

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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)

SCHEDULES

SCHEDULE 1

Section 40

EMPLOYEE STUDY AND TRAINING: MINOR AND CONSEQUENTIAL AMENDMENTS

Employment Rights Act 1996 (c. 18)

1 The Employment Rights Act 1996 is amended as follows.

Commencement Information

I1 Sch. 1 para. 1 in force at 6.4.2010 for specified purposes by S.I. 2010/303, art. 4, Sch. 3 (with arts. 9-11)

2 In section 48 (right to present complaint of detriment to employment tribunal), in subsection (1) for “or 47E” substitute “, 47E or 47F”.

Commencement Information

I2 Sch. 1 para. 2 in force at 6.4.2010 for specified purposes by S.I. 2010/303, art. 4, Sch. 3 (with arts. 9-11)

3 In section 105 (unfair dismissal: redundancy), after subsection (7BA) insert—
“(7BB) This subsection applies if the reason (or, if more than one, the principal reason) for which the employee was selected for dismissal was one of those specified in section 104E.”

Commencement Information

I3 Sch. 1 para. 3 in force at 6.4.2010 for specified purposes by S.I. 2010/303, art. 4, Sch. 3 (with arts. 9-11)

4 In section 108(3) (exceptions to one year qualifying period of continuous employment for claims for unfair dismissal), after paragraph (gj) insert—
“(gk) section 104E applies.”

Commencement Information

I4 Sch. 1 para. 4 in force at 6.4.2010 for specified purposes by S.I. 2010/303, art. 4, Sch. 3 (with arts. 9-11)

5 In section 194 (House of Lords staff), in subsection (2)(e) before “VII” insert “6A,”.

Commencement Information

I5 Sch. 1 para. 5 in force at 6.4.2010 for specified purposes by S.I. 2010/303, art. 4, Sch. 3 (with arts. 9-11)

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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)

- 6 In section 195 (House of Commons staff), in subsection (2)(e) before “VII” insert “6A,”.

Commencement Information

I6 Sch. 1 para. 6 in force at 6.4.2010 for specified purposes by S.I. 2010/303, art. 4, Sch. 3 (with arts. 9-11)

- 7 In section 199 (mariners)—
- (a) in subsection (2), after “47E,” insert “47F,”;
 - (b) in that subsection, before “VII” insert “6A,”;
 - (c) in subsection (8)(d), before “VII” insert “6A,”.

Commencement Information

I7 Sch. 1 para. 7 in force at 6.4.2010 for specified purposes by S.I. 2010/303, art. 4, Sch. 3 (with arts. 9-11)

- 8 In section 225 (how to calculate a week's pay in relation to rights during employment) after subsection (4A) insert—
- “(4B) Where the calculation is for the purposes of section 63J, the calculation date is the day on which the section 63D application was made.”

Commencement Information

I8 Sch. 1 para. 8 in force at 6.4.2010 for specified purposes by S.I. 2010/303, art. 4, Sch. 3 (with arts. 9-11)

- 9 In section 227(1) (maximum amount of week's pay) before paragraph (za) insert—
- “(zza) an award of compensation under section 63J(1)(b),”.

Commencement Information

I9 Sch. 1 para. 9 in force at 6.4.2010 for specified purposes by S.I. 2010/303, art. 4, Sch. 3 (with arts. 9-11)

- 10 In section 235(1) (other definitions) at the appropriate place insert—
- ““section 63D application” has the meaning given by section 63D(2);”.

Commencement Information

I10 Sch. 1 para. 10 in force at 6.4.2010 for specified purposes by S.I. 2010/303, art. 4, Sch. 3 (with arts. 9-11)

- 11 In section 236(3) (orders and regulations subject to affirmative Parliamentary procedure), after “47C,” insert “63D, 63F(7),”.

Commencement Information

I11 Sch. 1 para. 11 in force at 6.4.2010 for specified purposes by S.I. 2010/303, art. 4, Sch. 3 (with arts. 9-11)

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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)

Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)

- 12 The Trade Union and Labour Relations (Consolidation) Act 1992 is amended as follows.

Commencement Information

I12 Sch. 1 para. 12 in force at 6.4.2010 for specified purposes by S.I. 2010/303, art. 4, Sch. 3 (with arts. 9-11)

- 13 In section 212A (arbitration scheme for unfair dismissal cases etc.), in subsection (1)—
- (a) before paragraph (za) insert—
 - “(zza) section 63F(4), (5) or (6) or 63I(1)(b) of the Employment Rights Act 1996 (study and training);”;
 - (b) in paragraph (za) for “the Employment Rights Act 1996” substitute “ that Act ”.

Commencement Information

I13 Sch. 1 para. 13 in force at 6.4.2010 for specified purposes by S.I. 2010/303, art. 4, Sch. 3 (with arts. 9-11)

- 14 In section 237(1A)(a) (cases where employee may complain of unfair dismissal despite participation in unofficial industrial action)—
- (a) for “or 104D” substitute “ , 104D or 104E ”;
 - (b) for “and pension scheme membership” substitute “ , pension scheme membership, and study and training ”.

Commencement Information

I14 Sch. 1 para. 14 in force at 6.4.2010 for specified purposes by S.I. 2010/303, art. 4, Sch. 3 (with arts. 9-11)

- 15 In section 238(2A)(a) (cases where employment tribunal to determine whether dismissal of an employee is unfair despite limitation in subsection (2) of that section)—
- (a) for “or 104D” substitute “ , 104D or 104E ”;
 - (b) for “and pension scheme membership” substitute “ , pension scheme membership, and study and training ”.

Commencement Information

I15 Sch. 1 para. 15 in force at 6.4.2010 for specified purposes by S.I. 2010/303, art. 4, Sch. 3 (with arts. 9-11)

Employment Tribunals Act 1996 (c. 17)

- 16 In section 18 of the Employment Tribunals Act 1996 (conciliation), in subsection (1)(d) after “28,” insert “ 63F(4), (5) or (6), 63I(1)(b), ”.

Status: Point in time view as at 04/07/2016.

Changes to legislation: *Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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

I16 Sch. 1 para. 16 in force at 6.4.2010 for specified purposes by S.I. 2010/303, art. 4, Sch. 3 (with arts. 9-11)

SCHEDULE 2

Section 59

[^{F1}LOCAL AUTHORITY] FUNCTIONS: MINOR AND CONSEQUENTIAL AMENDMENTS

Textual Amendments

F1 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#) , [Sch. 2 para. 16\(2\)](#)

Education Act 1996 (c. 56)

1 The Education Act 1996 is amended as follows.

Commencement Information

I17 Sch. 2 para. 1 in force at 12.1.2010 for specified purposes by [S.I. 2009/3317](#), art. 2, [Sch.](#)

I18 Sch. 2 para. 1 in force at 1.4.2010 for specified purposes by [S.I. 2010/303](#), art. 3, [Sch. 2](#) (with arts. 9-11)

I19 [Sch. 2 para. 1](#) in force at 1.9.2010 in so far as not already in force by [S.I. 2010/303](#), art. 6, [Sch. 5](#) (with arts. 9-11)

2 (1) Section 13 (general responsibility for education) is amended as follows.

(2) In subsection (1) after “secondary education” insert “ and, in the case of a [^{F1}local authority] in England, further education, ”.

(3) After subsection (2) insert—

“(3) The reference in subsection (1) to further education is to further education for persons—

- (none) “(a) who are over compulsory school age but under 19,
or
(b) who are aged 19 or over but under 25 and are subject to learning difficulty assessment.”

(4) For the purposes of this Act a person is subject to learning difficulty assessment if—

- (a) a learning difficulty assessment has been conducted in respect of the person, or
(b) arrangements for a learning difficulty assessment to be conducted in respect of the person have been made or are required to be made.

(5) In subsection (4), a “learning difficulty assessment” means an assessment under section 139A or 140 of the Learning and Skills Act 2000 (assessments relating to learning difficulties).

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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)

- (6) For the purposes of subsection (1), persons who are subject to a detention order are to be regarded as part of the population of the area in which they are detained (and not any other area).”

Commencement Information

I20 Sch. 2 para. 2 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

3 For section 13A substitute—

“13A Duty to promote high standards and fulfilment of potential

- (1) A [F1local authority] in England must ensure that their relevant education functions and their relevant training functions are (so far as they are capable of being so exercised) exercised by the authority with a view to—
- (a) promoting high standards,
 - (b) ensuring fair access to opportunity for education and training, and
 - (c) promoting the fulfilment of learning potential by every person to whom this subsection applies.
- (2) Subsection (1) applies to the following—
- (a) persons under the age of 20;
 - (b) persons aged 20 or over but under 25 who are subject to learning difficulty assessment.
- (3) A [F1local authority] in Wales must ensure that their relevant education functions and their relevant training functions are (so far as they are capable of being so exercised) exercised by the authority with a view to—
- (a) promoting high standards, and
 - (b) promoting the fulfilment of learning potential by every person to whom this subsection applies.
- (4) Subsection (3) applies to persons under the age of 20.
- (5) In this section—
- “education” and “training” have the same meanings as in section 15ZA;
- “relevant education function”, in relation to a [F1local authority] in England, means a function relating to the provision of education for—
- (a) persons of compulsory school age (whether at school or otherwise);
 - (b) persons (whether at school or otherwise) who are over compulsory school age and to whom subsection (1) applies;
 - (c) persons who are under compulsory school age and are registered as pupils at schools maintained by the authority;
- “relevant education function”, in relation to a [F1local authority] in Wales, means a function relating to the provision of education for—

Status: Point in time view as at 04/07/2016.

Changes to legislation: *Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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)*

- (a) persons of compulsory school age (whether at school or otherwise);
 - (b) persons (whether at school or otherwise) who are over compulsory school age but under the age of 20;
 - (c) persons who are under compulsory school age and are registered as pupils at schools maintained by the authority;
- “relevant training function” means a function relating to the provision of training.”

Commencement Information

I21 Sch. 2 para. 3 in force at 1.4.2010 by [S.I. 2010/303](#), [art. 3](#), [Sch. 2](#) (with [arts. 9-11](#))

- 4 (1) Section 15A (functions in respect of full-time education for 16 to 18 year olds) is amended as follows.
- (2) In subsection (1) after “[^{F1}local authority]” insert “ in Wales ”.
- (3) After subsection (1) insert—
- “(1ZA) A [^{F1}local authority] in England may secure the provision for their area of full-time or part-time education suitable to the requirements of persons from other areas who are over compulsory school age but have not attained the age of 19.”
- (4) In subsection (1A) for “subsection (1)” substitute “ subsections (1) and (1ZA) ”.
- (5) In subsection (3) for “section 13(5) and (6) of the Learning and Skills Act 2000” substitute “ section 15ZA(6) and (7) ”.
- (6) In the title for “Functions in respect of full-time education” substitute “ Powers in respect of education and training ”.

Commencement Information

I22 Sch. 2 para. 4 in force at 1.4.2010 by [S.I. 2010/303](#), [art. 3](#), [Sch. 2](#) (with [arts. 9-11](#))

- 5 In section 15B (functions in respect of education for persons over 19) in subsection (3) for “section 13(5) and (6) of the Learning and Skills Act 2000” substitute “ section 15ZA(6) and (7) ”.

Commencement Information

I23 Sch. 2 para. 5 in force at 1.4.2010 by [S.I. 2010/303](#), [art. 3](#), [Sch. 2](#) (with [arts. 9-11](#))

- 6 (1) Section 312 (meaning of “special educational needs”, “learning difficulty” etc) is amended as follows.
- (2) In subsection (2) for the words from “subsection (3)” to “section 507B)” substitute “ subsections (3) and (3A) ”.
- (3) After subsection (3) insert—
- “(3A) Subsection (2) does not apply—

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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)

- (a) for the purposes of sections 15ZA, 15A, 15B and 507B, or
- (b) for the purposes of sections 18A and 562H (except for the purpose of determining, for the purposes of those sections, whether a child has special educational needs).”

Commencement Information

I24 Sch. 2 para. 6 in force at 1.9.2010 by S.I. 2010/303, art. 6, Sch. 5 (with arts. 9-11)

- 7 In section 496 (power of Secretary of State to prevent unreasonable exercise of functions) after subsection (4) (as inserted by section 221(1) of this Act) insert—
- “(5) This section is subject to sections 508I and 509AE (complaints about transport arrangements etc).”

Commencement Information

I25 Sch. 2 para. 7 in force at 12.1.2010 for specified purposes by S.I. 2009/3317, art. 2, Sch. (with art. 3)

I26 Sch. 2 para. 7 in force at 1.4.2010 in so far as not already in force by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

- 8 In section 497 (general default powers of Secretary of State) after subsection (5) (as inserted by section 221(2) of this Act) insert—
- “(6) This section is subject to sections 508I and 509AE (complaints about transport arrangements etc).”

Commencement Information

I27 Sch. 2 para. 8 in force at 12.1.2010 for specified purposes by S.I. 2009/3317, art. 2, Sch. (with art. 3)

I28 Sch. 2 para. 8 in force at 1.4.2010 in so far as not already in force by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

- 9 In section 497A (power of Secretary of State to secure proper performance of LEA's functions) at the end insert—
- “(8) This section is subject to sections 508I and 509AE (complaints about transport arrangements etc).”

Commencement Information

I29 Sch. 2 para. 9 in force at 12.1.2010 for specified purposes by S.I. 2009/3317, art. 2, Sch. (with art. 3)

I30 Sch. 2 para. 9 in force at 1.4.2010 in so far as not already in force by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

- 10 (1) In the title of section 509AA, for “Provision” substitute “ [F²Local authorities] in England: provision ”.
- (2) For the title of section 509AB substitute “ [F²Local authorities] in England: further provision about transport policy statements for persons of sixth form age ”.

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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 the title of section 509A, for “Travel” substitute “ [F2Local authorities] in England: travel ”.

Textual Amendments

F2 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 16(3)**

Commencement Information

I31 Sch. 2 para. 10 in force at 12.1.2010 by [S.I. 2009/3317](#), art. 2, **Sch.**

- 11 After section 569 insert—

“569A Regulations made by Welsh Ministers under Chapter 5A

- (1) Any power of the Welsh Ministers to make regulations under Chapter 5A shall be exercised by statutory instrument.
- (2) A statutory instrument containing any such regulations made by the Welsh Ministers shall be subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (3) Any such regulations may make different provision for different cases, circumstances or areas and may contain such incidental, supplemental, saving or transitional provisions as the Welsh Ministers think fit.”

Commencement Information

I32 [Sch. 2 para. 11](#) in force at 1.9.2010 by [S.I. 2010/303](#), art. 6, **Sch. 5** (with arts. 9-11)

- 12 In section 579(1) (general interpretation)—
- (a) in the definition of “prescribed”, after “ “prescribed”” insert “ (except in Chapter 5A) ”;
 - (b) in the definition of “regulations”, after “ “regulations”” insert “ (except in Chapter 5A) ”.

Commencement Information

I33 [Sch. 2 para. 12](#) in force at 1.9.2010 by [S.I. 2010/303](#), art. 6, **Sch. 5** (with arts. 9-11)

- 13 In section 580 (index) insert the following entries at the appropriate places—

“relevant young adult (in sections 508F, 508G section 508F(9); and 508I)	
“relevant youth accommodation	section 562(1A)”;
“subject to a detention order	section 562(1A)”;
“subject to learning difficulty assessment	section 13(4)”

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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

I34 Sch. 2 para. 13 in force at 1.9.2010 by S.I. 2010/303, art. 6, Sch. 5 (with arts. 9-11)

Education Act 2002 (c. 32)

- 14 In section 207(2) of the Education Act 2002 (recoupment: adjustment between [^{F2}local authorities]), for “primary education and secondary education)” substitute “—
- (a) primary education;
 - (b) secondary education;
 - (c) education provided under section 562C of the Education Act 1996 (detention of persons with special educational needs: appropriate special educational provision).”

Textual Amendments

F2 Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), Sch. 2 para. 16(3)

Commencement Information

I35 Sch. 2 para. 14 in force at 1.9.2010 by S.I. 2010/303, art. 6, Sch. 5 (with arts. 9-11)

^{F3}SCHEDULE 3

Section 60

Textual Amendments

F3 Sch. 3 repealed (1.4.2012) by Education Act 2011 (c. 21), ss. 66, 82(3); S.I. 2012/924, art. 2

^{F4}SCHEDULE 4

Section 81

Textual Amendments

F4 Sch. 4 omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(3)(g), Sch. 14 para. 29

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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 5

Section 87

LEARNING AIMS FOR PERSONS AGED 19 OR OVER

PART 1

QUALIFICATIONS TO WHICH SCHEDULE APPLIES

- 1 This paragraph applies to the following qualifications—
- (a) a specified qualification in literacy;
 - (b) a specified qualification in numeracy;
 - (c) a specified vocational qualification at level 2.

Commencement Information

I36 Sch. 5 para. 1 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

- 2 This paragraph applies to a specified qualification at level 3.

Commencement Information

I37 Sch. 5 para. 2 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

PART 2

POWER TO SPECIFY

Power to specify

- 3 (1) In paragraphs 1 and 2, a reference to a specified qualification is to a regulated qualification which is specified, or which is of a description specified, in regulations.
- (2) The regulations may specify qualifications, or descriptions of qualifications, by reference to an assessment made by the [^{F5}Secretary of State] of the level of attainment demonstrated by a qualification; and for that purpose the regulations may confer functions (which may include the exercise of a discretion) on the [^{F5}Secretary of State].
- (3) The regulations may make provision which applies subject to exceptions specified in the regulations.
- (4) In sub-paragraph (1) “regulated qualification” has the meaning given by section 130.

Textual Amendments

F5 Words in Sch. 5 para. 3(2) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 30\(a\)](#)

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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

I38 Sch. 5 para. 3 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

Power to specify qualification in literacy

- 4 The level of attainment in literacy demonstrated by a specified qualification in literacy must be the level which, in the opinion of the Secretary of State, is the minimum required in that respect by persons aged 19 or over in order to be able to operate effectively in day-to-day life.

Commencement Information

I39 Sch. 5 para. 4 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

Power to specify qualification in numeracy

- 5 The level of attainment in numeracy demonstrated by a specified qualification in numeracy must be the level which, in the opinion of the Secretary of State, is the minimum required in that respect by persons aged 19 or over in order to be able to operate effectively in day-to-day life.

Commencement Information

I40 Sch. 5 para. 5 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

Level 2

- 6 Level 2 is the level of attainment (in terms of breadth and depth) which, in the opinion of the Secretary of State, is demonstrated by the General Certificate of Secondary Education in five subjects, each at Grade C or above.

Commencement Information

I41 Sch. 5 para. 6 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

Level 3

- 7 Level 3 is the level of attainment (in terms of breadth and depth) which, in the opinion of the Secretary of State, is demonstrated by the General Certificate of Education at the advanced level in two subjects.

Commencement Information

I42 Sch. 5 para. 7 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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)

Advice and information

- 8 In forming an opinion for the purposes of this Schedule, the Secretary of State may have regard, in particular, to advice or information relating to qualifications which is provided by—
 - ^{F6}(a)
 - (b) ^{F7} ... or
 - (c) the Office of Qualifications and Examinations Regulation.

Textual Amendments

F6 Sch. 5 para. 8(a) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 30\(b\)](#)

F7 Sch. 5 para. 8(b) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 8 para. 25](#); [S.I. 2012/924](#), art. 2

Commencement Information

I43 Sch. 5 para. 8 in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, [Sch. 2](#) (with arts. 9-11)

Power to amend

- 9 (1) The Secretary of State may by order amend this Schedule so as to—
 - (a) add a category of qualification to Part 1;
 - (b) remove a category of qualification for the time being referred to in Part 1;
 - (c) substitute a different qualification for a qualification for the time being referred to in Part 2;
 - (d) make consequential amendments.
- (2) The power conferred by sub-paragraph (1)(b) includes power to remove every category of qualification to which a paragraph of Part 1 for the time being applies.

Commencement Information

I44 Sch. 5 para. 9 in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, [Sch. 2](#) (with arts. 9-11)

SCHEDULE 6

DISSOLUTION OF THE LEARNING AND SKILLS COUNCIL FOR ENGLAND: MINOR AND CONSEQUENTIAL AMENDMENTS

Race Relations Act 1976 (c. 74)

^{F81}

Textual Amendments

F8 Sch. 6 para. 1 repealed (4.4.2011) by [The Equality Act 2010 \(Public Authorities and Consequential and Supplementary Amendments\) Order 2011 \(S.I. 2011/1060\)](#), arts. 1(2), 3(3)(a), [Sch. 3](#)

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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

I45 Sch. 6 para. 1 in force at 1.4.2010 by [S.I. 2010/303](#), [art. 3](#), [Sch. 2](#) (with [arts. 9-11](#))

Further and Higher Education Act 1992 (c. 13)

2 The Further and Higher Education Act 1992 is amended as follows.

Commencement Information

I46 Sch. 6 para. 2 in force at 1.4.2010 by [S.I. 2010/303](#), [art. 3](#), [Sch. 2](#) (with [arts. 9-11](#))

- 3 ^{F9}(1)
^{F10}(2)
^{F11}(3)
^{F12}(4)

Textual Amendments

- F9** Sch. 6 para. 3(1) omitted (1.9.2014) by virtue of [Further and Higher Education \(Governance and Information\) \(Wales\) Act 2014 \(anaw 1\)](#), s. 11(2), [Sch. 2 para. 5](#); [S.I. 2014/1706](#), art. 3(h)
F10 Sch. 6 para. 3(2) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 12 para. 46\(3\)](#); [S.I. 2012/924](#), art. 2
F11 Sch. 6 para. 3(3) omitted (1.9.2014) by virtue of [Further and Higher Education \(Governance and Information\) \(Wales\) Act 2014 \(anaw 1\)](#), s. 11(2), [Sch. 2 para. 5](#); [S.I. 2014/1706](#), art. 3(h)
F12 Sch. 6 para. 3(4) omitted (1.9.2014) by virtue of [Further and Higher Education \(Governance and Information\) \(Wales\) Act 2014 \(anaw 1\)](#), s. 11(2), [Sch. 2 para. 5](#); [S.I. 2014/1706](#), art. 3(h)

- 4 In section 29(7A) (government and conduct of designated institutions)—
^{F13}(a)
(b) in paragraph (b), for “that Act” substitute “ the Learning and Skills Act 2000 ”.

Textual Amendments

- F13** Sch. 6 para. 4(a) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 12 para. 46\(3\)](#); [S.I. 2012/924](#), art. 2

Commencement Information

I47 Sch. 6 para. 4 in force at 1.4.2010 by [S.I. 2010/303](#), [art. 3](#), [Sch. 2](#) (with [arts. 9-11](#))

- 5 In section 31(2A) (designated institutions conducted by companies)—
^{F14}(a)
^{F15}(b)

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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

- F14** Sch. 6 para. 5(a) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 12 para. 46\(3\)](#); [S.I. 2012/924](#), art. 2
- F15** Sch. 6 para. 5(b) omitted (1.9.2014) by virtue of [Further and Higher Education \(Governance and Information\) \(Wales\) Act 2014 \(anaw 1\)](#), s. 11(2), [Sch. 2 para. 5](#); [S.I. 2014/1706](#), art. 3(h)

Commencement Information

- I48** Sch. 6 para. 5 in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, [Sch. 2](#) (with arts. 9-11)

- 6 In section 54(1) (duty to give information)—
- (a) for “the Learning and Skills Council for England” substitute “ the Chief Executive of Skills Funding ”;
 - (b) for “the council”, in both places where it occurs, substitute “ the Chief Executive ”.

Commencement Information

- I49** Sch. 6 para. 6 in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, [Sch. 2](#) (with arts. 9-11)

- 7 (1) Section 56A (intervention: England) is amended as follows.
- F16**(2)
- F17**(3)
- (4) In subsection (5)—
- (a) for the words from “If the” to “same time” substitute “ At the same time as doing one or more of those things the Chief Executive must ”;
 - F18**(b)
- (5) In subsection (6)—
- F19**(a)
 - (b) in paragraph (c), for “as it thinks” substitute “ as the Chief Executive thinks ”.
- F20**(6)
- F21**(7)

Textual Amendments

- F16** Sch. 6 para. 7(2) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 12 para. 46\(3\)](#); [S.I. 2012/924](#), art. 2
- F17** Sch. 6 para. 7(3) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 12 para. 46\(3\)](#); [S.I. 2012/924](#), art. 2
- F18** Sch. 6 para. 7(4)(b) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 12 para. 46\(3\)](#); [S.I. 2012/924](#), art. 2
- F19** Sch. 6 para. 7(5)(a) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 12 para. 46\(3\)](#); [S.I. 2012/924](#), art. 2
- F20** Sch. 6 para. 7(6) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 12 para. 46\(3\)](#); [S.I. 2012/924](#), art. 2

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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)

F21 Sch. 6 para. 7(7) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 12 para. 46(3)**; S.I. 2012/924, art. 2

Commencement Information

I50 Sch. 6 para. 7 in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, **Sch. 2** (with arts. 9-11)

F22⁸

Textual Amendments

F22 Sch. 6 paras. 8-11 omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 12 para. 46(3)**; S.I. 2012/924, art. 2

F22⁹

Textual Amendments

F22 Sch. 6 paras. 8-11 omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 12 para. 46(3)**; S.I. 2012/924, art. 2

F22¹⁰

Textual Amendments

F22 Sch. 6 paras. 8-11 omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 12 para. 46(3)**; S.I. 2012/924, art. 2

F22¹¹

Textual Amendments

F22 Sch. 6 paras. 8-11 omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 12 para. 46(3)**; S.I. 2012/924, art. 2

12 In Schedule 4 (instruments and articles of government for further education corporations) in paragraph 1A—
F23(a)
(b) in paragraph (b), for “that Act” substitute “ the Learning and Skills Act 2000 ”.

Textual Amendments

F23 Sch. 6 para. 12(a) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 12 para. 46(3)**; S.I. 2012/924, art. 2

Commencement Information

I51 Sch. 6 para. 12 in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, **Sch. 2** (with arts. 9-11)

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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)

Education Act 1996 (c. 56)

- 13 In section 13(2)(a) (general responsibility for education) for “Learning and Skills Council for England” substitute “ Chief Executive of Skills Funding ”.

Commencement Information

I52 Sch. 6 para. 13 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

Learning and Skills Act 2000 (c. 21)

- 14 The Learning and Skills Act 2000 is amended as follows.

Commencement Information

I53 Sch. 6 para. 14 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11, 13, 14) (as amended (30.3.3010) by S.I. 2010/1151, art. 22)

- 15 Omit section 1 (the Learning and Skills Council for England).

Commencement Information

I54 Sch. 6 para. 15 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11, 13) (as amended (30.3.3010) by S.I. 2010/1151, art. 22)

- 16 Omit section 2 (duties of Learning and Skills Council: education and training for persons aged 16 to 19).

Commencement Information

I55 Sch. 6 para. 16 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11, 14) (as amended (30.3.3010) by S.I. 2010/1151, art. 22)

- 17 Omit section 3 (duties of Learning and Skills Council: education and training for persons over 19).

Commencement Information

I56 Sch. 6 para. 17 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

- 18 Omit section 4 (encouragement of education and training).

Commencement Information

I57 Sch. 6 para. 18 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

- 19 Omit sections 4A to 4C (learning aims for persons aged 19 and over).

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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

I58 Sch. 6 para. 19 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

20 Omit section 5 (provision of financial resources).

Commencement Information

I59 Sch. 6 para. 20 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

21 Omit section 6 (financial resources: conditions).

Commencement Information

I60 Sch. 6 para. 21 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

22 Omit section 7 (funding of school sixth forms).

Commencement Information

I61 Sch. 6 para. 22 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

23 Omit section 8 (links between education and training and employment).

Commencement Information

I62 Sch. 6 para. 23 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

24 Omit section 9 (assessments and means tests).

Commencement Information

I63 Sch. 6 para. 24 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

25 Omit section 10 (qualifying accounts and arrangements).

Commencement Information

I64 Sch. 6 para. 25 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

26 Omit section 11 (further education: governors).

Commencement Information

I65 Sch. 6 para. 26 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

27 Omit section 11A (support schemes relating to education and training for persons aged 10 to 15).

Status: Point in time view as at 04/07/2016.

Changes to legislation: *Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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

I66 Sch. 6 para. 27 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

28 Omit section 12 (research and information).

Commencement Information

I67 Sch. 6 para. 28 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

29 Omit section 13 (persons with learning difficulties).

Commencement Information

I68 Sch. 6 para. 29 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

30 Omit section 14 (equality of opportunity).

Commencement Information

I69 Sch. 6 para. 30 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

31 Omit section 14A (consultation).

Commencement Information

I70 Sch. 6 para. 31 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

32 Omit section 15 (plans).

Commencement Information

I71 Sch. 6 para. 32 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

33 Omit section 16 (strategy).

Commencement Information

I72 Sch. 6 para. 33 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

34 Omit section 17 (use of information by Learning and Skills Council).

Commencement Information

I73 Sch. 6 para. 34 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

35 Omit section 18 (supplementary functions).

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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

I74 Sch. 6 para. 35 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

36 Omit sections 18A to 18C (regional councils).

Commencement Information

I75 Sch. 6 para. 36 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

37 Omit sections 24A to 24C (strategies for functions of the Learning and Skills Council).

Commencement Information

I76 Sch. 6 para. 37 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

38 Omit section 25 (directions).

Commencement Information

I77 Sch. 6 para. 38 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

39 Omit section 26 (committees).

Commencement Information

I78 Sch. 6 para. 39 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

40 Omit section 27 (grants to Learning and Skills Council).

Commencement Information

I79 Sch. 6 para. 40 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

41 Omit section 28 (annual report).

Commencement Information

I80 Sch. 6 para. 41 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11, 13) (as amended (30.3.3010) by S.I. 2010/1151, art. 22)

42 Omit section 29 (Council's financial year).

Commencement Information

I81 Sch. 6 para. 42 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

43 Omit section 97 (external qualifications: persons over 19).

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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

I82 Sch. 6 para. 43 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

- 44 (1) Section 98 (approved qualifications: England) is amended as follows.
- (2) In subsection (1), for “sections 96 and 97 in their application” substitute “ section 96 in its application ”.
- (3) Omit subsection (2A).

Commencement Information

I83 Sch. 6 para. 44 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

^{F24}45

Textual Amendments

F24 Sch. 6 para. 45 omitted (21.9.2015) by virtue of Qualifications Wales Act 2015 (anaw 5), s. 60(2), Sch. 4 para. 9(3); S.I. 2015/1687, art. 2 (with arts. 3-12)

- 46 In section 100 (authorised bodies) for “sections 96 and 97 in their application”, in both places where the words occur, substitute “ section 96 in its application ”.

Commencement Information

I84 Sch. 6 para. 46 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

- 47 In section 101 (enforcement: England) in subsection (1)—
- (a) for “sections 96 and 97 in their application” substitute “ section 96 in its application ”;
- (b) after paragraph (a) insert “ or ”;
- (c) omit paragraph (c) (and the word “or” before it).

Commencement Information

I85 Sch. 6 para. 47 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

^{F25}48

Textual Amendments

F25 Sch. 6 para. 48 omitted (21.9.2015) by virtue of Qualifications Wales Act 2015 (anaw 5), s. 60(2), Sch. 4 para. 9(3); S.I. 2015/1687, art. 2 (with arts. 3-12)

- 49 (1) Section 113A (restructuring of sixth form education) is amended as follows.
- (2) Omit subsections (1), (4)(aa), (5), (7), (8) and (9)(f).
- (3) In subsection (11)—

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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)

- (a) in the definition of “regulations” omit paragraph (a) (and the “and” after it);
- (b) in the definition of “relevant authority” omit paragraph (a) (and the “and” after it).

Commencement Information

I86 Sch. 6 para. 49 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

50 Omit Schedule 1 (the Learning and Skills Council for England).

Commencement Information

I87 Sch. 6 para. 50 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11, 13) (as amended (30.3.3010) by S.I. 2010/1151, art. 22)

51 Omit Schedule 1A (learning aims for persons aged 19 and over).

Commencement Information

I88 Sch. 6 para. 51 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

52 Omit Schedule 3 (committees (England)).

Commencement Information

I89 Sch. 6 para. 52 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

- 53 (1) Schedule 7A (implementation of proposals for restructuring sixth form education) is amended as follows.
- (2) In paragraph 1, omit “approved or” and “approval or”, wherever occurring.
 - (3) In paragraph 3(4), omit paragraph (a).
 - (4) Omit paragraphs 5(1), 6(1) and 7(1) and (2).

Commencement Information

I90 Sch. 6 para. 53 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

Education Act 2002 (c. 32)

F26⁵⁴

Textual Amendments

F26 Sch. 6 paras. 54-56 omitted (1.4.2012) by virtue of Education Act 2011 (c. 21), s. 82(3), Sch. 16 para. 49; S.I. 2012/924, art. 2

F26⁵⁵

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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
F26 Sch. 6 paras. 54-56 omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 16 para. 49](#); [S.I. 2012/924](#), art. 2

F26 56

Textual Amendments
F26 Sch. 6 paras. 54-56 omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 16 para. 49](#); [S.I. 2012/924](#), art. 2

Education Act 2005 (c. 18)

57 In section 108 of the Education Act 2005 (supply of information: education maintenance allowances), in subsection (3)—
(a) in paragraph (b) for “Learning and Skills Council for England” substitute “Chief Executive of Skills Funding”;
F27 (b)
(c) in paragraph (f) for the words from “the Secretary of State” to the end substitute “a person within paragraphs (a) to (e)”.

Textual Amendments
F27 Sch. 6 para. 57(b) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 16 para. 49](#); [S.I. 2012/924](#), art. 2

Commencement Information
I91 Sch. 6 para. 57 in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, [Sch. 2](#) (with arts. 9-11)

Education and Inspections Act 2006 (c. 40)

58 The Education and Inspections Act 2006 is amended as follows.

Commencement Information
I92 Sch. 6 para. 58 in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, [Sch. 2](#) (with arts. 9-11)

59 Section 75 (education and training to satisfy entitlements) ceases to have effect.

Commencement Information
I93 Sch. 6 para. 59 in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, [Sch. 2](#) (with arts. 9-11)

Further Education and Training Act 2007 (c. 25)

60 The Further Education and Training Act 2007 is amended as follows.

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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

I94 Sch. 6 para. 60 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

- 61 Sections 11 to 13 (provision by Learning and Skills Council for England of services and assistance in respect of employment and training) cease to have effect.

Commencement Information

I95 Sch. 6 para. 61 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

- 62 Sections 14 to 16 (transfer of functions of Secretary of State in relation to further education corporations to the Learning and Skills Council for England) cease to have effect.

Commencement Information

I96 Sch. 6 para. 62 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

SCHEDULE 7

Section 124

LEARNING AND SKILLS COUNCIL FOR ENGLAND: TRANSFER SCHEMES

Staff transfer schemes

- 1 The Secretary of State may make a scheme (a “staff transfer scheme”) providing for the transfer of designated employees of the LSC—
- (a) to a permitted transferee, or
 - (b) so as to become employed in the civil service of the state.

Commencement Information

I97 Sch. 7 para. 1 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

- 2 (1) This paragraph applies where a staff transfer scheme provides for the transfer of an employee of the LSC to a permitted transferee or so as to become employed in the civil service of the state.
- (2) The scheme must provide for the TUPE regulations to apply (to the extent that they would not otherwise apply) as if—
- (a) any transfer of functions (however effected and described) from the LSC to a permitted transferee or the Crown were a transfer of an undertaking;
 - (b) the transfer of the undertaking took effect on a designated date;
 - (c) the transfer of the undertaking were a relevant transfer for the purposes of the regulations;
 - (d) the employee had for those purposes been assigned to an organised grouping of resources or employees that was subject to the relevant transfer.

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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

I98 Sch. 7 para. 2 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

- 3 (1) This paragraph applies where a staff transfer scheme provides for a transfer of an employee of the LSC so as to become employed in the civil service of the state on terms which do not constitute a contract of employment.
- (2) The scheme must provide for the TUPE regulations to apply with the necessary modifications.

Commencement Information

I99 Sch. 7 para. 3 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

- 4 A staff transfer scheme may provide for the transfer of an employee of the LSC to a permitted transferee or so as to become employed in the civil service of the state despite any provisions, of whatever nature, which would otherwise prevent the employee from being so transferred.

Commencement Information

I100 Sch. 7 para. 4 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

Property transfer schemes

- 5 (1) The Secretary of State may make a scheme (a “property transfer scheme”) providing for the transfer from the LSC of designated property, rights or liabilities of the LSC to—
- (a) a permitted transferee,
 - (b) the Secretary of State, or
 - (c) the Chief Executive of Skills Funding.
- (2) A property transfer scheme may—
- (a) create rights, or impose liabilities, in relation to property or rights transferred by virtue of the scheme;
 - (b) provide for anything done by or in relation to the LSC in connection with any property, rights or liabilities transferred by the scheme to be treated as done, or to be continued, by or in relation to the person to whom the property, rights or liabilities in question are transferred;
 - (c) apportion property, rights and liabilities;
 - (d) make provision about the continuation of legal proceedings.
- (3) The things that may be transferred by a property transfer scheme include—
- (a) property, rights and liabilities that could not otherwise be transferred;
 - (b) property acquired, and rights and liabilities arising, after the making of the scheme.

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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

I101 Sch. 7 para. 5 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

Continuity

- 6 A transfer by virtue of a staff transfer scheme or a property transfer scheme does not affect the validity of anything done by or in relation to the LSC before the transfer takes effect.

Commencement Information

I102 Sch. 7 para. 6 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

Supplementary provision etc.

- 7 A staff transfer scheme or a property transfer scheme may include supplementary, incidental, transitional and consequential provision.

Commencement Information

I103 Sch. 7 para. 7 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

Interpretation

- 8 In this Schedule—
“designated”, in relation to a staff transfer scheme or a property transfer scheme, means specified in, or determined in accordance with, the scheme;
“the LSC” means the Learning and Skills Council for England;
“permitted transferee” means—
(a) a [F1local authority] in England;
(b) the Young People's Learning Agency for England;
(c) any other person specified in an order made by the Secretary of State;
“the TUPE regulations” means the Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246).

Textual Amendments

F1 Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158) , Sch. 2 para. 16(2)

Commencement Information

I104 Sch. 7 para. 8 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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 8

Section 125

SIXTH FORM COLLEGE SECTOR

1 The Further and Higher Education Act 1992 (c. 13) is amended as follows.

Commencement Information

I105 Sch. 8 para. 1 in force at 12.1.2010 for specified purposes by S.I. 2009/3317, art. 2, Sch.

I106 Sch. 8 para. 1 in force at 1.4.2010 in so far as not already in force by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

2 In section 17(1) (meaning of “further education corporation”) after “by virtue of section” insert “ 33D or ”.

Commencement Information

I107 Sch. 8 para. 2 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

3 After section 33 insert—

“Sixth form college corporations: England

33A Initial designation of existing bodies corporate as sixth form college corporations

- (1) The Secretary of State may by order designate a body corporate within subsection (2) as a sixth form college corporation, for the purpose of conducting an educational institution specified in the order.
- (2) A body corporate is within this subsection if it is—
 - (a) a further education corporation established in respect of an institution in England, or
 - (b) a body corporate established by an order under section 143(4) of the Learning and Skills Act 2000 in respect of an institution in England.
- (3) On the date specified in the order—
 - (a) a body corporate within subsection (2)(a) ceases to be a further education corporation and becomes a sixth form college corporation;
 - (b) a body corporate within subsection (2)(b) ceases to be subject to the order under section 143(4) of the Learning and Skills Act 2000 establishing it and becomes a sixth form college corporation;
 - (c) in the case of a body corporate within subsection (2)(b), a designation under section 28 which has effect in relation to the relevant sixth form college ceases to have effect.
- (4) An order under subsection (1) may—
 - (a) make provision for the continuity of the body corporate, including provision for the continuation of the instrument and articles of government of the body and the relevant sixth form college;

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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)

- (b) make provision as to the initial name of the corporation as a sixth form college corporation.
- (5) The power conferred by subsection (1)—
 - (a) is exercisable only once;
 - (b) is not exercisable after the date specified in an order made by the Secretary of State.

33B Subsequent designation of existing bodies corporate as sixth form college corporations

- (1) The Secretary of State may by order designate a body corporate within subsection (2) as a sixth form college corporation, for the purpose of conducting an educational institution specified in the order.
- (2) A body corporate is within this subsection if it is—
 - (a) a further education corporation established in respect of an institution in England, or
 - (b) a body corporate established by an order under section 143(4) of the Learning and Skills Act 2000 in respect of an institution in England.
- (3) An order under subsection (1) may be made only if—
 - (a) an application for the order has been made by the governing body of the institution mentioned in subsection (2)(a) or (b), and
 - (b) the institution is one within subsection (4).
- (4) An institution is within this subsection if it appears to the Secretary of State that on the date on which the application is made at least 80% of its total enrolment number will be persons over compulsory school age but under 19.
- (5) The total enrolment number of an institution is to be calculated in accordance with paragraph 1(2) of Schedule 3.
- (6) On the date specified in the order—
 - (a) a body corporate within subsection (2)(a) ceases to be a further education corporation and becomes a sixth form college corporation;
 - (b) a body corporate within subsection (2)(b) ceases to be subject to the order under section 143(4) of the Learning and Skills Act 2000 establishing it and becomes a sixth form college corporation;
 - (c) in the case of a body corporate within subsection (2)(b), a designation under section 28 which has effect in relation to the relevant sixth form college ceases to have effect.
- (7) An order under subsection (1) may—
 - (a) make provision for the continuity of the body corporate, including provision for the continuation of the instrument and articles of government of the body and the relevant sixth form college;
 - (b) make provision as to the initial name of the corporation as a sixth form college corporation.
- (8) The power conferred by subsection (1) is exercisable only after the date specified in an order under section 33A(5)(b).

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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)

33C Establishment of new bodies corporate as sixth form college corporations

- (1) The Secretary of State may by order make provision for the establishment of a body corporate as a sixth form college corporation, for the purpose of establishing and conducting an educational institution specified in the order.
- (2) An order under subsection (1) may be made only if—
 - (a) a proposal relating to the order has been made by the responsible [F1]local authority] and it appears to the Secretary of State that the requirements in subsection (3) have been met in relation to the proposal, and
 - (b) it appears to the Secretary of State that the institution will when established be one within subsection (4).
- (3) The requirements are that—
 - (a) the authority have published the proposal by the prescribed time and in the prescribed manner;
 - (b) the proposal as published contained prescribed information;
 - (c) the authority have considered any representations about the proposal made to them within the prescribed period.
- (4) An institution is within this subsection if—
 - (a) the institution is in England, and
 - (b) on the date on which it is proposed to be established, at least 80% of its total enrolment number will be persons over compulsory school age but under 19.
- (5) The total enrolment number of an institution is to be calculated in accordance with paragraph 1(2) of Schedule 3.
- (6) An order under subsection (1)—
 - (a) must provide for the institution to be established and conducted by the body corporate as from the date specified in the order;
 - (b) may make provision as to the initial name of the corporation as a sixth form college corporation.

33D Conversion of sixth form college corporations into further education corporations

- (1) The Secretary of State may by order convert a sixth form college corporation into a further education corporation.
- (2) An order under subsection (1) may be made only if—
 - (a) an application for the order has been made by the governing body of the relevant sixth form college, or
 - (b) the Secretary of State is satisfied that it is no longer appropriate for the body to be a sixth form college corporation.
- (3) An application under subsection (2)(a) may not be made during the period of two years beginning with the date on which the body's designation or establishment as a sixth form college corporation takes effect.

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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) The Secretary of State must consult the governing body of the relevant sixth form college before making an order under subsection (1) in a case within subsection (2)(b).
- (5) On the date specified in the order, the body ceases to be a sixth form college corporation and becomes a further education corporation.
- (6) An order under subsection (1) may—
 - (a) make provision for the continuity of the body corporate, including provision for the continuation of the instrument and articles of government of the body and the relevant sixth form college;
 - (b) make provision as to the initial name of the corporation as a further education corporation.

33E Principal powers of a sixth form college corporation

- (1) A sixth form college corporation may do any of the following—
 - (a) provide further and higher education,
 - (b) provide secondary education suitable to the requirements of persons who have attained the age of 14,
 - (c) provide education which is secondary education by virtue of section 2(2B) of the Education Act 1996,
 - (d) participate in the provision of secondary education at a school,
 - (e) supply goods or services in connection with their provision of education.
- (2) The powers conferred by subsection (1) are referred to in section 33F as the corporation's principal powers.
- (3) A sixth form college corporation may not provide education of a kind specified in subsection (1)(b), (c) or (d) unless they have consulted such ^[F²]local authorities] as they consider appropriate.
- (4) For the purposes of subsection (1), goods are supplied in connection with the provision of education by a sixth form college corporation if they result from—
 - (a) their provision of education or anything done by them under this Act for the purpose of or in connection with their provision of education,
 - (b) the use of their facilities or the expertise of persons employed by them in the fields in which they are so employed, or
 - (c) ideas of a person employed by them, or one of their students, arising out of their provision of education.
- (5) For the purposes of subsection (1), services are supplied in connection with the provision of education by a sixth form college corporation if—
 - (a) they result from their provision of education or anything done by them under this Act for the purpose of or in connection with their provision of education,
 - (b) they are provided by making available their facilities or the expertise of persons employed by them in the fields in which they are so employed, or

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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) they result from ideas of a person employed by them, or of one of their students, arising out of their provision of education.

33F Supplementary powers of a sixth form college corporation

- (1) A sixth form college corporation may do anything (including in particular the things referred to in subsections (2) to (6)) which appears to the corporation to be necessary or expedient for the purpose of or in connection with the exercise of any of their principal powers.
- (2) A sixth form college corporation may conduct an educational establishment for the purpose of carrying on activities undertaken in the exercise of their powers to provide further or higher education.
- (3) In particular, a sixth form college corporation may conduct the relevant sixth form college as from the date specified in the order designating or establishing the corporation as a sixth form college corporation.
- (4) A sixth form college corporation may provide facilities of any description appearing to the corporation to be necessary or desirable for the purposes of or in connection with carrying on any activities undertaken in the exercise of their principal powers.
- (5) The facilities include—
 - (a) boarding accommodation and recreational facilities for students and staff, and
 - (b) facilities to meet the needs of students with learning difficulties.
- (6) A sixth form college corporation may—
 - (a) acquire and dispose of land and other property,
 - (b) enter into contracts, including in particular—
 - (i) contracts for the employment of teachers and other staff for the purposes of or in connection with carrying on any activities undertaken in the exercise of their principal powers, and
 - (ii) contracts with respect to the carrying on by the corporation of any such activities,
 - (c) form, participate in forming or invest in a company,
 - (d) form, participate in forming or otherwise become a member of a charitable incorporated organisation (within the meaning of section 69A of the Charities Act 1993),
 - (e) borrow such sums as the corporation think fit for the purposes of—
 - (i) carrying on any activities they have power to carry on, or
 - (ii) meeting any liability transferred to them under sections 23 to 27,
 - (f) in connection with their borrowing, grant any mortgage, charge or other security in respect of any land or other property of the corporation,
 - (g) invest any sums not immediately required for the purpose of carrying on any activities they have power to carry on,
 - (h) accept gifts of money, land or other property and apply it, or hold and administer it on trust for, any of those purposes,

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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)

- (i) do anything incidental to the conduct of an educational institution providing further or higher education, including founding scholarships or exhibitions, making grants and giving prizes.
- (7) The powers conferred by subsection (6) are subject to section 33G.
- (8) For the purposes of this section a person has a learning difficulty if—
- (a) the person has a significantly greater difficulty in learning than the majority of persons of the same age, or
 - (b) the person has a disability which either prevents or hinders the person from making use of facilities of a kind generally provided by institutions within the further education sector for persons of the same age.
- (9) But a person is not to be taken to have a learning difficulty solely because the language (or form of language) in which the person is or will be taught is different from a language (or form of language) which has at any time been spoken in the person's home.
- (10) A reference in this section or section 33G to investing in a company includes a reference to becoming a member of the company and to investing in it by the acquisition of any assets, securities or rights or otherwise.
- (11) A sixth form college corporation may provide advice or assistance to any other person where it appears to the corporation to be appropriate for them to do so for the purpose of or in connection with the provision of education by the other person.

33G Further provision about supplementary powers

- (1) The power conferred by section 33F(6)(c) may not be exercised for the purpose of—
- (a) conducting an educational institution, or
 - (b) investing in a company conducting an educational institution.
- (2) The power conferred by section 33F(6)(d) may not be exercised for the purpose of—
- (a) conducting an educational institution, or
 - (b) becoming a member of a charitable incorporated organisation conducting an educational institution.
- (3) But a restriction on the exercise of a power imposed by subsection (1) or (2) does not apply to the extent that the responsible [^{F1}local authority] consent to the exercise of the power in a way which does not comply with the restriction.
- (4) Neither the power conferred by section 33F(6)(c) nor the power conferred by section 33F(6)(d) may be exercised for the purposes of the provision of education if the provision is secured (wholly or partly) by financial resources provided by a relevant funding body.
- (5) But subsection (4) does not apply to the extent that the relevant funding body consents to the exercise of the power in question in a way which does not comply with the restriction in that subsection.

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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)

- (6) The power conferred on a sixth form college corporation by section 33F(6)(e) to borrow money may not be exercised without the consent of the responsible [^{F1}local authority].
- (7) Consent under subsection (6) may be given for particular borrowing or for borrowing of a particular class.
- (8) In this section “relevant funding body” means a [^{F1}local authority], the YPLA or the Chief Executive of Skills Funding.

33H Duty in relation to promotion of well-being of local area

- (1) In exercising their functions under sections 33E and 33F, a sixth form college corporation must have regard, amongst other things, to the objective of promoting the economic and social well-being of the local area.
- (2) In subsection (1)—
 - (a) “the local area”, in relation to a sixth form college corporation, means the locality of the relevant sixth form college, and
 - (b) a reference to the well-being of an area includes a reference to the well-being of people who live or work in that area.

33I Constitution of sixth form college corporation and conduct of sixth form college

- (1) For every sixth form college corporation there is to be—
 - (a) an instrument providing for the constitution of the corporation (to be known as the instrument of government), and
 - (b) an instrument in accordance with which the corporation, and the relevant sixth form college, are to be conducted (to be known as articles of government).
- (2) Instruments of government and articles of government—
 - (a) must comply with the requirements of Schedule 4, and
 - (b) may make any provision authorised to be made by that Schedule and such other provision as may be necessary or desirable.
- (3) Subsection (2) is subject to section 33J.
- (4) The validity of any proceedings of a sixth form college corporation, or of any committee of the corporation, is not affected by—
 - (a) a vacancy among the members, or
 - (b) a defect in the appointment or nomination of a member.
- (5) Subsection (6) applies to a document purporting to be an instrument made or issued by or on behalf of a sixth form college corporation and to be—
 - (a) duly executed under the seal of the corporation, or
 - (b) signed or executed by a person authorised by the corporation to act in that behalf.
- (6) The document is to be received in evidence and treated, without further proof, as being made or issued by or on behalf of the corporation unless the contrary is shown.

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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)

33J Special provision for certain institutions

- (1) Despite anything in section 33I, the instrument of government of a sixth form college corporation to which this section applies must provide—
 - (a) for the governing body of the relevant sixth form college to include persons appointed for the purpose of securing so far as practicable that the established character of the sixth form college is preserved and developed and, in particular, that the sixth form college is conducted in accordance with any trust deed relating to it, and
 - (b) for the majority of members of the governing body of the relevant sixth form college to be such governors.
- (2) This section applies to a sixth form college corporation in respect of which the relevant sixth form college is specified, or falls within a class specified, by the Secretary of State by order.
- (3) The reference in subsection (1)(a) to the established character of a sixth form college is, in relation to a sixth form college established shortly before or at the same time as the designation or establishment of the sixth form college corporation in respect of which it is the relevant sixth form college, a reference to the character which the sixth form college is intended to have on its establishment.

33K Instrument and articles of new sixth form college corporations

- (1) The first instrument of government and articles of government of a sixth form college corporation established under section 33C are to be made by the YPLA.
- (2) Before making an instrument or articles for a sixth form college corporation under this section the YPLA must consult the corporation.

33L Changes to instruments and articles

- (1) The YPLA may—
 - (a) if a sixth form college corporation submits a draft of an instrument of government to have effect in place of their existing instrument, by order make a new instrument of government in terms of the draft or in such terms as it thinks fit, and
 - (b) if a sixth form college corporation submits draft modifications of an instrument made under paragraph (a), by order modify the instrument in terms of the draft or in such terms as it thinks fit.
- (2) The YPLA may not make a new instrument otherwise than in terms of the draft, or modify the instrument otherwise than in terms of the draft, unless it has consulted the corporation.
- (3) The YPLA may by order modify, replace or revoke an instrument of government or articles of government of a sixth form college corporation.
- (4) An order under subsection (3)—

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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)

- (a) may relate to all sixth form college corporations, to a category of sixth form college corporations specified in the order or to a sixth form college corporation specified in the order, but
 - (b) may not be made unless the YPLA has consulted each sixth form college corporation to which the order relates.
- (5) A sixth form college corporation may, with the consent of the YPLA—
- (a) make new articles of government in place of their existing articles, or
 - (b) modify their existing articles.
- (6) The YPLA may by a direction under this section require sixth form college corporations, a class of sixth form college corporations specified in the direction or any particular sixth form college corporation specified in the direction—
- (a) to modify, replace or revoke their articles of government in any manner specified in the direction, or
 - (b) to secure that any rules or bye-laws made in pursuance of their articles of government are modified, replaced or revoked in any manner specified in the direction.
- (7) Before giving a direction under this section the YPLA must consult the sixth form college corporation or (as the case may be) each sixth form college corporation to which the direction applies.

33M Charitable status of a sixth form college corporation

A sixth form college corporation is a charity within the meaning of the Charities Act 1993.

33N Dissolution of sixth form college corporations

- (1) Subject to the following provisions of this section, the Secretary of State may by order provide for—
- (a) the dissolution of a sixth form college corporation, and
 - (b) the transfer to a person mentioned in subsection (4) or (6) of property, rights and liabilities of the corporation.
- (2) An order under subsection (1) may be made only if a proposal relating to the order has been made by the responsible [F1local authority] and it appears to the Secretary of State that the requirements in subsection (3) have been met in relation to the proposal.
- (3) The requirements are that—
- (a) the authority have published the proposal by the prescribed time and in the prescribed manner;
 - (b) the proposal as published contained prescribed information;
 - (c) the authority have considered any representations about the proposal made to them within the prescribed period.
- (4) Property, rights and liabilities may (subject to subsection (5)) be transferred to—

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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)

- (a) a person appearing to the Secretary of State to be wholly or mainly engaged in the provision of educational facilities or services of any description, or
 - (b) a body corporate established for purposes which include the provision of such facilities or services.
- (5) Property, rights and liabilities may be transferred to a person or body under subsection (4) only with the consent of the person or body.
- (6) Property, rights and liabilities may be transferred to the responsible [F1local authority].
- (7) Where the recipient of a transfer under an order under this section is not a charity established for charitable purposes which are exclusively educational purposes, any property transferred must be transferred on trust to be used for charitable purposes which are exclusively educational purposes.
- (8) An order under this section may make provision about the transfer of staff (including provision applying section 26 with such modifications as the Secretary of State may consider necessary or desirable).
- (9) Before making an order under this section in respect of a sixth form college corporation the Secretary of State must consult—
- (a) the corporation, and
 - (b) the YPLA.
- (10) In this section “charity” and “charitable purposes” have the same meanings as in the Charities Act 1993.”

Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#) , **Sch. 2 para. 16(2)**
- F2** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 16(3)**

Commencement Information

- I108** Sch. 8 para. 3 in force at 12.1.2010 for specified purposes by [S.I. 2009/3317](#), art. 2, **Sch.**
- I109** Sch. 8 para. 3 in force at 1.4.2010 in so far as not already in force by [S.I. 2010/303](#), art. 3, **Sch. 2** (with arts. 9-11)

- 4 In section 34(1) (making additional property available for use) after “institution within the further education sector” insert “ other than a sixth form college ”.

Commencement Information

- I110** [Sch. 8 para. 4](#) in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, **Sch. 2** (with arts. 9-11)

- 5 In section 52A(1) (duty to safeguard pupils receiving secondary education) after “by virtue of section 18(1)(aa) or (ab) of this Act,” insert—
- “(aa) by a sixth form college corporation by virtue of section 33E(1)(b) or (c) of this Act.”.

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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

I111 Sch. 8 para. 5 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

- 6 In section 56A(1) (intervention: England) after “institution in England within the further education sector” insert “ other than a sixth form college ”.

Commencement Information

I112 Sch. 8 para. 6 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

F287

Textual Amendments

F28 Sch. 8 para. 7 omitted (1.4.2012) by virtue of Education Act 2011 (c. 21), s. 82(3), Sch. 12 para. 46(4); S.I. 2012/924, art. 2

- 8 After section 56D (inserted by Schedule 6) insert—

“56E Intervention by [^{F2}local authorities]: sixth form colleges

- (1) This section applies in relation to a sixth form college if the responsible [^{F1}local authority] are satisfied as to one or more the matters listed in subsection (2) in relation to the sixth form college; and it is immaterial whether or not a complaint is made by any person.
- (2) The matters are—
 - (a) that the sixth form college's affairs have been or are being mismanaged by its governing body;
 - (b) that the sixth form college's governing body have failed to discharge any duty imposed on them by or for the purposes of any Act;
 - (c) that the sixth form college'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) that the sixth form college is performing significantly less well than it might in all the circumstances reasonably be expected to perform, or is failing or likely to fail to give an accepted standard of education or training.
- (3) If this section applies the authority may do one or more of the things listed in subsection (6).
- (4) Before doing one or more of those things, the authority must give the Secretary of State and the YPLA a notice stating—
 - (a) the matter or matters listed in subsection (2) as to which the authority are satisfied;
 - (b) the reasons why the authority are so satisfied;
 - (c) the thing or things that the authority propose to do;

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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)

- (d) the reasons why the authority propose to do that thing or those things.
- (5) If the authority do one or more of those things, the authority must at the same time give the sixth form college's governing body a notice stating—
 - (a) the matter or matters listed in subsection (2) as to which the authority are satisfied;
 - (b) the reasons why the authority have decided to do that thing or those things.
- (6) The authority may—
 - (a) remove all or any of the members of the sixth form college's governing body;
 - (b) appoint new members of that body if there are vacancies (however arising);
 - (c) give to that body such directions as the authority think expedient as to the exercise of the body's powers and performance of the body's duties.
- (7) The directions that may be given to a governing body under this section include a direction requiring a governing body to make collaboration arrangements (within the meaning of section 166 of the Education and Inspections Act 2006) with such bodies and on such terms as may be specified in the direction.
- (8) Directions may be given to a governing body under this section despite any enactment making the exercise of a power or performance of a duty contingent on the body's opinion.
- (9) The authority may not direct a governing body under subsection (6)(c) to dismiss a member of staff.
- (10) But subsection (9) does not prevent the authority, where the authority consider that it may be appropriate to dismiss a member of staff whom the governing body have power under the governing body's articles of government to dismiss, from giving the governing body such directions under this section as are necessary to secure that the procedures applicable to the consideration of the case for dismissal of that member of staff are given effect to in relation to that member of staff.
- (11) A governing body must comply with any directions given to them under this section.
- (12) An appointment of a member of a governing body under this section shall have effect as if made in accordance with the governing body's instrument of government and articles of government.

56F Appointment by [^{F2}local authorities] of members of sixth form college governing body

- (1) The responsible [^{F1}local authority] for a sixth form college may appoint a person to be a member of the governing body of the sixth form college.
- (2) But no more than two members of the governing body of a sixth form college may at any given time have been appointed under this section.

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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) Before exercising the power conferred by subsection (1) in relation to a governing body, the responsible [^{F1}local authority] must consult the governing body.
- (4) A member of the governing body of a sixth form college who was appointed before the relevant commencement date by the Learning and Skills Council for England under section 11 of the Learning and Skills Act 2000 is, on and after that date, to be treated for the purposes of subsection (2) of this section as appointed by the responsible [^{F1}local authority] under this section.
- (5) “The relevant commencement date” is the date on which section 123 of the Apprenticeships, Skills, Children and Learning Act 2009 comes into force.

56G Intervention policy: sixth form colleges

- (1) The YPLA must—
 - (a) prepare a statement of the policy to be followed by [^{F2}local authorities] with respect to the exercise of their powers under section 56E,
 - (b) keep the statement under review, and
 - (c) if it considers it appropriate in consequence of a review, prepare a revised statement.
- (2) When preparing a statement or revised statement, the YPLA must—
 - (a) undertake such consultation as it thinks appropriate;
 - (b) consider any representations made to it about the policy to be set out in the statement.
- (3) Guidance given to the YPLA under section 76 of the Apprenticeships, Skills, Children and Learning Act 2009 in connection with the performance of its functions under this section may, in particular, relate to the form and content of the policy to be set out in a statement or revised statement.
- (4) The YPLA must send a copy of the statement or revised statement prepared by it to the Secretary of State.
- (5) If the Secretary of State approves it the Secretary of State must lay a copy of it before each House of Parliament.
- (6) The YPLA must publish—
 - (a) the statement of its policy approved by the Secretary of State;
 - (b) where the Secretary of State approves a revised statement of its policy, the revised statement.
- (7) A [^{F1}local authority] must have regard to the statement most recently published under subsection (6) in exercising, or deciding whether to exercise, any of their powers under section 56E in relation to a sixth form college.

56H Intervention by YPLA

- (1) This section applies if—

Status: Point in time view as at 04/07/2016.

Changes to legislation: *Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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)*

- (a) the YPLA proposes to secure the provision of education or training at a sixth form college in the exercise of the power conferred by section 66 of the Apprenticeships, Skills, Children and Learning Act 2009, and
 - (b) the YPLA is satisfied—
 - (i) as to one or more of the matters listed in section 56E(2) in relation to the sixth form college, and
 - (ii) that the circumstances are such that it would be appropriate for the responsible [^{F1}local authority] to do one or more of the things listed in section 56E(6) in relation to the sixth form college.
- (2) If this section applies the YPLA may do one or more of the things listed in subsection (5).
- (3) Before doing one or more of those things, the YPLA must give the Secretary of State a notice stating—
 - (a) the matter or matters listed in section 56E(2) as to which the YPLA is satisfied;
 - (b) the reasons why the YPLA is so satisfied;
 - (c) the thing or things that the YPLA proposes to do;
 - (d) the reasons why the YPLA proposes to do that thing or those things.
- (4) If the YPLA does one or more of those things, it must at the same time give the sixth form college's governing body a notice stating—
 - (a) the matter or matters listed in section 56E(2) as to which the YPLA is satisfied;
 - (b) the reasons why the YPLA has decided to do that thing or those things.
- (5) The YPLA may—
 - (a) remove all or any of the members of the sixth form college's governing body;
 - (b) appoint new members of that body if there are vacancies (however arising);
 - (c) give to that body such directions as the YPLA thinks expedient as to the exercise of the body's powers and performance of the body's duties.
- (6) The directions that may be given to a governing body under this section include a direction requiring a governing body to make collaboration arrangements (within the meaning of section 166 of the Education and Inspections Act 2006) with such bodies and on such terms as may be specified in the direction.
- (7) Directions may be given to a governing body under this section despite any enactment making the exercise of a power or performance of a duty contingent on the body's opinion.
- (8) The YPLA may not direct a governing body under subsection (5)(c) to dismiss a member of staff.

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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)

- (9) But subsection (8) does not prevent the YPLA, where it considers that it may be appropriate to dismiss a member of staff whom the governing body have power to dismiss under their articles of government, from giving the governing body such directions under this section as are necessary to secure that the procedures applicable to the consideration of the case for dismissal of that member of staff are given effect to in relation to that member of staff.
- (10) A governing body must comply with any directions given to them under this section.
- (11) An appointment of a member of a governing body under this section shall have effect as if made in accordance with the governing body's instrument of government and articles of government.

56I Appointment by YPLA of members of sixth form college governing body

- (1) The YPLA may appoint a person to be a member of the governing body of a sixth form college.
- (2) But no more than two members of the governing body of a sixth form college may at any given time have been appointed under this section.
- (3) Before exercising the power conferred by subsection (1) in relation to a governing body, the YPLA must consult the governing body.
- (4) A member of the governing body of a sixth form college who was appointed before the relevant commencement date by the Learning and Skills Council for England under section 11 of the Learning and Skills Act 2000 is, on and after that date, to be treated for the purposes of subsection (2) of this section as appointed by the YPLA under this section.
- (5) “The relevant commencement date” is the date on which section 123 of the Apprenticeships, Skills, Children and Learning Act 2009 comes into force.

56J Notification by Chief Executive of Skills Funding of possible grounds for intervention

- (1) This section applies if the Chief Executive of Skills Funding is of the view that any of the matters listed in section 56E(2) applies in relation to a sixth form college.
- (2) The Chief Executive must notify the responsible [F1local authority] and the YPLA of that view.
- (3) The responsible [F1local authority] must have regard to the Chief Executive's view in deciding whether to exercise their powers under section 56E.
- (4) The YPLA must have regard to the Chief Executive's view in deciding whether to exercise its powers under section 56H.”

Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#) , **Sch. 2 para. 16(2)**

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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)

F2 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 16(3)**

Commencement Information

I113 Sch. 8 para. 8 in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, **Sch. 2** (with arts. 9-11)

9 In section 88(1) (stamp duty) after “32,” insert “ 33N, ”.

Commencement Information

I114 Sch. 8 para. 9 in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, **Sch. 2** (with arts. 9-11)

10 In section 88A(1) (stamp duty land tax) after “32” insert “ , 33N ”.

Commencement Information

I115 Sch. 8 para. 10 in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, **Sch. 2** (with arts. 9-11)

11 (1) Section 89 (orders, regulations and directions) is amended as follows.

(2) In subsection (2)—

(a) after “30(2)(b),” insert “ 33A(5)(b), ”;

(b) after “those sections” insert “ or section 33L ”.

^{F29}(3)

(4) For subsection (5) substitute—

“(5) Section 570 of the Education Act 1996 (revocation and variation) applies to directions given by any person or body under this Act as it applies to directions given by the Secretary of State or a [^{F1}local authority] under that Act.”

Textual Amendments

F1 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#) , **Sch. 2 para. 16(2)**

F29 Sch. 8 para. 11(3) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 12 para. 46(4)**; [S.I. 2012/924](#), art. 2

Commencement Information

I116 Sch. 8 para. 11 in force at 12.1.2010 for specified purposes by [S.I. 2009/3317](#), art. 2, **Sch.**

I117 Sch. 8 para. 11 in force at 1.4.2010 in so far as not already in force by [S.I. 2010/303](#), art. 3, **Sch. 2** (with arts. 9-11)

12 (1) Section 90(1) (interpretation) is amended as follows.

(2) In paragraph (a) of the definition of “governing body” after “further education corporation” insert “ , a sixth form college corporation ”.

(3) At the end insert—

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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 relevant sixth form college”, in relation to a sixth form college corporation, means the educational institution specified in the order under this Act designating the corporation as a sixth form college corporation or establishing it as such,

“the responsible [F1local authority]”—

- (a) in relation to a proposal relating to the establishment of a sixth form college corporation, means the [F1local authority] in whose area the relevant sixth form college, or its main site, is proposed to be situated;
- (b) in relation to a sixth form college corporation, means the [F1local authority] in whose area the relevant sixth form college, or its main site, is situated;
- (c) in relation to a sixth form college, means the [F1local authority] in whose area the sixth form college, or its main site, is situated,

“sixth form college corporation” means a body corporate—

- (a) designated as a sixth form college corporation under section 33A or 33B, or
- (b) established under section 33C,

“the YPLA” means the Young People's Learning Agency for England.”

(4) After subsection (2) insert—

“(2ZA) The Secretary of State may give guidance on which of a sixth form college's sites is to be taken to be its main site for the purposes of the definition of “the responsible [F1local authority]” in subsection (1).”

Textual Amendments

F1 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#) , **Sch. 2 para. 16(2)**

Commencement Information

I118 Sch. 8 para. 12 in force at 12.1.2010 by [S.I. 2009/3317](#), **art. 2**, **Sch.**

- 13 (1) Section 91 (interpretation of Education Acts) is amended as follows.
- (2) In subsection (3) (institutions within the further education sector) after paragraph (b) insert “and
- (c) sixth form colleges,”
- (3) After subsection (3) insert—
- “(3A) References to sixth form colleges are to institutions conducted by sixth form college corporations.”

Commencement Information

I119 [Sch. 8 para. 13](#) in force at 12.1.2010 by [S.I. 2009/3317](#), **art. 2**, **Sch.**

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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)

14 In section 92 (index) at the appropriate places insert—

“relevant sixth form college	section 90(1)”
“responsible [^{F1} local authority]	section 90(1)”
“sixth form college	section 91(3A)”
“sixth form college corporation	section 90(1)”
“the YPLA	section 90(1)”

Textual Amendments

F1 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#) , [Sch. 2 para. 16\(2\)](#)

Commencement Information

I120 Sch. 8 para. 14 in force at 12.1.2010 by [S.I. 2009/3317](#), art. 2, [Sch.](#)

15 (1) Schedule 4 (instruments and articles of government for further education corporations) is amended as follows.

(2) For paragraph 1 substitute—

“1 In this Schedule—

“instrument” means an instrument of government or articles of government;

“the institution” means—

(a) in the case of a further education corporation, the institution which the corporation is established to conduct;

(b) in the case of a sixth form college corporation, the relevant sixth form college.”

(3) In paragraph 1A, after “appointment of members” insert “ of a further education corporation ”.

(4) After paragraph 1A insert—

“1B Provision made by an instrument under this Schedule in relation to the appointment of members of a sixth form college corporation must take into account the members who may be appointed by—

(a) the responsible [^{F1}local authority] under section 56F;

(b) the YPLA under section 56I.”

(5) In paragraph 2(1) after “further education corporation” insert “ or sixth form college corporation ”.

(6) In the title, after “further education corporations” insert “ and sixth form college corporations ”.

Textual Amendments

F1 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#) , [Sch. 2 para. 16\(2\)](#)

Status: Point in time view as at 04/07/2016.

Changes to legislation: *Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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

I121 Sch. 8 para. 15 in force at 1.4.2010 by [S.I. 2010/303](#), [art. 3](#), [Sch. 2](#) (with [arts. 9-11](#))

SCHEDULE 9

Section 127

THE OFFICE OF QUALIFICATIONS AND EXAMINATIONS REGULATION

Status

1 Ofqual is to perform its functions on behalf of the Crown.

Commencement Information

I122 Sch. 9 para. 1 in force at 1.4.2010 by [S.I. 2010/1151](#), [art. 2](#), [Sch. 1](#)

Membership

- 2 (1) Ofqual is to consist of—
- ^{F30}(za) a member appointed by Her Majesty by Order in Council as the chief executive of Ofqual,]
 - (a) a member appointed by ^{F31}the Secretary of State to chair Ofqual (“the chair”), and]
 - (b) between 7 and 12 members appointed by the Secretary of State (the “ordinary members”), ^{F32} ...
 - ^{F32}(c)
 - (2) The person appointed by Her Majesty ^{F33}as the chief executive of] Ofqual is to be known as the Chief Regulator of Qualifications and Examinations (“the Chief Regulator”).
 - (3) Ofqual may appoint one of the ordinary members as deputy to the ^{F34}chair] (“the deputy”).
 - (4) Before appointing a person as an ordinary member, the Secretary of State must consult the ^{F34}chair] or the deputy (subject to sub-paragraph (6)).
 - (5) The Secretary of State may consult the deputy instead of the ^{F34}chair] only if satisfied that—
 - (a) it is not practicable to consult the ^{F34}chair] , and
 - (b) it is necessary to make the appointment before it would be practicable to do so.
 - (6) The Secretary of State may appoint a person as an ordinary member without consulting either the ^{F34}chair] or the deputy if satisfied that—
 - (a) it is not practicable to consult either of those persons, and
 - (b) it is necessary to make the appointment before it would be practicable to do so.

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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)

^{F35}(7)

Textual Amendments

- F30** Sch. 9 para. 2(1)(za) inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 7 para. 2(2)(a)**; [S.I. 2012/924](#), art. 2
- F31** Words in Sch. 9 para. 2(1)(a) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 7 para. 2(2)(b)**; [S.I. 2012/924](#), art. 2
- F32** Sch. 9 para. 2(1)(c) and word omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 7 para. 2(2)(c)**; [S.I. 2012/924](#), art. 2
- F33** Words in Sch. 9 para. 2(2) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 7 para. 2(3)**; [S.I. 2012/924](#), art. 2
- F34** Word in Sch. 9 para. 2(3)-(6) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 7 para. 2(4)**; [S.I. 2012/924](#), art. 2
- F35** Sch. 9 para. 2(7) repealed (14.6.2016) by [The Education \(Repeal of Arrangements for Vocational Qualifications Awarded or Authenticated in Northern Ireland\) Order 2016 \(S.I. 2016/642\)](#), art. 1, **Sch. Table 1**

Commencement Information

- I123** Sch. 9 para. 2 in force at 1.4.2010 by [S.I. 2010/1151](#), art. 2, **Sch. 1**

The Chief Regulator

- 3 (1) The Chief Regulator holds and vacates office in accordance with the terms of the appointment.
- (2) Those terms are to be determined by the Secretary of State, subject to the following provisions of this Schedule.
- (3) The Chief Regulator must not be appointed for a term of more than 5 years.
- (4) The Chief Regulator may resign from office at any time by giving written notice to the Secretary of State.
- (5) Her Majesty may remove the Chief Regulator from office on either of the following grounds—
- (a) inability or unfitness to carry out the duties of office;
 - (b) absence from Ofqual's meetings for a continuous period of more than 6 months without Ofqual's permission.
- (6) The previous appointment of a person as [^{F36}the chief executive of Ofqual (whether before or after the relevant commencement date)] does not affect the person's eligibility for re-appointment.

[^{F37}(7) “The relevant commencement date” means the date on which Schedule 7 to the Education Act 2011 comes fully into force.]

Textual Amendments

- F36** Words in Sch. 9 para. 3(6) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 7 para. 3(2)**; [S.I. 2012/924](#), art. 2

Status: Point in time view as at 04/07/2016.

Changes to legislation: *Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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)*

F37 Sch. 9 para. 3(7) inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 7 para. 3(3)**; [S.I. 2012/924](#), art. 2

Commencement Information

I124 Sch. 9 para. 3 in force at 1.4.2010 by [S.I. 2010/1151](#), art. 2, **Sch. 1**

[^{F38}The chair

Textual Amendments

F38 Sch. 9 para. 3A and heading inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 7 para. 4**; [S.I. 2012/924](#), art. 2

- 3A (1) The chair holds and vacates office in accordance with the terms of the appointment.
- (2) Those terms are to be determined by the Secretary of State, subject to the following provisions of this Schedule.
- (3) The chair must not be appointed for a term of more than 5 years.
- (4) The chair may resign from office at any time by giving written notice to the Secretary of State.
- (5) The Secretary of State may remove the chair from office on either of the following grounds—
- (a) inability or unfitness to carry out the duties of the office;
 - (b) absence from Ofqual's meetings for a continuous period of more than 6 months without Ofqual's permission.
- (6) The previous appointment of a person to chair Ofqual (whether before or after the relevant commencement date) does not affect the person's eligibility for re-appointment.
- (7) “The relevant commencement date” means the date on which Schedule 7 to the Education Act 2011 comes fully into force.]

The deputy and other ordinary members: tenure

- 4 (1) The deputy and other ordinary members hold and vacate office in accordance with the terms of their appointments, subject to the following provisions of this Schedule.
- (2) An ordinary member must not be appointed for a term of more than 5 years.
- (3) The deputy may resign from office at any time by giving written notice to Ofqual.
- (4) The ordinary members may resign from office at any time by giving written notice to the Secretary of State
- (5) Ofqual may remove the deputy from office if Ofqual thinks it appropriate to do so.
- (6) The Secretary of State may remove an ordinary member from office on either of the following grounds—
- (a) inability or unfitness to carry out the duties of office;

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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)

- (b) absence from Ofqual's meetings for a continuous period of more than 6 months without Ofqual's permission.
- (7) Before removing an ordinary member from office, the Secretary of State must consult the [F39 chair] or the deputy (subject to sub-paragraph (9)).
- (8) The Secretary of State may consult the deputy instead of the [F39 chair] only if—
 - (a) the ordinary member to be removed from office is not the deputy, and
 - (b) the Secretary of State is satisfied that—
 - (i) it is not practicable to consult the [F39 chair] , and
 - (ii) it is necessary to remove the ordinary member from office before it would be practicable to do so.
- (9) The Secretary of State may remove an ordinary member from office without consulting either the [F39 chair] or the deputy if satisfied that—
 - (a) if the ordinary member to be removed from office is the deputy, sub-paragraph (10) applies;
 - (b) in any other case, sub-paragraph (11) applies.
- (10) This sub-paragraph applies if—
 - (a) it is not practicable to consult the [F39 chair] , and
 - (b) it is necessary to remove the ordinary member from office before it would be practicable to do so.
- (11) This sub-paragraph applies if—
 - (a) it is not practicable to consult either the [F39 chair] or the deputy, and
 - (b) it is necessary to remove the ordinary member from office before it would be practicable to do so.
- F40(12)
- (13) The previous appointment of a person as the deputy or another ordinary member does not affect the person's eligibility for re-appointment.
- (14) If the deputy ceases to be an ordinary member, the person also ceases to be the deputy.

Textual Amendments

- F39** Word in Sch. 9 para. 4(7)-(11) substituted (1.4.2012) by [Education Act 2011 \(c. 21\), s. 82\(3\), Sch. 7 para. 5](#); [S.I. 2012/924, art. 2](#)
- F40** [Sch. 9 para. 4\(12\)](#) repealed (14.6.2016) by [The Education \(Repeal of Arrangements for Vocational Qualifications Awarded or Authenticated in Northern Ireland\) Order 2016 \(S.I. 2016/642\), art. 1, Sch. Table 1](#)

Commencement Information

- I125** Sch. 9 para. 4 in force at 1.4.2010 by [S.I. 2010/1151, art. 2, Sch. 1](#)

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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)

Remuneration etc. of ^{F41}members]

Textual Amendments

F41 Word in Sch. 9 para. 5 heading substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 7 para. 6**; S.I. 2012/924, art. 2

- 5 (1) Ofqual must, if the Secretary of State requires it to do so, pay remuneration, allowances and expenses to the ^{F42}members of Ofqual] .
- (2) Ofqual must, if the Secretary of State requires it to do so, pay, or make provision for the payment of, a pension, allowances or gratuities to or in respect of a ^{F43}person who is or has been the chair or an] ordinary member.
- (3) If a person ceases to be ^{F44}a member of Ofqual] and the Secretary of State decides that the person should be compensated because of special circumstances, Ofqual must pay compensation to the person.
- (4) The amount of a payment under ^{F45}sub-paragraph (1), (2) or (3)] is to be determined by the Secretary of State.
- ^{F46}(5) Service as the Chief Regulator is one of the kinds of service to which a scheme under section 1 of the Superannuation Act 1972 (superannuation schemes as respects civil servants etc) can apply.
- (6) Ofqual must pay to the Minister for the Civil Service, at such times as the Minister may direct, such sums as the Minister may determine in respect of any increase attributable to sub-paragraph (5) in the sums payable out of money provided by Parliament under the Superannuation Act 1972.]

Textual Amendments

- F42** Words in Sch. 9 para. 5(1) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 7 para. 7(2)**; S.I. 2012/924, art. 2
- F43** Words in Sch. 9 para. 5(2) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 7 para. 7(3)**; S.I. 2012/924, art. 2
- F44** Words in Sch. 9 para. 5(3) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 7 para. 7(4)**; S.I. 2012/924, art. 2
- F45** Words in Sch. 9 para. 5(4) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 7 para. 7(5)**; S.I. 2012/924, art. 2
- F46** Sch. 9 para. 5(5)(6) inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 7 para. 7(6)**; S.I. 2012/924, art. 2

Commencement Information

I126 Sch. 9 para. 5 in force at 1.4.2010 by S.I. 2010/1151, art. 2, **Sch. 1**

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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)

[^{F47}Staff]

Textual Amendments

F47 Sch. 9 para. 6 heading substituted (1.4.2012) by [Education Act 2011 \(c. 21\), s. 82\(3\)](#), [Sch. 7 para. 8](#); [S.I. 2012/924, art. 2](#)

- 6 ^{F48}(1)
- ^{F48}(2)
- ^{F48}(3)
- (4) Ofqual may appoint ^{F49}... members of staff.
- (5) The following are to be determined by Ofqual with the approval of the Secretary of State—
- (a) the number of ^{F50}... members of staff of Ofqual;
 - (b) their conditions of service.

Textual Amendments

F48 Sch. 9 para. 6(1)-(3) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\), s. 82\(3\)](#), [Sch. 7 para. 9\(2\)](#); [S.I. 2012/924, art. 2](#)

F49 Word in Sch. 9 para. 6(4) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\), s. 82\(3\)](#), [Sch. 7 para. 9\(3\)](#); [S.I. 2012/924, art. 2](#)

F50 Word in Sch. 9 para. 6(5)(a) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\), s. 82\(3\)](#), [Sch. 7 para. 9\(3\)](#); [S.I. 2012/924, art. 2](#)

Commencement Information

I127 Sch. 9 para. 6 in force at 1.4.2010 by [S.I. 2010/1151, art. 2](#), [Sch. 1](#)

Committees

- 7 (1) Ofqual may establish committees, and any committee established by Ofqual may establish sub-committees.
- (2) Ofqual may—
- (a) dissolve a sub-committee established under sub-paragraph (1), or
 - (b) alter the purposes for which such a sub-committee is established.
- (3) In this Schedule a committee or sub-committee established under sub-paragraph (1) is referred to as an “Ofqual committee”.
- (4) An Ofqual committee must include at least one member of Ofqual or Ofqual's staff.
- (5) Ofqual may arrange for the payment of remuneration, allowances and expenses to any person who—
- (a) is a member of an Ofqual committee, but
 - (b) is not a member of Ofqual or Ofqual's staff.
- (6) Ofqual must at least once in any 5 year period review—
- (a) the structure of Ofqual committees, and

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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)

(b) the scope of each Ofqual committee's activities.

(7) The first review under sub-paragraph (6) must be completed not later than the day which is the end of the period of 5 years beginning with the day on which section 127 comes into force.

Commencement Information

I128 Sch. 9 para. 7 in force at 1.4.2010 by [S.I. 2010/1151](#), art. 2, [Sch. 1](#)

- 8
- (1) Ofqual and any other person may establish a committee jointly.
 - (2) In this Schedule a committee established under sub-paragraph (1) is referred to as a “joint committee”.
 - (3) A joint committee may establish sub-committees.
 - (4) In this Schedule a sub-committee established under sub-paragraph (3) is referred to as a “joint sub-committee”.
 - (5) A joint committee and a joint sub-committee must include at least one member of Ofqual or Ofqual's staff.
 - (6) Ofqual may arrange for the payment of remuneration, allowances and expenses to any person who—
 - (a) is a member of a joint committee or a joint sub-committee, but
 - (b) is not a member of Ofqual or Ofqual's staff.

Commencement Information

I129 Sch. 9 para. 8 in force at 1.4.2010 by [S.I. 2010/1151](#), art. 2, [Sch. 1](#)

Procedure etc.

- 9
- (1) Ofqual may regulate—
 - (a) its own proceedings (including quorum), and
 - (b) the procedure (including quorum) of Ofqual committees.
 - (2) A joint committee may regulate—
 - (a) its own procedure (including quorum), and
 - (b) the procedure (including quorum) of any sub-committee established by it.
 - (3) The validity of proceedings of Ofqual, or of an Ofqual committee, a joint committee or joint sub-committee is not affected by—
 - (a) a vacancy;
 - (b) a defective appointment.

Commencement Information

I130 Sch. 9 para. 9 in force at 1.4.2010 by [S.I. 2010/1151](#), art. 2, [Sch. 1](#)

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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)

Delegation

- 10 (1) Ofqual may delegate any of its functions to—
- (a) a member of Ofqual or Ofqual's staff;
 - (b) a committee established by Ofqual;
 - (c) a joint committee.
- (2) A function is delegated under this paragraph to the extent and on the terms that Ofqual determines.

Commencement Information

I131 Sch. 9 para. 10 in force at 1.4.2010 by [S.I. 2010/1151](#), art. 2, [Sch. 1](#)

- 11 (1) A committee established by Ofqual or a joint committee may delegate any of its functions to a sub-committee established by it.
- (2) A function is delegated under this paragraph to the extent and on the terms that the committee determines.
- (3) The power of a committee established by Ofqual to delegate a function under this paragraph, and to determine the extent and terms of the delegation, are subject to Ofqual's powers to direct what a committee established by it may and may not do.
- (4) The power of a joint committee to delegate a function under this paragraph, and to determine the extent and terms of the delegation, are subject to the power of Ofqual and any other person with whom Ofqual established the joint committee to direct (acting jointly) what the committee may and may not do.

Commencement Information

I132 Sch. 9 para. 11 in force at 1.4.2010 by [S.I. 2010/1151](#), art. 2, [Sch. 1](#)

Documents

- 12 The application of Ofqual's seal is authenticated by the signatures of—
- (a) two members of Ofqual, or
 - (b) one member of Ofqual and another person who has been authorised (generally or specifically) for that purpose by Ofqual.

Commencement Information

I133 Sch. 9 para. 12 in force at 1.4.2010 by [S.I. 2010/1151](#), art. 2, [Sch. 1](#)

- 13 The Documentary Evidence Act 1868 (c. 37) has effect in relation to Ofqual as if—
- (a) Ofqual were included in the first column of the Schedule to that Act,
 - (b) any member or other person authorised to act on Ofqual's behalf were mentioned in the second column of that Schedule, and
 - (c) the regulations referred to in that Act included any document issued by Ofqual or under its authority.

Status: Point in time view as at 04/07/2016.

Changes to legislation: *Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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

I134 Sch. 9 para. 13 in force at 1.4.2010 by [S.I. 2010/1151](#), [art. 2](#), [Sch. 1](#)

Supplementary powers

- 14 (1) Ofqual may do anything that it considers necessary or appropriate for the purposes of, or in connection with, its functions.
- (2) The power in sub-paragraph (1) is subject to any restrictions imposed by or under any provision of any Act.
- (3) Ofqual may not lend money.

Commencement Information

I135 Sch. 9 para. 14 in force at 1.4.2010 by [S.I. 2010/1151](#), [art. 2](#), [Sch. 1](#)

^{F51}SCHEDULE 10

Section 173

Textual Amendments

F51 [Sch. 10](#) repealed (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 8 para. 24](#); [S.I. 2012/924](#), [art. 2](#)

^{F52}SCHEDULE 11

Section 175

Textual Amendments

F52 [Sch. 11](#) repealed (1.4.2012) by [Education Act 2011 \(c. 21\)](#), [ss. 25](#), 82(3); [S.I. 2012/924](#), [art. 2](#)

SCHEDULE 12

Sections 174 and 192

OFQUAL AND THE QCDA: MINOR AND CONSEQUENTIAL AMENDMENTS

Public Records Act 1958 (c. 51)

^{F53}₁

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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

F53 Sch. 12 para. 1 omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 8 para. 26](#); [S.I. 2012/924](#), art. 2

Parliamentary Commissioner Act 1967 (c. 13)

- 2 (1) Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc. subject to investigation) is amended as follows.
- (2) At the appropriate place insert— “ Office of Qualifications and Examinations Regulation. ”
- ^{F54}(3)

Textual Amendments

F54 Sch. 12 para. 2(3) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 8 para. 26](#); [S.I. 2012/924](#), art. 2

Commencement Information

I136 Sch. 12 para. 2 in force at 1.4.2010 by [S.I. 2010/1151](#), art. 2, [Sch. 1](#)

Local Authorities (Goods and Services) Act 1970 (c. 39)

^{F55}3

Textual Amendments

F55 Sch. 12 para. 3 omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 8 para. 26](#); [S.I. 2012/924](#), art. 2

Superannuation Act 1972 (c. 11)

^{F56}4

Textual Amendments

F56 Sch. 12 para. 4 omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 8 para. 26](#); [S.I. 2012/924](#), art. 2

House of Commons Disqualification Act 1975 (c. 24)

- 5 (1) Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices) is amended as follows.
- ^{F57}(2)

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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) At the appropriate place insert— “ The Chief Regulator of Qualifications and Examinations and any member of the Office of Qualifications and Examinations Regulation in receipt of remuneration. ”

Textual Amendments
F57 Sch. 12 para. 5(2) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 8 para. 26**; [S.I. 2012/924](#), art. 2

Commencement Information
I137 Sch. 12 para. 5 in force at 1.4.2010 by [S.I. 2010/1151](#), art. 2, **Sch. 1**

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

6 In Part 3 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (other disqualifying offices) at the appropriate place insert— “ The Chief Regulator of Qualifications and Examinations and any member of the Office of Qualifications and Examinations Regulation in receipt of remuneration. ”

Commencement Information
I138 Sch. 12 para. 6 in force at 1.4.2010 by [S.I. 2010/1151](#), art. 2, **Sch. 1**

Race Relations Act 1976 (c. 74)

^{F58}7

Textual Amendments
F58 Sch. 12 para. 7 repealed (4.4.2011) by [The Equality Act 2010 \(Public Authorities and Consequential and Supplementary Amendments\) Order 2011 \(S.I. 2011/1060\)](#), arts. 1(2), 3(3)(a), **Sch. 3**

Commencement Information
I139 Sch. 12 para. 7 in force at 1.4.2010 by [S.I. 2010/1151](#), art. 2, **Sch. 1**

Charities Act 1993 (c. 10)

^{F59}8

Textual Amendments
F59 Sch. 12 para. 8 repealed (14.3.2012) by [Charities Act 2011 \(c. 25\)](#), s. 355, **Sch. 10** (with s. 20(2), **Sch. 8**)

Education Act 1996 (c. 56)

9 The Education Act 1996 is amended as follows.

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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

I140 Sch. 12 para. 9 in force at 1.4.2010 by [S.I. 2010/1151](#), [art. 2](#), [Sch. 1](#)

^{F60}10

Textual Amendments

F60 Sch. 12 para. 10 omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 8 para. 26](#); [S.I. 2012/924](#), [art. 2](#)

- 11 (1) Section 408 (provision of information) is amended as follows.
- (2) In subsection (1)(a) after “2002” insert “ or the provisions of Parts 7 and 8 of the Apprenticeships, Skills, Children and Learning Act 2009 ”.
- (3) In subsection (2)(e)—
- (a) for “external” substitute “ relevant ”;
 - (b) after “2000” insert “ which are approved under section 98 or 99 of that Act ”.

Commencement Information

I141 Sch. 12 para. 11 in force at 1.4.2010 for E. by [S.I. 2010/1151](#), [art. 2](#), [Sch. 1](#)

I142 Sch. 12 para. 11 in force at 1.11.2010 for W. by [S.I. 2010/2413](#), [art. 2\(a\)](#) (with [arts. 3-5](#))

Education Act 1997 (c. 44)

- 12 The Education Act 1997 is amended as follows.

Commencement Information

I143 Sch. 12 para. 12 in force at 1.4.2010 by [S.I. 2010/1151](#), [art. 2](#), [Sch. 1](#)

- 13 Sections 21 to 26A (the Qualifications and Curriculum Authority) cease to have effect.

Commencement Information

I144 Sch. 12 para. 13 in force at 1.4.2010 for E. by [S.I. 2010/1151](#), [art. 2](#), [Sch. 1](#)

I145 Sch. 12 para. 13 in force at 1.11.2010 for W. by [S.I. 2010/2413](#), [art. 2\(a\)](#) (with [arts. 3-5](#))

- 14 In section 29 (functions of the Welsh Ministers in relation to curriculum and assessment) for subsection (5) substitute—
- “(5) In this section—
- “assessment” includes examination and test;
 - “funded nursery education” has the meaning given by section 98 of the Education Act 2002;
 - “maintained school” means—
- (a) any community, foundation or voluntary school, and

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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)

(b) any community or foundation special school.

(6) In the definition of “maintained school”, the reference to a community, foundation or voluntary school or to a community or foundation special school, is a reference to such a school within the meaning of the School Standards and Framework Act 1998.”

Commencement Information

I146 Sch. 12 para. 14 in force at 1.11.2010 by [S.I. 2010/2413](#), **art. 2(a)** (with arts. 3-5)

^{F61}15

Textual Amendments

F61 Sch. 12 para. 15 omitted (21.9.2015) by virtue of [Qualifications Wales Act 2015 \(anaw 5\)](#), s. 60(2), **Sch. 4 para. 9(4)**; [S.I. 2015/1687](#), art. 2 (with arts. 3-12)

16 (1) Section 32 (supplementary provisions relating to discharge by the Welsh Ministers of their functions) is amended as follows.

(2) In subsection (1)(c)—

(a) in sub-paragraph (ii) before “requirements” insert “ reasonable ”;

(b) for sub-paragraph (iii) substitute—

“(iii) the reasonable requirements of persons with learning difficulties.”

^{F62}(3)

(4) Omit subsection (4A).

(5) For subsection (6) substitute—

“(6) In this section “persons with learning difficulties” means—

(a) children with special educational needs (as defined in section 312 of the Education Act 1996), and

(b) other persons who—

(i) have a significantly greater difficulty in learning than the majority of persons of their age, or

(ii) have a disability which either prevents or hinders them from making use of educational facilities of a kind generally provided for persons of their 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 the person is or will be taught is different from a language (or form of language) which has at any time been spoken in the person's home.”

Textual Amendments

F62 Sch. 12 para. 16(3) omitted (21.9.2015) by virtue of [Qualifications Wales Act 2015 \(anaw 5\)](#), s. 60(2), **Sch. 4 para. 9(4)**; [S.I. 2015/1687](#), art. 2 (with arts. 3-12)

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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

I147 Sch. 12 para. 16 in force at 1.11.2010 by [S.I. 2010/2413](#), **art. 2(a)** (with **arts. 3-5**)

^{F63}17

Textual Amendments

F63 Sch. 12 paras. 17-19 omitted (21.9.2015) by virtue of [Qualifications Wales Act 2015 \(anaw 5\)](#), s. 60(2), **Sch. 4 para. 9(4)**; [S.I. 2015/1687](#), **art. 2** (with **arts. 3-12**)

^{F63}18

Textual Amendments

F63 Sch. 12 paras. 17-19 omitted (21.9.2015) by virtue of [Qualifications Wales Act 2015 \(anaw 5\)](#), s. 60(2), **Sch. 4 para. 9(4)**; [S.I. 2015/1687](#), **art. 2** (with **arts. 3-12**)

^{F63}19

Textual Amendments

F63 Sch. 12 paras. 17-19 omitted (21.9.2015) by virtue of [Qualifications Wales Act 2015 \(anaw 5\)](#), s. 60(2), **Sch. 4 para. 9(4)**; [S.I. 2015/1687](#), **art. 2** (with **arts. 3-12**)

^{F64}20

Textual Amendments

F64 Sch. 12 para. 20 omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 8 para. 26**; [S.I. 2012/924](#), **art. 2**

21 Section 36 (levy on bodies awarding qualifications accredited by relevant body) ceases to have effect.

Commencement Information

I148 Sch. 12 para. 21 in force at 1.4.2010 by [S.I. 2010/1151](#), **art. 2**, **Sch. 1**

22 In section 54(1) (orders and regulations) omit “, except an order under section 25 or 31,”.

Commencement Information

I149 Sch. 12 para. 22 in force at 1.4.2010 by [S.I. 2010/1151](#), **art. 2**, **Sch. 1**

23 In section 58(6) (short title, commencement and extent etc)—
(a) omit the entries for—
(i) sections 21 and 22,
(ii) section 24(4), (6) and (7),

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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)

- (iii) sections 26 and 26A, and
- (iv) Schedule 4;
- (b) for “34 to 36” substitute “ 35 ”.

Commencement Information

I150 Sch. 12 para. 23 in force at 1.4.2010 by [S.I. 2010/1151](#), [art. 2](#), [Sch. 1](#)

- 24 Schedule 4 (the Qualifications and Curriculum Authority) ceases to have effect.

Commencement Information

I151 Sch. 12 para. 24 in force at 1.4.2010 by [S.I. 2010/1151](#), [art. 2](#), [Sch. 1](#)

- 25 In Schedule 7 (minor and consequential amendments) omit paragraph 2.

Commencement Information

I152 Sch. 12 para. 25 in force at 1.4.2010 by [S.I. 2010/1151](#), [art. 2](#), [Sch. 1](#)

Learning and Skills Act 2000 (c. 21)

- 26 The Learning and Skills Act 2000 is amended as follows.

Commencement Information

I153 Sch. 12 para. 26 in force at 1.4.2010 by [S.I. 2010/1151](#), [art. 2](#), [Sch. 1](#)

- 27 (1) Section 96 (external qualifications: persons under 19) is amended as follows.
- (2) In subsection (1)(b) for “an external qualification” substitute “ a relevant qualification ”.
- (3) In subsection (2) for “external” substitute “ relevant ”.
- (4) For subsections (5) to (7) substitute—
- “(5) In this section “a relevant qualification”—
- (a) in relation to England, means a qualification to which Part 7 of the Apprenticeships, Skills, Children and Learning Act 2009 applies;
 - (b) in relation to Wales, has the same meaning as in section 30 of the Education Act 1997.”

Commencement Information

I154 Sch. 12 para. 27 in force at 1.4.2010 for E. by [S.I. 2010/1151](#), [art. 2](#), [Sch. 1](#)

I155 Sch. 12 para. 27 in force at 1.11.2010 for W. by [S.I. 2010/2413](#), [art. 2\(a\)](#) (with arts. 3-5)

- 28 (1) Section 98 (approved qualifications: England) is amended as follows.
- (2) Before subsection (3) insert—

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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)

- “(2B) A qualification may be approved only if—
- (a) the conditions mentioned in subsection (2C) are satisfied in relation to the qualification, or
 - (b) the Office of Qualifications and Examinations Regulation is consulted before the approval is given.
- (2C) The conditions are that—
- (a) the qualification is a regulated qualification within the meaning of Part 7 of the Apprenticeships, Skills, Children and Learning Act 2009, and
 - (b) if the qualification is subject to the accreditation requirement (within the meaning of Chapter 2 of that Part), it is accredited under section 139 of that Act.”

^{F65}(3)

Textual Amendments

F65 Sch. 12 para. 28(3) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 16 para. 50](#); [S.I. 2012/924](#), art. 2

Commencement Information

I156 Sch. 12 para. 28 in force at 1.4.2010 by [S.I. 2010/1151](#), art. 2, [Sch. 1](#)

^{F66}29

Textual Amendments

F66 Sch. 12 para. 29 omitted (21.9.2015) by virtue of [Qualifications Wales Act 2015 \(anaw 5\)](#), s. 60(2), [Sch. 4 para. 9\(4\)](#); [S.I. 2015/1687](#), art. 2 (with arts. 3-12)

Freedom of Information Act 2000 (c. 36)

^{F67}30

Textual Amendments

F67 Sch. 12 para. 30 omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 8 para. 26](#); [S.I. 2012/924](#), art. 2

Education Act 2002 (c. 32)

31 The Education Act 2002 is amended as follows.

Commencement Information

I157 Sch. 12 para. 31 in force at 1.4.2010 by [S.I. 2010/1151](#), art. 2, [Sch. 1](#)

32 (1) Section 76 (interpretation of Part 6) is amended as follows.

Status: Point in time view as at 04/07/2016.

Changes to legislation: *Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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) At the beginning insert “ (1) ”.
- (3) In the definition of “assess” omit “examine and”.
- (4) In the definition of “assessment arrangements” for the words from “for the purpose” to the end substitute “ for the specified purposes ”.
- (5) At the end insert—
 - “(2) In subsection (1) “the specified purposes”, in relation to assessment arrangements for a key stage, means—
 - (a) the purpose of ascertaining what pupils have achieved in relation to the attainment targets for that stage, and
 - (b) such other purposes as the Secretary of State may by order specify.”

Commencement Information

I158 Sch. 12 para. 32 in force at 1.4.2010 by [S.I. 2010/1151](#), [art. 2](#), [Sch. 1](#)

F68 33

Textual Amendments

F68 Sch. 12 para. 33 omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 8 para. 26](#); [S.I. 2012/924](#), [art. 2](#)

F69 34

Textual Amendments

F69 Sch. 12 para. 34 omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 8 para. 26](#); [S.I. 2012/924](#), [art. 2](#)

- 35 (1) Section 87 (establishment of the National Curriculum for England by order) is amended as follows.
- (2) In subsection (5) for “published as specified” substitute “ published by a person, and in the manner, specified ”.
 - (3) In subsection (7)—
 - (a) omit the “and” at the end of paragraph (a);
 - (b) after paragraph (b) insert—
 - “(c) the Qualifications and Curriculum Development Agency, and
 - (d) any other person with whom the Secretary of State has made arrangements in connection with the development, implementation or monitoring of assessment arrangements,”.
 - (4) Omit subsection (9).

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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)

- (5) In subsection (10) for the words before paragraph (a) substitute “The duties that may be imposed by virtue of subsection (7)(a) or (b) include, in relation to persons exercising any function in connection with the moderation or monitoring of assessment arrangements, the duty to permit them—”.
- (6) For subsection (11) substitute—
- “(11) An order under subsection (3)(c) may authorise a person specified in the order to make delegated supplementary provisions in relation to such matters as may be specified in the order.
- (12) In this section “delegated supplementary provisions” means such provisions (other than provisions conferring or imposing functions as mentioned in subsection (7)(a) or (b)) as appear to the authorised person to be expedient for giving full effect to, or otherwise supplementing, the provisions made by the order.
- (13) An order under subsection (3)(c) authorising the making of delegated supplementary provisions may provide that such provisions may be made only with the approval of the Secretary of State.
- (14) Any delegated supplementary provisions shall, on being published as specified in the order under which they are made, have effect for the purposes of this Part as if made by the order.”

Commencement Information

I159 Sch. 12 para. 35 in force at 1.4.2010 by [S.I. 2010/1151](#), [art. 2](#), [Sch. 1](#)

36 (1) Section 90 (development work and experiments) is amended as follows.

^{F70}(2)

- (3) In subsection (5) for the words from “to the” to the end substitute “on any matters specified by the Secretary of State to—
- (a) the Secretary of State, or
- (b) the reviewing body.”
- (4) After subsection (5) insert—
- “(5A) If required by the Secretary of State to do so the reviewing body shall keep under review development work or experiments carried out following a direction given under subsection (1).
- (5B) In this section “the reviewing body” means the Qualifications and Curriculum Development Agency, or any other person, if designated as such by the Secretary of State.
- (5C) A designation under subsection (5B) may make different provision for different purposes.”

Textual Amendments

F70 Sch. 12 para. 36(2) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), [s. 82\(3\)](#), [Sch. 8 para. 26](#); [S.I. 2012/924](#), [art. 2](#)

Status: Point in time view as at 04/07/2016.

Changes to legislation: *Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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

I160 Sch. 12 para. 36 in force at 1.4.2010 by [S.I. 2010/1151](#), [art. 2](#), [Sch. 1](#)

^{F71}37

Textual Amendments

F71 Sch. 12 para. 37 omitted (15.1.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 8 para. 26](#); [S.I. 2012/84](#), [art. 2](#)

Childcare Act 2006 (c. 21)

38 The Childcare Act 2006 is amended as follows.

Commencement Information

I161 Sch. 12 para. 38 in force at 1.4.2010 by [S.I. 2010/1151](#), [art. 2](#), [Sch. 1](#)

- 39 (1) Section 41 (the learning and development requirements) is amended as follows.
- (2) In subsection (2)(c) for the words from “for the purpose” to “early learning goals” substitute “for the specified purposes”.
- (3) After subsection (4) insert—
- “(4A) In subsection (2)(c) “the specified purposes” means—
- (a) the purpose of ascertaining what children have achieved in relation to the early learning goals, and
- (b) such other purposes as the Secretary of State may by order specify.”

Commencement Information

I162 Sch. 12 para. 39 in force at 1.4.2010 by [S.I. 2010/1151](#), [art. 2](#), [Sch. 1](#)

- 40 (1) Section 42 (further provisions about assessment arrangements) is amended as follows.
- (2) In subsection (2)—
- (a) omit the “and” at the end of paragraph (b);
- (b) after paragraph (c) insert—
- “(d) the Qualifications and Curriculum Development Agency, and
- (e) any other person with whom the Secretary of State has made arrangements in connection with the development, implementation or monitoring of assessment arrangements.”
- (3) Omit subsection (4).
- (4) In subsection (5) for the words before paragraph (a) substitute “The duties that may be imposed on a person mentioned in subsection (2)(a) to (c) by virtue of

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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)

subsection (1) include, in relation to persons exercising any function in connection with the moderation or monitoring of assessment arrangements, the duty to permit them—”.

(5) For subsection (6) substitute—

“(6) A learning and development order specifying assessment arrangements may authorise a person specified in the order to make delegated supplementary provisions in relation to such matters as may be specified in the order.

(6A) In this section “delegated supplementary provisions” means such provisions (other than provisions conferring or imposing functions on persons mentioned in subsection (2)(a) to (c)) as appear to the authorised person to be expedient for giving full effect to, or otherwise supplementing, the provisions made by the order.

(6B) A learning and development order authorising the making of delegated supplementary provisions may provide that such provisions may be made only with the approval of the Secretary of State.

(6C) Any delegated supplementary provisions, on being published as specified in the order under which they are made, are to have effect for the purposes of this Chapter as if made by the order.”

Commencement Information

I163 Sch. 12 para. 40 in force at 1.4.2010 by [S.I. 2010/1151](#), [art. 2](#), [Sch. 1](#)

41 In section 44(1) (instruments specifying learning and development or welfare requirements) for “published as specified” substitute “ published by a person, and in the manner, specified ”.

Commencement Information

I164 Sch. 12 para. 41 in force at 1.4.2010 by [S.I. 2010/1151](#), [art. 2](#), [Sch. 1](#)

42 In section 46 (power to enable exemptions from learning and development requirements to be conferred) after subsection (1) insert—

“(1A) Regulations under subsection (1) may make provision about the conditions which may be imposed by the Secretary of State on making a direction.

(1B) If required by the Secretary of State to do so the reviewing body must keep under review the effect of a direction given under regulations made under subsection (1).

(1C) In subsection (1B) “the reviewing body” means the Qualifications and Curriculum Development Agency, or any other person, if designated as such by the Secretary of State.

(1D) A designation under subsection (1C) may make different provision for different purposes.”

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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

I165 Sch. 12 para. 42 in force at 1.4.2010 by [S.I. 2010/1151](#), [art. 2](#), [Sch. 1](#)

Safeguarding Vulnerable Groups Act 2006 (c. 47)

^{F72}43

Textual Amendments

F72 Sch. 12 para. 43 omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 8 para. 26](#); [S.I. 2012/924](#), [art. 2](#); and provision also repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, [Sch. 10 Pt. 5](#) (with s. 97); [S.I. 2012/2234](#), [art. 2\(bb\)](#)

SCHEDULE 13

Section 203

POWERS IN RELATION TO SCHOOLS CAUSING CONCERN: ENGLAND

1 Part 4 of the Education and Inspections Act 2006 (c. 40) (schools causing concern: England) is amended as follows.

Commencement Information

I166 Sch. 13 para. 1 in force at 12.1.2010 by [S.I. 2009/3317](#), [art. 2](#), [Sch.](#)

- 2 (1) Section 59(2) (meaning of schools being “eligible for intervention”) is amended as follows.
- (2) For “warning notice by [^{F1}local authority]” substitute “ performance standards and safety warning notice ”.
- (3) Before “section 61” insert—
“section 60A (teachers' pay and conditions warning notice),”.

Textual Amendments

F1 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#) , [Sch. 2 para. 16\(2\)](#)

Commencement Information

I167 Sch. 13 para. 2 in force at 12.1.2010 by [S.I. 2009/3317](#), [art. 2](#), [Sch.](#)

3 For the title of section 60 substitute “ Performance standards and safety warning notice ”.

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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

I168 Sch. 13 para. 3 in force at 12.1.2010 by [S.I. 2009/3317](#), [art. 2](#), [Sch.](#)

4 After section 60 insert—

“60A Teachers' pay and conditions warning notice

- (1) A maintained school is by virtue of this section eligible for intervention if—
 - (a) the [F¹local authority] have given the governing body a warning notice in accordance with subsection (2),
 - (b) the period beginning with the day on which the warning notice is given and ending with the fifteenth working day following that day (“the initial period”) has expired,
 - (c) either the governing body made no representations under subsection (7) to the [F¹local authority] against the warning notice during the initial period or the [F¹local authority] have confirmed the warning notice under subsection (8),
 - (d) the governing body have failed to comply, or secure compliance, with the notice to the authority's satisfaction by the end of the compliance period (as defined by subsection (10)), and
 - (e) the authority have given reasonable notice in writing to the governing body that they propose to exercise their powers under any one or more of sections 64 to 66.
- (2) A [F¹local authority] may give a warning notice to the governing body of a maintained school where the authority are satisfied that—
 - (a) the governing body have failed to comply with a provision of an order under section 122 of EA 2002 (teachers' pay and conditions) that applies to a teacher at the school, or
 - (b) the governing body have failed to secure that the head teacher of the school complies with such a provision.
- (3) In subsection (2) references to an order under section 122 of EA 2002 include a document by reference to which provision is made in such an order.
- (4) For the purposes of this section a “warning notice” is a notice in writing by the [F¹local authority] setting out—
 - (a) the matters on which the conclusion mentioned in subsection (2) is based,
 - (b) the action which they require the governing body to take in order to remedy those matters,
 - (c) the initial period applying under subsection (1)(b), and
 - (d) the action which the [F¹local authority] are minded to take (under one or more of sections 64 to 66 or otherwise) if the governing body fail to take the required action.
- (5) The warning notice must also inform the governing body of their right to make representations under subsection (7) during the initial period.

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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)

- (6) The [F1local authority] must, at the same time as giving the governing body the warning notice, give a copy of the notice to each of the following persons—
- (a) the head teacher of the school,
 - (b) in the case of a Church of England school or a Roman Catholic Church school, the appropriate diocesan authority, and
 - (c) in the case of a foundation or voluntary school, the person who appoints the foundation governors.
- (7) Before the end of the initial period, the governing body may make representations in writing to the [F1local authority] against the warning notice.
- (8) The [F1local authority] must consider any representations made to them under subsection (7) and may, if they think fit, confirm the warning notice.
- (9) The [F1local authority] must give notice in writing of their decision whether or not to confirm the warning notice to the governing body and such other persons as the Secretary of State may require.
- (10) In this section “the compliance period”, in relation to a warning notice, means—
- (a) in a case where the governing body does not make representations under subsection (7), the initial period mentioned in subsection (1) (b), and
 - (b) in a case where the [F1local authority] confirm the warning notice under subsection (8), the period beginning with the day on which they do so and ending with the fifteenth working day following that day.”

Textual Amendments

F1 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#) , **Sch. 2 para. 16(2)**

Commencement Information

I169 Sch. 13 para. 4 in force at 12.1.2010 by [S.I. 2009/3317](#), art. 2, **Sch.**

- 5 (1) Section 63 (power of [F1local authority] to require governing body to enter into arrangements) is amended as follows.
- (2) In subsection (1) after “eligible for intervention” insert “ other than by virtue of section 60A ”.
- (3) In subsection (3) for “formal warning” substitute “ performance standards and safety warning ”.

Textual Amendments

F1 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#) , **Sch. 2 para. 16(2)**

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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

I170 Sch. 13 para. 5 in force at 12.1.2010 by [S.I. 2009/3317](#), [art. 2](#), [Sch.](#)

- 6 (1) Section 64 (power of [^{F1}local authority] etc to appoint additional governors) is amended as follows.
- (2) In subsection (1) for “subsection (2)” substitute “ subsections (1A) and (2) ”.
- (3) After subsection (1) insert—
- “(1A) Subsection (1) does not apply if the Secretary of State has exercised the power under section 67 (power to appoint additional governors) in connection with—
- (a) the same warning notice, where the school is eligible for intervention by virtue of section 60 (school subject to performance standards and safety warning) or 60A (school subject to teachers' pay and conditions warning), or
- (b) the same inspection falling within section 61(a) or 62(a), where the school is eligible for intervention by virtue of section 61 (school requiring significant improvement) or 62 (school requiring special measures).”
- (4) In subsection (2)—
- (a) for “formal warning)” substitute “performance standards and safety warning) or 60A (school subject to teachers' pay and conditions warning)”, and
- (b) after “60(10)” insert “ or as the case may be section 60A(10) ”.
- (5) In subsection (4)—
- (a) in paragraph (a) for “formal warning)” substitute “performance standards and safety warning) or 60A (school subject to teachers' pay and conditions warning)”,
- (b) after paragraph (b) insert—
- “and
- (c) the Secretary of State has not exercised the power under section 67 in connection with the same warning notice.”

Textual Amendments

F1 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#) , [Sch. 2 para. 16\(2\)](#)

Commencement Information

I171 Sch. 13 para. 6 in force at 12.1.2010 by [S.I. 2009/3317](#), [art. 2](#), [Sch.](#)

- 7 In section 66(2) (power of [^{F1}local authority] to suspend right to delegated budget)
-
- (a) for “formal warning)” substitute “performance standards and safety warning) or 60A (school subject to teachers' pay and conditions warning)”, and
- (b) after “60(10)” insert “ or as the case may be section 60A(10) ”.

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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

F1 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#) , **Sch. 2 para. 16(2)**

Commencement Information

I172 Sch. 13 para. 7 in force at 12.1.2010 by [S.I. 2009/3317](#), **art. 2, Sch.**

- 8 In section 67(1) (power of Secretary of State to appoint additional governors) omit the words from “by virtue of” to “special measures”.

Commencement Information

I173 Sch. 13 para. 8 in force at 12.1.2010 by [S.I. 2009/3317](#), **art. 2, Sch.**

- 9 In section 69(1) (power of Secretary of State to provide for governing body to consist of interim executive members) omit the words from “by virtue of” to “special measures”.

Commencement Information

I174 Sch. 13 para. 9 in force at 12.1.2010 by [S.I. 2009/3317](#), **art. 2, Sch.**

- 10 After section 69 insert—

“69A Power of Secretary of State to direct [^{F1}local authority] to consider giving performance standards and safety warning notice

- (1) This section applies if the Secretary of State thinks that the conditions in subsections (2) and (3) are met.
- (2) The condition is that there are reasonable grounds for a [^{F1}local authority] to give a warning notice to the governing body of a maintained school under section 60 (performance standards and safety warning notice).
- (3) The condition is that one of the following applies—
 - (a) the authority have not given a warning notice to the governing body under section 60 on those grounds;
 - (b) the authority have done so, but in inadequate terms;
 - (c) the authority have given a warning notice to the governing body under section 60 on those grounds, but the Chief Inspector has failed or declined to confirm it;
 - (d) the school has become eligible for intervention on those grounds by virtue of section 60, but the period of two months following the end of the compliance period (as defined by section 60(10)) has ended.
- (4) The Secretary of State may direct the [^{F1}local authority] to consider giving a warning notice to the governing body under section 60 in the terms specified in the direction.
- (5) A direction under subsection (4) must be in writing.

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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)

- (6) If the Secretary of State gives a direction under subsection (4) to a [F1local authority] in respect of a governing body, the authority must—
- (a) give the Secretary of State a written response to the direction before the end of the period of 10 working days beginning with the day on which the direction is given, and
 - (b) on the same day as they do so, give the Chief Inspector a copy of the response.
- (7) The [F1local authority]'s response to the direction must do one of the following—
- (a) state that the authority have decided to give a warning notice to the governing body in the specified terms;
 - (b) state that the authority have decided not to give a warning notice to the governing body in those terms.
- (8) If the response states that the authority have decided to give a warning notice to the governing body in the specified terms, the authority must—
- (a) give the warning notice to the governing body in those terms before the end of the period of 5 working days beginning with the day on which the response is given (and withdraw any previous warning notice given to the governing body under section 60), and
 - (b) on the same day as they do so, give the Secretary of State a copy of the notice.
- (9) If the response states that the authority have decided not to give a warning notice to the governing body in the specified terms, it must set out the authority's reasons for the decision.
- (10) Subsection (8)(b) applies in addition to section 60(6).

69B Power of Secretary of State to direct [F1local authority] to give teachers' pay and conditions warning notice

- (1) This section applies if the Secretary of State thinks that the conditions in subsections (2) and (3) are met.
- (2) The condition is that there are reasonable grounds for a [F1local authority] to give a warning notice to the governing body of a maintained school under section 60A (teachers' pay and conditions warning notice).
- (3) The condition is that one of the following applies—
 - (a) the authority have not given a warning notice to the governing body under section 60A on those grounds;
 - (b) the authority have done so, but in inadequate terms;
 - (c) the authority have given a warning notice to the governing body under section 60A on those grounds, but have declined or failed to confirm it;
 - (d) the school has become eligible for intervention on those grounds by virtue of section 60A, but the period of two months following the end of the compliance period (as defined by section 60A(10)) has ended.

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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) The Secretary of State may direct the [F¹local authority] to consider giving a warning notice to the governing body under section 60A in the terms specified in the direction.
- (5) If the Secretary of State gives a direction under subsection (4) to a [F¹local authority] in respect of a governing body, the authority must—
 - (a) give a copy of the direction to the governing body before the end of the period of 2 working days beginning with the day on which the direction is given,
 - (b) when it does so, invite the governing body to give the authority a written response before the end of the period of 7 working days beginning with the day on which the direction is given, and
 - (c) give the Secretary of State the authority's written response, and any response received from the governing body in accordance with paragraph (b), before the end of the period of 10 working days beginning with the day on which the direction is given.
- (6) The [F¹local authority]'s response to the direction must do one of the following—
 - (a) state that the authority have decided to give a warning notice to the governing body in the specified terms;
 - (b) state that the authority have decided not to give a warning notice to the governing body in those terms.
- (7) If the response states that the authority have decided to give a warning notice to the governing body in the specified terms, the authority must—
 - (a) give the warning notice to the governing body in those terms before the end of the period of 5 working days beginning with the day on which the response is given (and withdraw any previous warning notice given to the governing body under section 60A), and
 - (b) on the same day as they do so, give the Secretary of State a copy of the notice.
- (8) If the response states that the authority have decided not to give a warning notice to the governing body in the specified terms—
 - (a) the response must set out the authority's reasons for the decision, and
 - (b) the Secretary of State may direct the authority to give the warning notice to the governing body in those terms (and to withdraw any previous warning notice given to the governing body under section 60A).
- (9) If the Secretary of State directs the authority under subsection (8)(b) to give a warning notice to the governing body in the specified terms, the authority must—
 - (a) comply with the direction under subsection (8)(b) before the end of the period of 5 working days beginning with the day on which that direction is given, and
 - (b) on the same day as they do so, give the Secretary of State a copy of the notice.
- (10) Subsections (7)(b) and (9)(b) apply in addition to section 60A(6).

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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)

(11) A direction under this section must be in writing.”

Textual Amendments

F1 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#) , [Sch. 2 para. 16\(2\)](#)

Commencement Information

I175 Sch. 13 para. 10 in force at 12.1.2010 by [S.I. 2009/3317](#), [art. 2](#), [Sch.](#)

11 In section 73 (interpretation of Part 4) at the end insert—

““working day” has the meaning given by section 60(10).”

Commencement Information

I176 Sch. 13 para. 11 in force at 12.1.2010 by [S.I. 2009/3317](#), [art. 2](#), [Sch.](#)

^{F73}SCHEDULE 14

Section 205

Textual Amendments

F73 Sch. 14 omitted (20.2.2014) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), [s. 100\(4\)](#), [Sch. 5 para. 12](#); [S.I. 2014/178](#), [art. 2\(f\)](#) (with [art. 3](#))

^{F74}SCHEDULE 15

Section 227

Textual Amendments

F74 Sch. 15 repealed (1.2.2012) by [Education Act 2011 \(c. 21\)](#), [ss. 18\(1\)](#), [82\(3\)](#); [S.I. 2012/84](#), [art. 3](#)

SCHEDULE 16

Section 266

REPEALS AND REVOCATIONS

Commencement Information

I177 Sch. 16 partly in force; Sch. 16 in force for specified purposes at 12.1.2010 see [s. 269\(2\)](#)

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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)

PART 1

[^{F1}LOCAL AUTHORITY] FUNCTIONS

Commencement Information

I178 Sch. 16 Pt. 1 in force at 1.4.2010 in so far as not already in force by [S.I. 2010/303, art. 3](#), [Sch. 2](#) (with arts. 9-11)

<i>Title</i>	<i>Extent of repeal</i>
Education Act 1996 (c. 56)	Section 509.
School Standards and Framework Act 1998 (c. 31)	Section 128. In Schedule 30, paragraph 64.
Education and Inspections Act 2006 (c. 40)	Section 81.

PART 2

DISSOLUTION OF THE LSC

Commencement Information

I179 Sch. 16 Pt. 2 in force at 1.4.2010 by [S.I. 2010/303, art. 3](#), [Sch. 2](#) (with arts. 9-11, 13, 14) (as amended (30.3.3010) by [S.I. 2010/1151, art. 22](#))

<i>Title</i>	<i>Extent of repeal</i>
Further and Higher Education Act 1992 (c. 13)	In section 56B(3), the word “its”. In section 56C(4), the words “to it”.
Learning and Skills Act 2000 (c. 21)	Part 1. Section 97. Section 98(2A). Section 99(2A). In section 101(1), paragraph (c) (and the word “or” before it). In section 102(1), paragraph (c) (and the word “or” before it). In section 113A— (a) subsections (1), (4)(aa), (5), (7), (8) and (9)(f); (b) in subsection (11), paragraph (a) of the definition of “regulations” (and the word “and” after it) and paragraph (a) of the definition

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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)

	of “relevant authority” (and the word “and” after it).
	Schedules 1, 1A and 3.
	In Schedule 7A—
	(a) in paragraph 1, the words “approved or” and “approval or”, wherever occurring;
	(b) in paragraph 3(4), paragraph (a);
	(c) paragraphs 5(1), 6(1) and 7(1) and (2).
Education and Inspections Act 2006 (c. 40)	Section 75.
Further Education and Training Act 2007 (c. 25)	Section 1.
	Section 2.
	Sections 4 to 10.
	Sections 11 to 13.
	Sections 14 to 16.
Education and Skills Act 2008 (c. 25)	Section 159(2).
	Section 160(2).

PART 3

SIXTH FORM COLLEGE SECTOR

Commencement Information

I180 Sch. 16 Pt. 3 in force at 12.1.2010 by [S.I. 2009/3317](#), art. 2, [Sch.](#)

<i>Title</i>	<i>Extent of repeal</i>
Education and Inspections Act 2006	Section 11(1)(b) and (2)(a).

PART 4

OFQUAL AND THE QCDA

Commencement Information

I181 Sch. 16 Pt. 4 in force at 1.4.2010 for specified purposes by [S.I. 2010/1151](#), art. 2, [Sch. 1](#)

I182 Sch. 16 Pt. 4 in force at 1.11.2010 for specified purposes by [S.I. 2010/2413](#), art. 2(a)(b) (with [arts. 3-5](#))

I183 Sch. 16 Pt. 4 in force at 31.5.2013 for specified purposes by [S.I. 2013/975](#), [art. 2\(e\)](#)

<i>Title</i>	<i>Extent of repeal or revocation</i>
--------------	---------------------------------------

Status: Point in time view as at 04/07/2016.

Changes to legislation: *Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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)*

Charities Act 1993 (c. 10)	In Schedule 2, paragraph (da).
Education Act 1997 (c. 44)	<p>Sections 21 to 26A.</p> <p>Section 30(1C), (1D), (2) and (6).</p> <p>Section 32(4A).</p> <p>Section 32A(6).</p> <p>Section 36.</p> <p>In section 54(1), the words “, except an order under section 25 or 31,”.</p> <p>In section 58(6), the entries for—</p> <ul style="list-style-type: none"> (a) sections 21 and 22; (b) section 24(4), (6) and (7); (c) sections 26 and 26A; (d) Schedule 4 (and the word “and” before it). <p>Schedule 4.</p> <p>In Schedule 7—</p> <ul style="list-style-type: none"> (a) paragraph 1; (b) paragraph 2 (and the italic heading before it); (c) paragraph 3(1)(b) (and the word “and” before it); (d) paragraph 4(3); (e) paragraph 29(a) (and the word “and” after it).
School Standards and Framework Act 1998 (c. 31)	In Schedule 30, paragraph 214.
Learning and Skills Act 2000 (c. 21)	<p>Section 103(2) and (3).</p> <p>In Schedule 9, paragraph 69.</p>
Education Act 2002 (c. 32)	<p>In section 76, in the definition of “assess”, the words “examine and”.</p> <p>In section 87—</p> <ul style="list-style-type: none"> (a) in subsection (7), the word “and” at the end of paragraph (a); (b) subsection (9). <p>In section 96(6), the words from “and shall send copies” to the end.</p> <p>In section 216(2), the words “paragraphs 1 to 4 and 9 of Schedule 17, and section 189 so far as relating to those paragraphs,”.</p> <p>In Schedule 17—</p> <ul style="list-style-type: none"> (a) paragraphs 1 to 4 and the italic heading before paragraph 1; (b) paragraph 5(6);

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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) paragraph 9 and the italic heading before it.
	In Schedule 21, paragraph 69.
The Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239)	In Schedule 1, paragraphs 7, 22, 23 and 24.
Childcare Act 2006 (c. 21)	In section 42— (a) in subsection (2), the word “and” at the end of paragraph (b); (b) subsection (4).
	In Schedule 1— (a) paragraph 2 and the italic heading before it; (b) paragraph 10(9).
Education and Inspections Act 2006 (c. 40)	In Schedule 14, paragraphs 21 and 25.
Education and Skills Act 2008 (c. 25)	Section 9. Section 161. Section 162(2) to (5). Section 163.

PART 5

CO-OPERATION TO IMPROVE WELL-BEING OF CHILDREN

Commencement Information

1184 Sch. 16 Pt. 5 in force at 12.1.2010 for specified purposes by [S.I. 2009/3317](#), art. 2, [Sch.](#)

1185 Sch. 16 Pt. 5 in force at 1.4.2010 in so far as not already in force by [S.I. 2010/303](#), art. 3, [Sch. 2](#) (with arts. 9-11)

<i>Title</i>	<i>Extent of repeal</i>
Children Act 2004 (c. 31)	In section 10— (a) subsection (4)(g); (b) subsections (6) and (7).

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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)

PART 6

SCHOOLS CAUSING CONCERN

Commencement Information

I186 Sch. 16 Pt. 6 in force at 12.1.2010 by [S.I. 2009/3317](#), [art. 2](#), [Sch.](#)

<i>Title</i>	<i>Extent of repeal</i>
Education and Inspections Act 2006	In section 67(1), the words from “by virtue of” to “special measures”. In section 69(1), the words from “by virtue of” to “special measures”.

^{F75}PART 7

COMPLAINTS

Textual Amendments

F75 Sch. 16 Pt. 7 omitted (1.8.2012) by virtue of [Education Act 2011 \(c. 21\)](#), [ss. 45\(2\)\(g\)](#), [82\(3\)](#); [S.I. 2012/1087](#), [art. 2](#) (with [art. 6](#))

PART 8

SCHOOL INSPECTIONS

Commencement Information

I187 Sch. 16 Pt. 8 in force at 12.1.2010 by [S.I. 2009/3317](#), [art. 2](#), [Sch.](#)

<i>Title</i>	<i>Extent of repeal</i>
Education and Inspections Act 2006 (c. 40)	In Schedule 12— (a) in paragraph 9(1), the word “or” at the end of paragraph (b); (b) in paragraph 10(1), the word “or” at the end of paragraph (b).

Status: Point in time view as at 04/07/2016.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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)

PART 9

INFORMATION ABOUT LOCAL AUTHORITY EXPENDITURE

Commencement Information

I188 Sch. 16 Pt. 9 in force at 12.1.2010 by [S.I. 2009/3317](#), [art. 2](#), [Sch.](#)

<i>Title</i>	<i>Extent of repeal</i>
School Standards and Framework Act 1998 (c. 31)	Section 53.
Public Audit (Wales) Act 2004 (c. 23)	In Schedule 2, paragraph 40.

PART 10

SUPPORT FOR PARTICIPATION IN EDUCATION AND TRAINING

Commencement Information

I189 Sch. 16 Pt. 10 in force at 12.1.2010 by [S.I. 2009/3317](#), [art. 2](#), [Sch.](#)

<i>Title</i>	<i>Extent of repeal</i>
Education and Skills Act 2008 (c. 25)	Section 15. Section 76(1).

PART 11

FOUNDATION DEGREES: WALES

Commencement Information

I190 Sch. 16 Pt. 11 in force at 1.10.2010 by [S.I. 2010/2413](#), [art. 2\(d\)](#) (with arts. 3-5)

<i>Title</i>	<i>Extent of repeal</i>
Further and Higher Education Act 1992 (c. 13)	In section 76(1)(b), the words “in England”.

Status:

Point in time view as at 04/07/2016.

Changes to legislation:

Apprenticeships, Skills, Children and Learning Act 2009 is up to date with all changes known to be in force on or before 31 July 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.