



# Learning and Skills Act 2000

## 2000 CHAPTER 21

### PART II

#### [<sup>F1</sup>FURTHER EDUCATION AND SIXTH FORM EDUCATION: WALES]

#### *Other functions*

#### 40 Research and information.

- <sup>F1</sup>(1) .....
- <sup>F1</sup>(2) .....
- <sup>F1</sup>(3) .....
- <sup>F1</sup>(4) .....

- (5) The [<sup>F2</sup>Welsh Ministers] must establish systems for collecting information which is designed to secure that [<sup>F3</sup>their decisions] with regard to education and training are made on a sound basis.
- (6) The [<sup>F2</sup>Welsh Ministers] may secure the provision of facilities for providing information, advice or guidance about education or training or connected matters (including employment).

#### Textual Amendments

- F1** S. 40(1)-(4) omitted (1.4.2006) by virtue of [National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 1(1), **Sch. 1 para. 60(a)** (with art. 7)
- F2** Words in s. 40 substituted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), **Sch. paras. 2, 3**; S.I. 2011/97, art. 2(1)(p)
- F3** Words in s. 40(5) substituted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), **Sch. para. 9**; S.I. 2011/97, art. 2(1)(p)

**Changes to legislation:** *Learning and Skills Act 2000, Cross Heading: Other functions is up to date with all changes known to be in force on or before 14 March 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) View outstanding changes*

### Commencement Information

- II** S. 40 not in force at Royal Assent see s. 154; s. 40 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), [art. 2](#), [Sch. Pt. I](#)

## 41 Persons with <sup>F4</sup>learning difficulties][<sup>F4</sup>additional learning needs].

- (1) In discharging its functions under sections 31, 32 and 34(1)(a) to (d) and (g) the <sup>F5</sup>Welsh Ministers] must have regard—
- (a) to the needs of persons with <sup>F6</sup>learning difficulties, and][<sup>F6</sup>additional learning needs;]
  - <sup>F7</sup>(b) to the desirability of facilities being available which would assist the discharge of duties under the Additional Learning Needs and Education Tribunal (Wales) Act 2018.]
- <sup>F9</sup>(2) If the <sup>F10</sup>Welsh Ministers are] satisfied that <sup>F11</sup>they cannot] secure the provision of facilities for education or training which are sufficient in quantity and adequate in quality for a person with a learning difficulty who is over compulsory school age but who has not attained the age of 19 unless <sup>F12</sup>they also secure] the provision of boarding accommodation for him, the <sup>F13</sup>Welsh Ministers must] secure the provision of boarding accommodation for him.]
- <sup>F14</sup>(3) If the <sup>F10</sup>Welsh Ministers are] satisfied that <sup>F11</sup>they cannot] secure the provision of reasonable facilities for education or training for a person with a learning difficulty who has attained the age of 19 but not the age of 25 unless <sup>F12</sup>they also secure] the provision of boarding accommodation for him, the <sup>F13</sup>Welsh Ministers must] secure the provision of boarding accommodation for him.]
- <sup>F15</sup>(4) If the <sup>F10</sup>Welsh Ministers are] satisfied that <sup>F11</sup>they cannot] secure the provision of reasonable facilities for education or training for a person with a learning difficulty who has attained the age of 25 unless <sup>F12</sup>they also secure] the provision of boarding accommodation for him, the <sup>F16</sup>Welsh Ministers may] secure the provision of boarding accommodation for him.]
- <sup>F17</sup>(5A) In this Part, “additional learning needs” has the meaning given by section 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018, and “additional learning provision” has the meaning given by section 3 of that Act.]
- <sup>F18</sup>(6) But a person is not to be taken to have a learning difficulty solely because the language (or form of language) in which he is or will be taught is different from a language (or form of language) which has at any time been spoken in his home.]

### Textual Amendments

- F4** Words in [s. 41 heading](#) heading substituted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), [ss. 50\(4\)\(a\)](#), 100(3); [S.I. 2021/373](#), [arts. 3, 4, 6, 7](#) (as amended by [S.I. 2021/938](#), [art. 2](#)); [S.I. 2021/1243](#), [art. 3](#) (with [arts. 4-23](#)) (as amended by [S.I. 2021/1428](#), [art. 2](#)); [S.I. 2021/1244](#), [art. 3](#) (with [arts. 4-21](#)) (as amended by [S.I. 2021/1428](#), [art. 3](#)); [S.I. 2021/1245](#), [arts. 3, 4](#) (with [art. 1\(4\)](#)); [S.I. 2022/891](#), [art. 3](#) (with [arts. 4-25](#)); [S.I. 2022/892](#), [arts. 2, 3](#) (with [arts. 4-18](#)); [S.I. 2022/893](#), [art. 4](#); [S.I. 2022/894](#), [art. 3](#); [S.I. 2022/895](#), [arts. 3, 4](#); [S.I. 2022/896](#), [art. 3](#) (with [arts. 1\(7\), 4-22](#)); [S.I. 2022/897](#), [art. 3](#) (with [arts. 1\(8\), 4-21](#)); [S.I. 2022/898](#), [arts. 2, 3](#)
- F5** Words in [s. 41\(1\)](#) substituted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), [s. 49\(2\)](#), [Sch. paras. 2, 3](#); [S.I. 2011/97](#), [art. 2\(1\)\(p\)](#)

**Changes to legislation:** Learning and Skills Act 2000, Cross Heading: Other functions is up to date with all changes known to be in force on or before 14 March 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) View outstanding changes

- F6** Words in s. 41(1)(a) substituted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), **ss. 50(4)(b)(i)**, 100(3); S.I. 2021/373, arts. 3, 4, 6, 7 (as amended by S.I. 2021/938, art. 2); S.I. 2021/1243, art. 3 (with arts. 4-23) (as amended by S.I. 2021/1428, art. 2); S.I. 2021/1244, art. 3 (with arts. 4-21) (as amended by S.I. 2021/1428, art. 3); S.I. 2021/1245, arts. 3, 4 (with art. 1(4)); S.I. 2022/891, art. 3 (with arts. 4-25); S.I. 2022/892, arts. 2, 3 (with arts. 4-18); S.I. 2022/893, art. 4; S.I. 2022/894, art. 3; S.I. 2022/895, arts. 3, 4; S.I. 2022/896, art. 3 (with arts. 1(7), 4-22); S.I. 2022/897, art. 3 (with arts. 1(8), 4-21); S.I. 2022/898, arts. 2, 3
- F7** S. 41(1)(b) substituted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), **ss. 50(4)(b)(ii)**, 100(3); S.I. 2021/373, arts. 3, 4, 6, 7 (as amended by S.I. 2021/938, art. 2); S.I. 2021/1243, art. 3 (with arts. 4-23) (as amended by S.I. 2021/1428, art. 2); S.I. 2021/1244, art. 3 (with arts. 4-21) (as amended by S.I. 2021/1428, art. 3); S.I. 2021/1245, arts. 3, 4 (with art. 1(4)); S.I. 2022/891, art. 3 (with arts. 4-25); S.I. 2022/892, arts. 2, 3 (with arts. 4-18); S.I. 2022/893, art. 4; S.I. 2022/894, art. 3; S.I. 2022/895, arts. 3, 4; S.I. 2022/896, art. 3 (with arts. 1(7), 4-22); S.I. 2022/897, art. 3 (with arts. 1(8), 4-21); S.I. 2022/898, arts. 2, 3
- F8** Words in s. 41(1)(b) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 73**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)
- F9** S. 41(2) omitted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by virtue of Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), **ss. 50(4)(c)**, 100(3); S.I. 2021/373, arts. 3, 4, 6, 7 (as amended by S.I. 2021/938, art. 2); S.I. 2021/1243, art. 3 (with arts. 4-23) (as amended by S.I. 2021/1428, art. 2); S.I. 2021/1244, art. 3 (with arts. 4-21) (as amended by S.I. 2021/1428, art. 3); S.I. 2021/1245, arts. 3, 4 (with art. 1(4)); S.I. 2022/891, art. 3 (with arts. 4-25); S.I. 2022/892, arts. 2, 3 (with arts. 4-18); S.I. 2022/893, art. 4; S.I. 2022/894, art. 3; S.I. 2022/895, arts. 3, 4; S.I. 2022/896, art. 3 (with arts. 1(7), 4-22); S.I. 2022/897, art. 3 (with arts. 1(8), 4-21); S.I. 2022/898, arts. 2, 3
- F10** Words in s. 41(2)-(4) substituted (19.1.2011) by Learning and Skills (Wales) Measure 2009 (nawm 1), s. 49(2), **Sch. para. 10(a)(i)**; S.I. 2011/97, art. 2(1)(p)
- F11** Words in s. 41(2)-(4) substituted (19.1.2011) by Learning and Skills (Wales) Measure 2009 (nawm 1), s. 49(2), **Sch. para. 10(a)(ii)**; S.I. 2011/97, art. 2(1)(p)
- F12** Words in s. 41(2)-(4) substituted (19.1.2011) by Learning and Skills (Wales) Measure 2009 (nawm 1), s. 49(2), **Sch. para. 10(a)(iii)**; S.I. 2011/97, art. 2(1)(p)
- F13** Words in s. 41(2) substituted (19.1.2011) by Learning and Skills (Wales) Measure 2009 (nawm 1), s. 49(2), **Sch. para. 10(b)**; S.I. 2011/97, art. 2(1)(p)
- F14** S. 41(3) omitted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by virtue of Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), **ss. 50(4)(c)**, 100(3); S.I. 2021/373, arts. 3, 4, 6, 7 (as amended by S.I. 2021/938, art. 2); S.I. 2021/1243, art. 3 (with arts. 4-23) (as amended by S.I. 2021/1428, art. 2); S.I. 2021/1244, art. 3 (with arts. 4-21) (as amended by S.I. 2021/1428, art. 3); S.I. 2021/1245, arts. 3, 4 (with art. 1(4)); S.I. 2022/891, art. 3 (with arts. 4-25); S.I. 2022/892, arts. 2, 3 (with arts. 4-18); S.I. 2022/893, art. 4; S.I. 2022/894, art. 3; S.I. 2022/895, arts. 3, 4; S.I. 2022/896, art. 3 (with arts. 1(7), 4-22); S.I. 2022/897, art. 3 (with arts. 1(8), 4-21); S.I. 2022/898, arts. 2, 3
- F15** S. 41(4) omitted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by virtue of Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), **ss. 50(4)(c)**, 100(3); S.I. 2021/373, arts. 3, 4, 6, 7 (as amended by S.I. 2021/938, art. 2); S.I. 2021/1243, art. 3 (with arts. 4-23) (as amended by S.I. 2021/1428, art. 2); S.I. 2021/1244, art. 3 (with arts. 4-21) (as amended by S.I. 2021/1428, art. 3); S.I. 2021/1245, arts. 3, 4 (with art. 1(4)); S.I. 2022/891, art. 3 (with arts. 4-25); S.I. 2022/892, arts. 2, 3 (with arts. 4-18); S.I. 2022/893, art. 4; S.I. 2022/894, art. 3; S.I. 2022/895, arts. 3, 4; S.I. 2022/896, art. 3 (with arts. 1(7), 4-22); S.I. 2022/897, art. 3 (with arts. 1(8), 4-21); S.I. 2022/898, arts. 2, 3
- F16** Words in s. 41(4) substituted (19.1.2011) by Learning and Skills (Wales) Measure 2009 (nawm 1), s. 49(2), **Sch. para. 10(c)**; S.I. 2011/97, art. 2(1)(p)

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**F17** S. 41(5A) substituted for (1.9.2021 for specified purposes, 1.1.2022 for specified purposes) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), **ss. 50(4)(d)**, 100(3); S.I. 2021/373, arts. 3, 4, 6, 7 (as amended by S.I. 2021/938, art. 2); S.I. 2021/1243, art. 3(h); S.I. 2021/1244, art. 3(h); S.I. 2021/1245, arts. 3(h), 4 (with art. 1(4))

**F18** S. 41(6) omitted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by virtue of Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), **ss. 50(4)(e)**, 100(3); S.I. 2021/373, arts. 3, 4, 6, 7 (as amended by S.I. 2021/938, art. 2); S.I. 2021/1243, art. 3 (with arts. 4-23) (as amended by S.I. 2021/1428, art. 2); S.I. 2021/1244, art. 3 (with arts. 4-21) (as amended by S.I. 2021/1428, art. 3); S.I. 2021/1245, arts. 3, 4 (with art. 1(4)); S.I. 2022/891, art. 3 (with arts. 4-25); S.I. 2022/892, arts. 2, 3 (with arts. 4-18); S.I. 2022/893, art. 4; S.I. 2022/894, art. 3; S.I. 2022/895, arts. 3, 4; S.I. 2022/896, art. 3 (with arts. 1(7), 4-22); S.I. 2022/897, art. 3 (with arts. 1(8), 4-21); S.I. 2022/898, arts. 2, 3

**Commencement Information**

**I2** S. 41 not in force at Royal Assent see s. 154; s. 41 in force for W. at 1.4.2001 by S.I. 2001/1274, art. 2, **Sch. Pt. I**

**F19 42 Equality of opportunity.**

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**Textual Amendments**

**F19** Ss. 42-51 omitted (1.4.2006) by virtue of National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 62** (with art. 7)

**F19 43 Plans.**

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**Textual Amendments**

**F19** Ss. 42-51 omitted (1.4.2006) by virtue of National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 62** (with art. 7)

**F19 44 Strategy.**

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**Textual Amendments**

**F19** Ss. 42-51 omitted (1.4.2006) by virtue of National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 62** (with art. 7)

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**F19 45 Use of information by Council.**

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**Textual Amendments**

**F19** Ss. 42-51 omitted (1.4.2006) by virtue of National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 62** (with art. 7)

**F19 46 Supplementary functions.**

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**Textual Amendments**

**F19** Ss. 42-51 omitted (1.4.2006) by virtue of National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 62** (with art. 7)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3A-3D inserted by [2006 c. 40 s. 75\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 75 repealed (1.4.2010) without ever being in force by 2009 c. 22, Sch. 6 para. 59, Sch. 16 Pt. 2; S.I. 2010/303, art. 3, Sch. 2)
- s. 3A-3D repealed by [2009 c. 22 Sch. 16 Pt. 2](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of ss. 3A-3D never came into force and the inserting provision 2006 c. 40, s. 75 was repealed (1.4.2010) by 2009 c. 22, Sch. 6 para. 59, Sch. 16 Pt. 2; S.I. 2010/303, art. 3, Sch. 2)
- s. 3D(6) words substituted by [2007 c. 25 Sch. 1 para. 14](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of ss. 3A-3D never came into force and the inserting provision 2006 c. 40, s. 75 was repealed (1.4.2010) by 2009 c. 22, Sch. 6 para. 59, Sch. 16 Pt. 2; S.I. 2010/303, art. 3, Sch. 2)
- s. 18(9) added by 2009 c. 22 Sch. 2 para. 46(2B) (as modified) (cond.) by [S.I. 2010/1158 Sch. 4 para. 4\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 18 already repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 35, Sch. 16 Pt. 2; S.I. 2010/303, art. 3, Sch. 2)
- s. 18C(9) added by 2009 c. 22 Sch. 2 para. 46(2C) (as modified) (cond.) by [S.I. 2010/1158 Sch. 4 para. 4\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 18C already repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 36, 16 Pt. 2; S.I. 2010/303, art. 3, Sch. 2)
- s. 33D(3A) inserted by [2022 asc 1 Sch. 4 para. 14\(6\)](#)
- s. 33E(3A) inserted by [2022 asc 1 Sch. 4 para. 14\(7\)\(a\)](#)
- s. 33G(6) inserted by [2022 asc 1 Sch. 4 para. 14\(8\)](#)
- s. 33I(6) inserted by [2022 asc 1 Sch. 4 para. 14\(9\)](#)
- s. 33L(2A) inserted by [2022 asc 1 Sch. 4 para. 14\(12\)](#)
- s. 33M(1) s. 33M renumbered as s. 33M(1) by [2022 asc 1 Sch. 4 para. 14\(13\)](#)
- s. 33M(2) inserted by [2022 asc 1 Sch. 4 para. 14\(13\)](#)
- s. 33P(4) inserted by [2022 asc 1 Sch. 4 para. 14\(16\)\(b\)](#)
- s. 33Q(4) inserted by [2022 asc 1 Sch. 4 para. 14\(17\)\(b\)](#)
- s. 99(2A) inserted by [2008 c. 25 s. 160\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 160(2) repealed (1.4.2010) without ever being in force by 2009 c. 22, Sch. 16 Pt. 2; S.I. 2010/303, art. 3, Sch. 2)
- s. 99(2A) repealed by [2009 c. 22 Sch. 6 para. 45\(3\)Sch. 16 Pt. 2](#) (This amendment not applied to [legislation.gov.uk](#). S. 99(2A) was never inserted and the inserting provision 2008 c. 25, s. 160(2) was repealed (1.4.2010) without ever being in force by 2009 c. 22, Sch. 16 Pt. 2; S.I. 2010/303, art. 3, Sch. 2)
- s. 125(2)(aa) inserted by [2022 asc 1 Sch. 4 para. 14\(24\)](#)
- s. 138(3)(ca) inserted by [2022 asc 1 Sch. 4 para. 14\(26\)](#)