



Learning and Skills Act 2000

2000 CHAPTER 21

PART II

[^{F1}FURTHER EDUCATION AND SIXTH FORM EDUCATION: WALES]

Textual Amendments

- F1** Pt. 2 heading substituted (1.4.2006) by [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. 49** (with art. 7)

F2 ...

Textual Amendments

- F2** S. 30 crossheading 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. 50** (with art. 7)

^{F3}**30 The Council.**

.....

Textual Amendments

- F3** S. 30 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. 50** (with art. 7)

Status: Point in time view as at 01/04/2006.

Changes to legislation: Learning and Skills Act 2000, Part II is up to date with all changes known to be in force on or before 05 April 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)

Main duties

31 Education and training for persons aged 16 to 19.

- (1) The [^{F4}National Assembly for Wales (the National Assembly)] must secure the provision of proper facilities for—
 - (a) education (other than higher education) suitable to the requirements of persons who are above compulsory school age but have not attained the age of 19,
 - (b) training suitable to the requirements of such persons,
 - (c) organised leisure-time occupation connected with such education, and
 - (d) organised leisure-time occupation connected with such training.
- (2) Facilities are proper if they are—
 - (a) of a quantity sufficient to meet the reasonable needs of individuals, and
 - (b) of a quality adequate to meet those needs.
- (3) In performing the duty imposed on it by subsection (1) the [^{F5}National Assembly] must—
 - (a) take account of the places where facilities are provided, the character of facilities and the way they are equipped;
 - (b) take account of the different abilities and aptitudes of different persons;
 - (c) take account of the education and training required in different sectors of employment for employees and potential employees;
 - (d) take account of facilities whose provision the [^{F5}National Assembly] thinks might reasonably be secured by other persons;
 - ^{F6}(e)
- ^{F7}(4)
- (5) For the purposes of this section—
 - (a) education includes both full-time and part-time education;
 - (b) training includes both full-time and part-time training;
 - (c) training includes vocational, social, physical and recreational training;
 - (d) higher education is education provided by means of a course of any description mentioned in Schedule 6 to the ^{M1}Education Reform Act 1988.

Textual Amendments	
F4	Words in s. 31(1) substituted (1.4.2006) by 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. 51(a) (with art. 7)
F5	Words in s. 31(3) substituted (1.4.2006) by 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. 51(b) (with art. 7)
F6	S. 31(3)(e) 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. 51(c) (with art. 7)
F7	S. 31(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. 51(d) (with art. 7)

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Commencement Information

II S. 31 not in force at Royal Assent see s. 154; s. 31 in force for W. at 1.4.2001 by [S.I. 2001/1274](#) , [art. 2](#) , [Sch. Pt. I](#)

Marginal Citations

M1 1988 c. 40 .

32 Education and training for persons over 19.

- (1) The [^{F8}National Assembly] must secure the provision of reasonable facilities for—
- (a) education (other than higher education) suitable to the requirements of persons who have attained the age of 19,
 - (b) training suitable to the requirements of such persons,
 - (c) organised leisure-time occupation connected with such education, and
 - (d) organised leisure-time occupation connected with such training.

^{F9}(2)

- (3) In performing the duty imposed on it by subsection (1) the [^{F10}National Assembly] must—

- (a) take account of the places where facilities are provided, the character of facilities and the way they are equipped;
- (b) take account of the different abilities and aptitudes of different persons;
- (c) take account of the education and training required in different sectors of employment for employees and potential employees;
- (d) take account of facilities whose provision the [^{F10}National Assembly] thinks might reasonably be secured by other persons;

^{F11}(e)

^{F12}(4)

- (5) For the purposes of this section—

- (a) education includes both full-time and part-time education;
- (b) training includes both full-time and part-time training;
- (c) training includes vocational, social, physical and recreational training;
- (d) higher education is education provided by means of a course of any description mentioned in Schedule 6 to the ^{M2}Education Reform Act 1988.

- (6) References in this Part to post-16 education are to—

- (a) education falling within section 31(1)(a) or subsection (1)(a) above, and
- (b) organised leisure-time occupation connected with such education.

- (7) References in this Part to post-16 training are to—

- (a) training falling within section 31(1)(b) or subsection (1)(b) above, and
- (b) organised leisure-time occupation connected with such training.

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Textual Amendments

- F8** Words in s. 32(1) substituted (1.4.2006) by [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. 52(a)** (with art. 7)
- F9** S. 32(2) 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. 52(b)** (with art. 7)
- F10** Words in s. 32(3) substituted (1.4.2006) by [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. 52(c)** (with art. 7)
- F11** S. 32(3)(e) 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. 52(d)** (with art. 7)
- F12** S. 32(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. 52(e)** (with art. 7)

Commencement Information

- I2** S. 32 not in force at Royal Assent see s. 154; s. 32 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), art. 2, **Sch. Pt. I**

Marginal Citations

- M2** 1988 c. 40.

33 Encouragement of education and training.

The [^{F13}National Assembly] must—

- (a) encourage individuals to undergo post-16 education and training;
- (b) encourage employers to participate in the provision of post-16 education and training;
- (c) encourage employers to contribute to the costs of post-16 education and training.

Textual Amendments

- F13** Words in s. 33 substituted (1.4.2006) by [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. 53** (with art. 7)

Commencement Information

- I3** S. 33 not in force at Royal Assent see s. 154; s. 33 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), art. 2, **Sch. Pt. I**

Main powers

34 Provision of financial resources.

- (1) The [^{F14}National Assembly] may secure the provision of financial resources to—

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- (a) persons providing or proposing to provide post-16 education or training;
 - (b) persons providing or proposing to provide goods or services in connection with the provision by others of post-16 education or training;
 - (c) persons receiving or proposing to receive post-16 education or training;
 - (d) persons providing or proposing to provide courses falling within paragraph 1(g) or (h) of Schedule 6 to the ^{M3}Education Reform Act 1988 (courses in preparation for professional examinations at a higher level or providing education at a higher level);
 - (e) institutions within the further or higher education sector (within the meaning of section 91 of the ^{M4}Further and Higher Education Act 1992) which provide or propose to provide secondary education (other than post-16 education);
 - (f) persons undertaking or proposing to undertake research relating to education or training;
 - (g) persons providing or proposing to provide facilities designed to form links between (on the one hand) employers and (on the other) persons who provide or receive education or training;
 - (h) persons carrying out means tests under arrangements made under section 37;
 - (i) persons providing or proposing to provide information, advice or guidance about education or training or connected matters (including employment).
- (2) The [^{F15}National Assembly] may secure the provision of financial resources under subsection (1)—
- (a) by providing resources itself;
 - (b) by making arrangements for the provision of resources by another person;
 - (c) by making arrangements for the provision of resources by persons jointly (whether or not including the [^{F15}National Assembly]).
- (3) In exercising its power under subsection (1)(c) the [^{F14}National Assembly] may secure the provision of financial resources by reference to any fees or charges payable by the person receiving or proposing to receive the education or training or to any other matter (such as transport or childcare).

Textual Amendments

- F14** Words in s. 34(1)(3) substituted (1.4.2006) by 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. 54(a)** (with art. 7)
- F15** Words in s. 34(2) substituted (1.4.2006) by 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. 54(b)** (with art. 7)

Commencement Information

- I4** S. 34 not in force at Royal Assent see s. 154; s. 34 in force for W. at 1.4.2001 by S.I. 2001/1274, art. 2, **Sch. Pt. I**

Marginal Citations

- M3** 1988 c. 40.
M4 1992 c. 13.

Status: Point in time view as at 01/04/2006.

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35 Financial resources: conditions.

- (1) If the [^{F16}National Assembly] itself provides financial resources [^{F17}under section 34] it may impose conditions; and the conditions may include any provisions described below.
- (2) The conditions may—
 - (a) require the [^{F18}National Assembly] or a person designated by it to be allowed access to a person's accounts and documents and to be given rights in relation to a person's computers and associated apparatus and material;
 - (b) require a person to whom financial resources are provided to give to the [^{F18}National Assembly] information it requests for the purpose of carrying out its functions [^{F19}under this Part] .
- (3) The conditions may require a person providing or proposing to provide education or training (the provider) to make arrangements providing for all or any of the following—
 - (a) for the provider to charge fees by reference to specified criteria;
 - (b) for the provider to make awards by reference to specified criteria;
 - (c) for the provider to recover amounts from persons receiving education or training or from employers (or from both);
 - (d) for amounts to be determined by reference to specified criteria where provision is made under paragraph (c);
 - (e) for specified exemptions to operate where provision is made under paragraph (c);
 - (f) for the provider to make provision specified in a report of an assessment conducted under section 140.
- (4) ^{F20}
- (5) The conditions may—
 - (a) enable the [^{F21}National Assembly] to require the repayment (in whole or part) of sums paid by the [^{F21}National Assembly] if any of the conditions subject to which the sums were paid is not complied with;
 - (b) require the payment of interest in respect of any period in which a sum due to the [^{F21}National Assembly] in accordance with any condition is unpaid.
- (6) ^{F20}

Textual Amendments

- F16** Words in s. 35(1) substituted (1.4.2006) by 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. 55(a)(i)** (with art. 7)
- F17** Words in s. 35(1) inserted (1.4.2006) by 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. 55(a)(ii)** (with art. 7)
- F18** Words in s. 35(2) substituted (1.4.2006) by 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. 55(b)(i)** (with art. 7)
- F19** Words in s. 35(2) inserted (1.4.2006) by 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. 55(b)(ii)** (with art. 7)

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F20 S. 35(4)(6) repealed (1.9.2002) by 2001 c. 10, ss. 34(8), 42(6), Sch. 9 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. 1

F21 Words in s. 35(5) substituted (1.4.2006) by 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. 55(c) (with art. 7)

Commencement Information

I5 S. 35 not in force at Royal Assent see s. 154; s. 35 in force for W. at 1.4.2001 by S.I. 2001/1274, art. 2, Sch. Pt. I

36 Funding of school sixth-forms.

- (1) The [^{F22}National Assembly] may make a grant to a local education authority—
 - (a) on the condition that the grant be applied as part of the authority's [^{F23}schools budget] for a financial year, and
 - (b) with a view to the grant being used for the purposes of, or for purposes connected with, the provision by schools of education suitable to the requirements of persons above compulsory school age.
- (2) A grant made under this section may be made on conditions in addition to the condition mentioned in subsection (1)(a) (including conditions of a kind which could be imposed under section 35).
- (3) “[^{F24}Schools budget]” has the same meaning as in Part II of the ^{M5}School Standards and Framework Act 1998 (framework for maintained schools).

Textual Amendments

F22 Words in s. 36(1) substituted (1.4.2006) by 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. 56 (with art. 7)

F23 Words in s. 36(1)(a) substituted (4.12.2003 for W., 6.11.2006 for E.) by Education Act 2002 (c. 32), s. 216(4), Sch. 21 para. 125(2) (with ss. 210(8), 214(4); S.I. 2003/2959, regs. 1(1), 5); S.I. 2003/2961, art. 5, Sch. Pt. 2; S.I. 2006/2895, art. 2

F24 Words in s. 36(3) substituted (4.12.2003 for W.) by Education Act 2002 (c. 32), s. 216(4), Sch. 21 para. 125(3) (with ss. 210(8), 214(4); S.I. 2003/2959, regs. 1(1), 5); S.I. 2003/2961, art. 5, Sch. Pt. II; S.I. 2006/2895, art. 2

Commencement Information

I6 S. 36 not in force at Royal Assent see s. 154; s. 36 in force for W. at 1.4.2002 by S.I. 2001/2705, art. 2, Sch. Pt. I

Marginal Citations

M5 1998 c. 31.

37 Assessments and means tests.

- (1) The [^{F25}National Assembly] may develop schemes for the assessment of the performance of persons in providing post-16 education and training.
- (2) The [^{F25}National Assembly] may take the assessments into account in deciding how to exercise its powers under section 34.

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- (3) The [F25National Assembly] may—
 - (a) carry out means tests;
 - (b) arrange for other persons to carry out means tests.
- (4) The [F25National Assembly] may take the results of the tests into account in exercising its power under section 34(1)(c).

Textual Amendments

F25 Words in s. 37(1)-(4) substituted (1.4.2006) by [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. 57** (with art. 7)

Commencement Information

I7 S. 37 not in force at Royal Assent see s. 154; s. 37 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), art. 2, **Sch. Pt. I**

38 Qualifying accounts and arrangements.

- (1) The [F26National Assembly] may promote—
 - (a) the holding of accounts which qualify under section 104;
 - (b) the making of arrangements which qualify under section 105.

F27(2)

Textual Amendments

F26 Words in s. 38(1) substituted (1.4.2006) by [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. 58(a)** (with art. 7)

F27 S. 38(2) 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. 58(b)** (with art. 7)

Commencement Information

I8 S. 38 not in force at Royal Assent see s. 154; s. 38 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), art. 2, **Sch. Pt. I**

39 Further education: governors.

- (1) The [F28National Assembly] may appoint a person to be a member of the governing body of an institution which—
 - (a) falls within the further education sector (within the meaning given by section 91(3) of the ^{M6}Further and Higher Education Act 1992), and
 - (b) mainly serves the population of Wales.
- (2) But no more than two members of the governing body of a given institution may at any given time have been appointed under this section.

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Textual Amendments

F28 Words in s. 39(1) substituted (1.4.2006) by 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. 59** (with art. 7)

Commencement Information

I9 S. 39 not in force at Royal Assent see s. 154; s. 39 in force for W. at 1.4.2001 by S.I. 2001/1274, art. 2, **Sch. Pt. I**

Marginal Citations

M6 1992 c. 13.

Other functions

40 Research and information.

F29(1)

F29(2)

F29(3)

F29(4)

(5) The [^{F30}National Assembly] must establish systems for collecting information which is designed to secure that its decisions with regard to education and training are made on a sound basis.

(6) The [^{F30}National Assembly] may secure the provision of facilities for providing information, advice or guidance about education or training or connected matters (including employment).

Textual Amendments

F29 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)

F30 Words in s. 40(5)(6) substituted (1.4.2006) by 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(b)** (with art. 7)

Commencement Information

I10 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 learning difficulties.

(1) In discharging its functions under sections 31, 32 and 34(1)(a) to (d) and (g) the [^{F31}National Assembly] must have regard—

(a) to the needs of persons with learning difficulties, and

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- (b) in particular, to any report of an assessment conducted under section 140.
- (2) If the [^{F32}National Assembly] is satisfied that it 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 it also secures the provision of boarding accommodation for him, the [^{F32}National Assembly] must secure the provision of boarding accommodation for him.
- (3) If the [^{F32}National Assembly] is satisfied that it 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 it also secures the provision of boarding accommodation for him, the [^{F32}National Assembly] must secure the provision of boarding accommodation for him.
- (4) If the [^{F32}National Assembly] is satisfied that it 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 it also secures the provision of boarding accommodation for him, the [^{F32}National Assembly] may secure the provision of boarding accommodation for him.
- (5) A person has a learning difficulty if—
- (a) he has a significantly greater difficulty in learning than the majority of persons of his age, or
 - (b) he has a disability which either prevents or hinders him from making use of facilities of a kind generally provided by institutions providing post-16 education or training.
- (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

- F31** Words in s. 41(1) substituted (1.4.2006) by [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. 61(a)** (with art. 7)
- F32** Words in s. 41(2)(3)(4) substituted (1.4.2006) by [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. 61(b)** (with art. 7)

Commencement Information

- I11** 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**

^{F33}42 Equality of opportunity.

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Textual Amendments

F33 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)

F33 43 Plans.

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Textual Amendments

F33 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)

F33 44 Strategy.

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Textual Amendments

F33 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)

F33 45 Use of information by Council.

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Textual Amendments

F33 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)

F33 46 Supplementary functions.

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Textual Amendments

F33 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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Miscellaneous

F33 47 Directions.

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Textual Amendments

F33 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)

F33 48 Committees.

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Textual Amendments

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F33 49 Grants to Council.

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F33 50 Annual report.

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F33 51 Council’s financial year.

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Status: Point in time view as at 01/04/2006.

Changes to legislation: Learning and Skills Act 2000, Part II is up to date with all changes known to be in force on or before 05 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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