



# Education Act 2002

## 2002 CHAPTER 32

### PART 11

#### MISCELLANEOUS AND GENERAL

##### *Miscellaneous*

#### [<sup>F1</sup>208A Recoupment: adjustment between local education authorities and the YPLA

- (1) This section applies in relation to the following cases—
  - (a) the YPLA secures the provision of education under section 66 of the Apprenticeships, Skills, Children and Learning Act 2009 in respect of a person who belongs to the area of a local education authority in England or Wales (“the home authority”);
  - (b) a local education authority in England or Wales (“the providing authority”) secures the provision of education within section 66(1) or (3) of that Act in respect of a person who belongs to the area of a local education authority in England.
- (2) Regulations made by the appropriate national authority may make provision—
  - (a) in relation to cases within subsection (1)(a), requiring or authorising the payment of an amount by the home authority to the YPLA;
  - (b) in relation to cases within subsection (1)(b), requiring or authorising the payment of an amount by the YPLA to the providing authority.
- (3) The amounts that may be required or authorised to be paid are such sums in respect of amounts described in the regulations as may be—
  - (a) agreed between the YPLA and the local education authority in question, or
  - (b) failing agreement, determined in accordance with the regulations.
- (4) The regulations may provide for the amounts payable—

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*Status: Point in time view as at 01/04/2010. This version of this provision has been superseded.*

*Changes to legislation: Education Act 2002, Section 208A is up to date with all changes known to be in force on or before 30 August 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)*

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- (a) to reflect the whole or any part of the average costs incurred by local education authorities in the provision of education (whether in England and Wales as a whole or in any particular area or areas), and
  - (b) to be based on figures for average costs determined by such body or bodies representing local education authorities, or on such other figures relating to costs so incurred, as the appropriate national authority thinks appropriate.
- (5) Regulations made under this section by the Welsh Ministers may provide that, in cases specified in or determined in accordance with the regulations, the amounts payable are to be determined by the Welsh Ministers with the consent of the Secretary of State.
- (6) In a case where the providing authority is a local education authority in Wales, a dispute between the providing authority and the YPLA as to whether the providing authority is entitled to be paid an amount by the YPLA under the regulations is to be determined by the Welsh Ministers with the consent of the Secretary of State.
- (7) In this section—
- “the appropriate national authority” means—
    - (a) in relation to a case where the providing authority is a local education authority in Wales, the Welsh Ministers;
    - (b) in relation to any other case, the Secretary of State;
  - “the YPLA” means the Young People's Learning Agency for England.]

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**Textual Amendments**

**F1** S. 208A inserted (1.4.2010 for E.) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(3)(4), [Sch. 6 para. 55](#); S.I. 2010/303, art. 3, Sch. 2

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