SCHEDULES

SCHEDULE 16 E+W

Section 67

ABOLITION OF THE YPLA: CONSEQUENTIAL AMENDMENTS

Public Records Act 1958 (c. 51)

1 In paragraph 3 of Schedule 1 to the Public Records Act 1958, in Part 2 of the Table (definition of public records: other establishments and organisations) omit "Young People's Learning Agency for England."

Commencement Information
I1 Sch. 16 para. 1 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Parliamentary Commissioner Act 1967 (c. 13)

2 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc subject to investigation) omit "The Young People's Learning Agency for England."

Commencement Information
I2 Sch. 16 para. 2 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Superannuation Act 1972 (c. 11)

3 In Schedule 1 to the Superannuation Act 1972 (kinds of employment, etc, referred to in section 1 of that Act) omit "The Young People's Learning Agency for England."

Commencement Information
I3 Sch. 16 para. 3 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

House of Commons Disqualification Act 1975 (c. 24)

4 In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices) omit the entry relating to members of the Young People's Learning Agency for England in receipt of remuneration.

Commencement Information
I4 Sch. 16 para. 4 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

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

5 In section 1 of the Education (Fees and Awards) Act 1983 (fees at universities and further education establishments), in subsection (3)(f), for "Young People's Learning Agency for England" substitute " Secretary of State ".

Commencement Information

I5 Sch. 16 para. 5 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

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

6 In section 5 of the Disabled Persons (Services, Consultation and Representation) Act 1986 (disabled persons leaving special education), in subsection (9), in paragraph (c) of the definition of "the responsible authority"—

(a) omit ", the Young People's Learning Agency for England";

(b) omit ", Young People's Learning Agency for England".

Commencement Information

I6 Sch. 16 para. 6 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Employment Act 1988 (c. 19)

7 In section 26 of the Employment Act 1988 (status of trainees etc), for subsection (1A) substitute—

"(1A) The Secretary of State may make an order under subsection (1B) where it appears to the Secretary of State that provision has been made for trainees to receive payments—

(a) from the Secretary of State under section 14 of the Education Act 2002,

(b) from the Chief Executive of Skills Funding under section 100(1)(c) or (d) of the Apprenticeships, Skills, Children and Learning Act 2009, or

(c) from the Welsh Ministers under section 34(1)(c) of the Learning and Skills Act 2000.

(1B) An order under this subsection may provide—

(a) that the trainees are, for the purposes and in the cases specified or described in or determined under the order, to be treated in respect of the training as being or as not being employed;

(b) that where the trainees are treated as being employed they are to be treated as being the employees of the persons so specified, described or determined and of no others;

(c) that where the trainees are treated as not being employed, they are to be treated in such other manner as may be so specified, described or determined; and

(d) that the payments are to be treated for the purposes of such enactments and subordinate legislation as may be so specified,

described or determined in such manner as may be so specified, described or determined.

For the purposes of subsection (1A) and this subsection, trainees are persons receiving or proposing to receive training."

Commencement Information

I7 Sch. 16 para. 7 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Education Reform Act 1988 (c. 40)

8 In section 128 (dissolution of higher education corporations), in subsection (1)(b), omit sub-paragraph (iib).

Commencement Information

I8 Sch. 16 para. 8 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Value Added Tax Act 1994 (c. 23)

9 (1) Group 6 of Part 2 of Schedule 9 to the Value Added Tax Act 1994 (exemptions: education) is amended as follows.

(2) In item 5A—

(a) omit paragraph (a);

(b) in paragraph (b), for "that Act" substitute " the Apprenticeships, Skills, Children and Learning Act 2009 ".

(3) After item 5A insert—

"5B The provision of education or vocational training and the supply, by the person providing that education or training, of any goods or services essential to that provision, to persons who are—

(a) aged under 19,

(b) aged 19 or over, in respect of education or training begun by them when they were aged under 19,

(c) aged 19 or over but under 25 and subject to learning difficulty assessment, or

(d) aged 25 or over, in respect of education or training begun by them when they were within paragraph (c),

to the extent that the consideration payable is ultimately a charge to funds provided by the Secretary of State."

(4) In note (5A), for "item 5A" substitute " items 5A and 5B ".

(5) After note (5A) insert—

"(5B) In item 5B, "subject to learning difficulty assessment" has the same meaning as in the Education Act 1996."

Commencement Information
I9 Sch. 16 para. 9 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

EA 1996

10 EA 1996 is amended as follows.

Commencement Information
I10 Sch. 16 para. 10 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

11 After section 15ZC insert—

"**15ZD Sections 15ZA to 15ZC: duty to have regard to guidance**

In performing the duties imposed by sections 15ZA(1), 15ZB and 15ZC(1)(b) (duties in relation to education and training for persons over compulsory school age), a local authority in England must have regard to any guidance issued by the Secretary of State."

Commencement Information
I11 Sch. 16 para. 11 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

SSFA 1998

12 In section 30 of SSFA 1998 (notice by governing body to discontinue foundation or voluntary school), in subsection (3)(a)(i), for the words from "Young" to "school" substitute " Secretary of State ".

Commencement Information
I12 Sch. 16 para. 12 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

LSA 2000

13 LSA 2000 is amended as follows.

Commencement Information
I13 Sch. 16 para. 13 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

14 In section 98 (approved qualifications: England), omit subsections (7) and (8).

Commencement Information
I14 Sch. 16 para. 14 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

15 (1) Section 144 (designated institutions: disposal of land, etc) is amended as follows.

(2) In subsection (4)(b), for sub-paragraphs (i) and (ii) substitute—

"(i) in the case of land in England held for the purposes of a sixth form college, or land in Wales, by an arbitrator to be appointed in default of agreement by the President of the Chartered Institute of Arbitrators;

(ii) in the case of any other land in England, by the Secretary of State."

(3) After subsection (4) insert—

"(4A) The expense of an arbitrator appointed under subsection (4)(b)(i) is to be borne equally by the trustees and—

(a) in the case of land in England, the Secretary of State;

(b) in the case of land in Wales, the Welsh Ministers."

(4) In subsection (9)(a), for "Young People's Learning Agency for England" substitute " Secretary of State ".

Commencement Information

I15 Sch. 16 para. 15 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

16 In Schedule 9 (amendments), omit paragraph 14.

Commencement Information

I16 Sch. 16 para. 16 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Freedom of Information Act 2000 (c. 36)

17 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies and offices: general) omit "The Young People's Learning Agency for England."

Commencement Information

I17 Sch. 16 para. 17 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

EA 2002

18 EA 2002 is amended as follows.

Commencement Information

I18 Sch. 16 para. 18 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

19 In section 183 (transfer of functions relating to allowances under section 181), in subsection (1), omit paragraph (aa) (but not the "or" after it).

Commencement Information

I19 Sch. 16 para. 19 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

20 Omit section 208A (recoupment: adjustment between local authorities and the YPLA).

Commencement Information

I20 Sch. 16 para. 20 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

21 In section 210(6A) (Welsh orders and regulations subject to negative resolution), omit "or section 208A".

Commencement Information

I21 Sch. 16 para. 21 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

HEA 2004

[F1]22 . . . . . .

Textual Amendments

F1 Sch. 16 para. 22 omitted (1.4.2018) by virtue of Higher Education and Research Act 2017 (c. 29), s. 124(5), **Sch. 11 para. 33(c)**; S.I. 2018/241, reg. 2(s) (with transitional and savings provisions in S.I. 2018/245, regs. 2, 3, 19)

Children Act 2004 (c. 31)

23 In section 10 (co-operation to improve wellbeing), in subsection (9)(c), omit "66,".

Commencement Information

I22 Sch. 16 para. 23 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

EA 2005

24 EA 2005 is amended as follows.

Commencement Information

I23 Sch. 16 para. 24 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

25 In section 14 (destination of reports: maintained schools), omit subsection (3).

Commencement Information
I24 Sch. 16 para. 25 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

26 In section 14A (destination of interim statements: maintained schools), omit subsection (3).

Commencement Information
I25 Sch. 16 para. 26 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

27 In section 92 (joint exercise of functions), in subsection (2), omit "the Young People's Learning Agency for England,".

Commencement Information
I26 Sch. 16 para. 27 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

28 In section 108 (supply of information: education maintenance allowances), in subsection (3), omit paragraph (ba).

Commencement Information
I27 Sch. 16 para. 28 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

EIA 2006

29 EIA 2006 is amended as follows.

Commencement Information
I28 Sch. 16 para. 29 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

30 (1) Section 123 (inspection of further education and training: education and training to which Chapter applies) is amended as follows.

(2) In subsection (1), in paragraphs (b), (c) and (g), for "YPLA" substitute " Secretary of State ".

(3) In subsection (3)(a), omit "61(4)(f) or".

Commencement Information
I29 Sch. 16 para. 30 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

31 In section 124 (inspection of education and training to which Chapter applies), in subsection (5), omit paragraph (b).

Commencement Information
I30 Sch. 16 para. 31 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

32 In section 125 (inspection of further education institutions), in subsection (5), omit paragraph (b).

Commencement Information
I31 Sch. 16 para. 32 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

33 In section 126 (other inspections), in subsection (4), omit paragraph (b).

Commencement Information
I32 Sch. 16 para. 33 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

34 In section 128 (area inspections), in subsection (3)(a), for "YPLA" substitute " Secretary of State ".

Commencement Information
I33 Sch. 16 para. 34 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

35 In section 129 (reports of area inspections), in subsection (2), omit paragraph (b).

Commencement Information
I34 Sch. 16 para. 35 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

36 (1) Section 130 (action plans following area inspections) is amended as follows.

(2) In subsection (2), for "a relevant body" substitute " the Chief Executive ".

(3) In subsections (4) and (5), for "body" substitute " Chief Executive ".

(4) Omit subsection (6).

Commencement Information
I35 Sch. 16 para. 36 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

37 In section 159(1) (interpretation of Part 8), omit the definition of "the YPLA".

Commencement Information
I36 Sch. 16 para. 37 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Safeguarding Vulnerable Groups Act 2006 (c. 47)

38 In Schedule 7 to the Safeguarding Vulnerable Groups Act 2006 (vetting information), in the table in paragraph 1, in column 1 of entry 18—

(a) omit "61 or";

(b) after "2009" insert " , section 14 of the Education Act 2002 ".

Commencement Information

I37 Sch. 16 para. 38 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Local Government and Public Involvement in Health Act 2007 (c. 28)

39 In section 104 of the Local Government and Public Involvement in Health Act 2007 (partner authorities), in subsection (4), omit paragraph (fa).

Commencement Information

I38 Sch. 16 para. 39 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

ESA 2008

40 ESA 2008 is amended as follows.

Commencement Information

I39 Sch. 16 para. 40 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

41 In section 13 (notification of non-compliance with section 2 duty), in subsection (5), in paragraph (f) of the definition of "educational institution", for "Young People's Learning Agency for England" substitute " Secretary of State ".

Commencement Information

I40 Sch. 16 para. 41 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

42 In section 72 (educational institutions: duty to provide information), in subsection (5), in paragraph (f) of the definition of "educational institution", for "Young People's Learning Agency for England" substitute " Secretary of State ".

Commencement Information

I41 Sch. 16 para. 42 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

43 In section 77 (supply of information by public bodies), in subsection (2)(b), for "Young People's Learning Agency for England" substitute " Secretary of State ".

Commencement Information
I42 Sch. 16 para. 43 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

44 In section 132 (providers of independent education or training for 16 to 18 year olds), in subsection (2)(b)(iv), for "Young People's Learning Agency for England" substitute " Secretary of State ".

Commencement Information
I43 Sch. 16 para. 44 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Local Democracy, Economic Development and Construction Act 2009 (c. 20)

[F2]45 . . . . . .

Textual Amendments
F2 Sch. 16 para. 45 omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), **ss. 102(2)(b)**, 115(3)(k)

ASCLA 2009

46 ASCLA 2009 is amended as follows.

Commencement Information
I44 Sch. 16 para. 46 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

47 In section 107 (provision of services), in subsection (4), omit paragraph (e).

Commencement Information
I45 Sch. 16 para. 47 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

48 (1) Section 122 (sharing of information for education and training purposes) is amended as follows.

(2) In subsection (3)(b), for "Young People's Learning Agency for England" substitute " Secretary of State ".

(3) In subsection (5)(b), for "Young People's Learning Agency for England" substitute " Secretary of State relating to education or training ".

Commencement Information
I46 Sch. 16 para. 48 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

49 In Schedule 6 (dissolution of the Learning and Skills Council for England: minor and consequential amendments), omit paragraphs 54 to 56 and 57(b).

Commencement Information

I47 Sch. 16 para. 49 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

50 In Schedule 12 (Ofqual and the QCDA: minor and consequential amendments), omit paragraph 28(3).

Commencement Information

I48 Sch. 16 para. 50 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

Changes to legislation:
There are currently no known outstanding effects for the Education Act 2011, SCHEDULE 16.