 to the Learning and Skills Act 2000”;
- (b) in paragraph (c) after sub-paragraph (ii) insert—
- “or
- (iii) any determination whether or not to approve the proposals under Schedule 7 to the Learning and Skills Act 2000.”
- (3) In paragraph 8(7) after paragraph (c) insert—
- “and
- (d) any proposals published under Schedule 7 to the Learning and Skills Act 2000 (and not withdrawn).”
- (4) In paragraph 8(10) after paragraph (b) insert—
- “or
- (c) any determination whether or not to approve the proposals under Schedule 7 to the Learning and Skills Act 2000.”
- (5) In paragraph 13(4) after paragraph (c) insert—
- “and
- (d) any proposals published under Schedule 7 to the Learning and Skills Act 2000 (and not withdrawn).”
- (6) In paragraph 13(7) after paragraph (b) insert—
- “or

Status: Point in time view as at 01/04/2006.

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- (c) any determination whether or not to approve the proposals under Schedule 7 to the Learning and Skills Act 2000.”

Commencement Information

I104 Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 90 in force for E. at 1.4.2001 by [S.I. 2001/654](#), [art. 2 Sch. Pt. II](#); Sch. 9 para. 90(5)(6) in force for W. at 1.4.2002 by [S.I. 2001/2705](#), [art. 2 Sch. Pt. I](#)

- 91 In paragraph 5(1) of Schedule 22 to that Act (discontinuance of school: land)—
- (a) for “or paragraph 5 of Schedule 7” substitute “, paragraph 5 of Schedule 7 to this Act or Schedule 7 to the Learning and Skills Act 2000 ”;
- (b) after paragraph (a)(ii) insert—
- “or
- (iii) have been approved under Schedule 7 to the Learning and Skills Act 2000.”

Commencement Information

I105 Sch. 9 para. 91 wholly in force at 1.4.2002; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 91 in force for E. at 1.4.2001 by [S.I. 2001/654](#), [art. 2, Sch. Pt. II](#); Sch. 9 para. 91 in force for W. at 1.4.2002 by [S.I. 2001/2705](#), [art. 2, Sch. Pt. I](#)

Government of Wales Act 1998 (c.38)

- 92 (1) Section 104 of the Government of Wales Act 1998 (funding of the Chief Inspector of Education and Training in Wales) is amended as follows.
- (2) In subsection (4), omit the words from “; and in determining” to the end.
- (3) After subsection (4), insert—
- “(4A) The Assembly shall—
- (a) approve the plan submitted to it under section 87 of the Learning and Skills Act 2000; and
- (b) determine the amount of the funding it is to provide under this section in accordance with the plan as approved by it.
- (4B) But before it gives its approval under subsection (4A)(a), the Assembly may require the Chief Inspector to modify the plan.”

Commencement Information

I106 Sch. 9 para. 92 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 para. 92 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 92 in force (W.) at 1.1.2001 by [S.I. 2000/3230](#), [art. 2, Sch.](#)

- 93 In section 118(2) of that Act (meaning of “Welsh public records”) after paragraph (h) insert—

Status: Point in time view as at 01/04/2006.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 19 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)

“(ha) the National Council for Education and Training for Wales.”.

Commencement Information

I107 Sch. 9 para. 93 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 para. 93 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 93 in force for certain purposes (W.) at 19.9.2000 by [S.I. 2000/2540](#), [art. 2](#), [Sch.](#)

94 In Part I of Schedule 4 to that Act (public bodies subject to reform by Assembly) for the entry relating to the Further Education Funding Council for Wales substitute—

“5. The National Council for Education and Training for Wales.”

Commencement Information

I108 Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 94 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), [art. 2](#) [Sch. Pt. I](#)

SCHEDULE 10

Section 151.

TRANSITIONAL PROVISIONS

PART I

ENGLISH COUNCILS

Introduction

- 1 For the purposes of this Part of this Schedule—
- (a) the appointed day is the day appointed under section 154 for the commencement of section 89;
 - (b) the old Council is the Further Education Funding Council for England;
 - (c) the new Council is the Learning and Skills Council for England;
 - (d) the new Council’s full functions are its functions under sections 2 to 18.

Transitional provisions

- 2 The old Council must do its best to secure that any functions remaining to be discharged by it at any time after the commencement of this paragraph are discharged before the appointed day.
- 3 (1) Anything being done by or in relation to the old Council immediately before the appointed day may be continued on or after that day by or in relation to the new Council.

Status: Point in time view as at 01/04/2006.

Changes to legislation: Learning and Skills Act 2000 is up to date with all changes known to be in force on or before 19 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)

- (2) In particular, any legal proceedings to which the old Council is a party immediately before the appointed day may be continued on or after that day by or in relation to the new Council.
- 4 Every agreement (whether written or not), and every instrument or other document, which relates to any property, right or liability to which section 89(1)(b) applies shall have effect, so far as may be required for continuing its effect on or after the appointed day, as if—
- (a) where the old Council is a party to it, the new Council were substituted as that party,
 - (b) for a reference to the old Council there were substituted a reference to the new Council,
 - (c) for a reference (however worded and whether express or implied) to the chairman, the chief officer or a member of the old Council there were substituted a reference to the chairman, the chief executive or a member of the new Council, and
 - (d) for a reference to the office or place of business of the old Council there were substituted a reference to the office or place of business of the new Council.
- 5 (1) This paragraph applies if the new Council is established before it acquires its full functions.
- (2) The Secretary of State may by order make provision—
- (a) conferring such powers on the new Council as the Secretary of State thinks will help it to carry out its full functions when it acquires them;
 - (b) imposing on the old Council a duty to give such assistance to the new Council as the new Council may reasonably require to help it to carry out its full functions when it acquires them.
- (3) The Secretary of State may make an order under this paragraph at any time before the day on which the new Council acquires its full functions.
- 6 At any time before the day on which the new Council acquires its full functions, section 1(2) has effect as if for “12” there were substituted “2”.
- 7 (1) The new Council must discharge a duty which satisfies the following three conditions.
- (2) The first condition is that the duty arises under—
- (a) section 8(6)(a) of the ^{M10}Further and Higher Education Act 1992 (report on further education for disabled students), or
 - (b) paragraph 16 of Schedule 1 to that Act (accounts).
- (3) The second condition is that the duty arises in respect of a period ending before the appointed day.
- (4) The third condition is that apart from this Act the duty—
- (a) would have fallen to be discharged by the old Council after the appointed day, or
 - (b) fell to be discharged by the old Council before the appointed day but has not been discharged.

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Marginal Citations

M10 1992 c. 13.

- 8 If an order under section 8(4) of the ^{M10}Further and Higher Education Act 1992 confers or imposes a function on the old Council, on or after the appointed day the order is to be treated as if—
- (a) it were made under section 18(4) of this Act, and
 - (b) it conferred or imposed the function on the new Council.

Marginal Citations

M11 1992 c. 13.

^{F86}**PART II**

WELSH COUNCILS

Textual Amendments

F86 Sch. 10 Pt. II 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. 84** (with art. 7)

PART III

ADULT LEARNING INSPECTORATE

- 17 (1) During the interim period, section 52(2) has effect as if for “9” there were substituted “not less than 2 and not more than 9”.
- (2) The interim period begins on the day on which section 52 comes into force.
- (3) The interim period ends on the first day on which there are 9 members of the Inspectorate.

PART IV

STUDENT LOANS

- 18 (1) Sub-paragraph (2) has effect in relation to the ^{M12}Education (Student Loans) Act 1990 to the extent that it continues in force by virtue of any savings made, in connection with its repeal by the ^{M13}Teaching and Higher Education Act 1998, by an order under section 46(4) of the ^{M14}Teaching and Higher Education Act 1998.

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- (2) Section 1(3) of the ^{M15}Education (Student Loans) Act 1990 shall have effect as if the definition of “institutions receiving support from public funds” included a reference to institutions which receive financial resources under section 5 or 34 of this Act.

Marginal Citations

M12 1990 c. 6.

M13 1998 c. 30.

M14 1998 c. 30.

M15 1990 c. 6.

SCHEDULE 11

Section 153.

REPEALS

Commencement Information

I109 Sch. 11 partly in force; Sch. 11 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(e)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 11 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 11 in force in relation to specified repeals (in some cases for limited extents and purposes) as follows: at 3.8.2000 by [S.I. 2000/2114](#), [art. 2\(1\)](#), [Sch. Pt. I](#); 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](#); at 1.4.2001 and 1.9.2001 by [S.I. 2001/1274](#), [art. 2](#), [Sch. Pts. I, II](#); at 1.9.2001 by [S.I. 2001/1274](#), [art. 2](#) [Sch. Pt. II](#); at 1.4.2002 by [S.I. 2001/2705](#), [art. 2](#), [Sch. Pt. I](#)

Chapter	Short title	Extent of repeal
1972 c. 11.	Superannuation Act 1972.	In Schedule 1, in the list of “Other Bodies”, the words “Further Education Funding Council for England in receipt of remuneration.” and “Further Education Funding Council for Wales in receipt of remuneration.”.
1975 c. 24.	House of Commons Disqualification Act 1975.	In Schedule 1, in Part III the words “Any member of the Further Education Funding Council for England in receipt of remuneration.” and “Any member of the Further Education Funding Council for Wales in receipt of remuneration.”.
1975 c. 65.	Sex Discrimination Act 1975.	Section 25(6)(d).
1976 c. 74.	Race Relations Act 1976.	Section 19(6)(d).

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1988 c. 40.	Education Reform Act 1988.	In section 124(2)(b), the words “, as defined by section 15(6) and (7) of the Education Act 1996”.
1992 c. 13.	Further and Higher Education Act 1992.	<p>Sections 1 to 9.</p> <p>Section 18(4) to (6).</p> <p>Section 28(2)(b).</p> <p>Section 32(2A).</p> <p>Section 44(6).</p> <p>Section 45(6).</p> <p>In section 52(1), the word “full-time”.</p> <p>In section 55, subsections (1) to (3) and paragraphs (a) and (b) of subsection (7).</p> <p>Section 56.</p> <p>Section 60A.</p> <p>Section 91(2).</p> <p>In Schedule 1, paragraph 9.</p> <p>Schedule 2.</p> <p>Schedule 5A.</p>
1995 c. 50.	Disability Discrimination Act 1995.	<p>Section 19(6)(e) and (f).</p> <p>Section 30(2) to (4).</p>
1996 c. 56.	Education Act 1996.	<p>Section 15.</p> <p>In section 403(1) the words “local education authority,”.</p> <p>In section 482, in subsection (2)(c) the word “either” and in subsection (3) the word “or” immediately preceding paragraph (b).</p> <p>In section 509(1), paragraph (d) and the word “or” immediately preceding that paragraph.</p> <p>In Schedule 37, paragraphs 70, 112 and 113.</p>

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1996 c. 57.	School Inspections Act 1996.	In section 10(3) the word “and” at the end of paragraph (g).
1997 c. 44.	Education Act 1997.	In section 30, in subsection (1) the words “or by subsection (3)” and subsection (3). In section 37, subsections (1) to (4) and in subsection (5) the words “, which are superseded by this section,”.
1998 c. 18.	Audit Commission Act 1998.	In section 36(1), in the Table, the entry relating to a further education funding council. In section 36(2), the words “or a further education funding council”.
1998 c. 30.	Teaching and Higher Education Act 1998.	In section 19, in subsection (1) the word “or” immediately preceding paragraph (b), in subsection (2)(f) the words “employed as a teacher at a school” and in subsection (10) the word “and” immediately preceding paragraph (c). In section 22(2)(h) and (7) the words “attendance on”. Section 26(1) and (2). In section 28(1), in the definition of “publicly-funded institution”, in paragraph (a) the words “5 or” and the words from “from a further” to “its costs”. Section 34.
1998 c. 31.	School Standards and Framework Act 1998.	Sections 125 and 126. In section 142(1), the definition of “the appropriate further education funding council”. In Schedule 6, in paragraph 4(3) the word

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		<p>“or” immediately after paragraph (c).</p> <p>In Schedule 7, in paragraph 4(5) the word “or” immediately after paragraph (c)(i), in paragraph 8(7) the word “or” immediately after paragraph (b), in paragraph 8(10) the word “or” immediately after paragraph (a), in paragraph 13(4) the word “and” immediately after paragraph (b) and in paragraph 13(7) the word “or” immediately after paragraph (a).</p> <p>In Schedule 22, in paragraph 5(1) the word “or” immediately after paragraph (a)(i).</p> <p>Schedule 27.</p>
1998 c. 31.—Contd.	School Standards and Framework Act 1998— Contd.	In Schedule 30, paragraphs 41 and 42.
1998 c. 38.	Government of Wales Act 1998.	In section 104(4), the words from “; and in determining” to the end.

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