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WELSH STATUTORY INSTRUMENTS

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**2001 No. 2705 (W.225) (C.90)**

**EDUCATION, WALES**

EMPLOYMENT AND TRAINING, WALES

The Learning and Skills Act 2000  
(Commencement No. 4) (Wales) Order 2001

Made - - - - 17th July 2001

The National Assembly for Wales makes the following Order in exercise of powers conferred on it by section 154(2) and (4) of the Learning and Skills Act 2000(1):

**Citation and application**

1.—(1) This Order may be cited as the Learning and Skills Act 2000 (Commencement No. 4) (Wales) Order 2001.

(2) This Order applies to Wales, and the provisions specified in the Schedule shall come into force in relation to Wales for all purposes.

**Provisions coming into force**

2.—(1) The provisions of the Learning and Skills Act 2000 specified in Part I of the Schedule to this Order shall come into force on 1st April 2002.

(2) The provisions of the Learning and Skills Act 2000 specified in Part II of the Schedule to this Order shall come into force on 1st September 2002.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(2).

17th July 2001

*D. Elis-Thomas*  
The Presiding Officer of the National Assembly

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(1) 2000 c. 21.  
(2) 1998 c. 38.

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## SCHEDULE

Article 2

### PART I

#### **Provisions coming into force in relation to Wales on 1st April 2002**

Section 36.

Section 113.

Section 140 (1) and (2) and (4), (5) and (6) insofar as these are not already in force.

Section 149 in so far as it relates to the provisions of Schedule 9 specified below.

Section 153 in so far as it relates to the provisions of Schedule 11 specified below.

Schedule 7.

In Schedule 9 —

paragraph 1 insofar as it is not already in force,

paragraph 67(3),

paragraph 82,

paragraph 84,

paragraph 90(5) and (6),

paragraph 91.

In Schedule 11 the repeals insofar as they relate to Wales of —

in the Schools Standards and Framework Act 1998, in Schedule 7, in paragraph 13(4) the word “and” immediately after paragraph (b) and in paragraph 13(7) the word “or” immediately after paragraph (a) and in Schedule 22, in paragraph 5(1) the word “or” immediately after paragraph (a)(i).

### PART II

#### **Provisions coming into force in relation to Wales on 1st September 2002**

Section 97.

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### EXPLANATORY NOTE

*(This note does not form part of the Order)*

This Order brings into force on 1st April 2002 those provisions of the Learning and Skills Act 2000 specified in Part I of the Schedule to this Order. It also brings into force on 1st September 2002 those provisions of that Act specified in Part II of the Schedule to this Order.

The effect of the provisions specified in Part I of the Schedule is explained below.

Section 36 gives the National Council for Education and Training for Wales (“the National Council”) the power to make grants to a local education authority for education provided by schools for those above compulsory school age.

Section 113 brings into effect Schedule 7, which contains powers and duties relating to inadequate 6th forms. In particular, it empowers the National Council to publish proposals for discontinuance of maintained 6th form provision following two adverse inspection reports. It also provides for a procedure for dealing with objections which must be followed before any such proposals can be implemented.

Section 140 ((1)—(2) and (4) to (6)) imposes a duty on the National Assembly in certain circumstances to arrange for an assessment of a person for whom a statement of special needs is maintained. The assessment must be made during that person’s last year of compulsory schooling.

Schedules 9 and 11 respectively contain consequential amendments and repeals.

The effect of the provision specified in Part II of the Schedule is explained below.

Section 97 applies to an institution or employer, which provides courses for those aged 19 and over, and is financed by a local education authority or the National Council. It places such an institution or employer under a duty not to make any payment in respect of an external qualification unless that qualification has been approved by the National Assembly.

#### **NOTE AS TO EARLIER COMMENCEMENT ORDERS**

*(This Note is not part of the Order)*

The following provisions of the Learning and Skills Act 2000 have been, or will be, brought into force in relation to Wales by commencement orders made before the date of this Order.

<b>Provision</b>	<b>Date of Commencement</b>	<b>S.I. No.</b>
Sections 104, 105, 107 and 108.	3 August 2000	<a href="#">2000/2114 (C.56)</a>
Section 94 and section 149 insofar as it relates to paragraph 87 of Schedule 9.	1 September 2000	<a href="#">2000/2114 (C.56)</a>
In schedule 9, paragraph 87.		
Sections 30, 47, 49 and 51, and section 149 insofar as it relates to the paragraphs of Schedule 9 listed below.	19 September 2000	<a href="#">2000/2540 (W.163)(C.70)</a>
Schedule 4.		
In Schedule 9, paragraphs 3, 4 and 93.		
Sections 134—136 and 146, and section 149 insofar as it relates to paragraph 14 of Schedule 9.	1 October 2000	<a href="#">2000/2559 (C.73)</a>
In Schedule 9, paragraph 14.		

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<b>Provision</b>	<b>Date of Commencement</b>	<b>S.I. No.</b>
<p>Sections 42, 43, 44, 46, 48, 73, 87, 93, 95, 139, 141 and 145. Section 149 insofar as it relates to the paragraphs of Schedule 9 listed below. Section 153 insofar as it relates to the repeals in Schedule 11 referred to below.</p> <p>Schedule 5.</p> <p>In Schedule 9, paragraphs 21(b), 34, 36, 44(3) and (4), 45, 64, 70, 81, 86, and 92.</p> <p>In Schedule 11 the repeals there specified in respect of—  Further and Higher Education Act 1992, sections 18 and 60A, and Schedule 5A,  Education Act 1996, paragraph 113 of Schedule 37,  Teaching and Higher Education Act 1998, sections 19 and 22,  School Standards and Framework Act 1998, sections 125 and 126, and Schedule 27,  Government of Wales Act 1998, section 104(4).</p>	1 January 2001	<a href="#">2000/3230 (W.213)(C.103)</a>
<p>Section 149 insofar as it relates to the paragraphs of Schedule 9 specified below. Section 151 insofar as it relates to the provision of Schedule 10 specified below. Section 153 insofar as it relates to the repeals in Schedule 11 referred to below. In Schedule 9, paragraphs 11, 35, 37, 38, 39, 41—43, 47—50, 52(3), 83 and 88.</p> <p>In Schedule 10, Part IV. In Schedule 11 the repeals there specified in respect of —</p>	1 April 2001	<a href="#">2001/654(C. 25)</a>

<b>Provision</b>	<b>Date of Commencement</b>	<b>S.I. No.</b>
Further and Higher Education Act 1992, section 91(2), School Standards and Framework Act 1998, section 142(1).		
Sections 31—35, 37—41, 45, 50, 74—86, 88, 91, 99. Section 103(1), (2) and (3) insofar as necessary for the purposes of section 103(4)(b). Sections 103(4), 110—112, 123—129, 137, 138, 140(3). Section 140(4), (5) and (6) insofar as necessary for the purposes of section 140(3). Sections 142—144. Section 149 insofar as it relates to the paragraphs of Schedule 9 specified below. Section 153 insofar as it relates to the provisions of Schedule 11 specified below.	1 April 2001	2001/ 1274 (W.73)(C.46)
In Schedule 9, paragraphs 5—10, 12, 13, 15—17, 20, 21(a), 22—30, 32, 33, 40, 44(1) and (2), 46, 51, 52(1) and (2), 53—56, 59, 65, 66, 67 (5), 68, 72—74. Paragraph 75(a) and (b), and (c) insofar as it relates to section 34 of the Learning and Skills Act 2000. Paragraphs 76—80 and 94.		
In Schedule 11 the repeals there specified in respect of — Superannuation Act 1972, Schedule 1, House of Commons Disqualification Act 1975, Part III of Schedule I, Sex Discrimination Act 1975, section 25(6)(d), Race Relations Act 1976, section 19(6)(d), Education Reform Act 1988, section 124(2)(b), Further and Higher Education Act 1992,		

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Provision	Date of Commencement	S.I. No.
<p>sections 1—9, 28(2)(b), 32(2A), 44(6), 45(6), 52(1), 55 (1)—(3) and (7), 56, and Schedule 2 , Disability Discrimination Act 1995, sections 19(6) (f) and 30(2)—(4), Education Act 1996, sections 15, 509(1), and paragraphs 70 and 112 of Schedule 37, Education Act 1997, section 30(1) and (3), Audit Commission Act 1998, section 36(1) and (2), Teaching and Higher Education Act 1998, sections 26(1) and (2), 28(1)(a) and 34, School Standards and Framework Act 1998, paragraphs 41 and 42 of Schedule 30.</p>	1 September 2001	2001/ 1274 (W.73)(C.46)
<p>Sections 96, 100(2), 102, 103 (5) and 148. Section 149 insofar as it relates to paragraph 57 of Schedule 9. Section 153 insofar as it relates to the provisions of Schedule 11 specified below.</p>		
<p>In Schedule 9, paragraph 57.</p>		
<p>In Schedule 11, the repeals there specified in respect of — Education Act 1996, section 403(1), Education Act 1997, section 37(1)—(4), and 37(5).</p>		