



Learning and Skills Act 2000

2000 CHAPTER 21

PART V

MISCELLANEOUS AND GENERAL

External qualifications

96 Persons under 19

- (1) This section applies to a course of education or training—
 - (a) which is provided (or proposed to be provided) by or on behalf of a school or institution or employer,
 - (b) which leads to an external qualification, and
 - (c) which is provided (or proposed to be provided) for pupils who are of compulsory school age or for pupils who are above that age but have not attained the age of 19.
- (2) Unless the external qualification is approved under section 98 or 99, the course must not be—
 - (a) funded by an authorised body (as defined in section 100), or
 - (b) provided by or on behalf of a maintained school.
- (3) In relation to a maintained school, the local education authority and the governing body must carry out their functions with a view to securing that subsection (2)(b) is not contravened.
- (4) The course mentioned in subsection (1) may be one of two or more components leading to the same qualification.
- (5) An external qualification is a qualification awarded or authenticated by an outside person, other than a qualification resulting from any of these courses—
 - (a) a course for the further training of teachers or youth and community workers;
 - (b) a post-graduate course (including a higher degree course);
 - (c) a first degree course;

Status: This is the original version (as it was originally enacted).

- (d) a course for the Diploma of Higher Education;
 - (e) a course for the Certificate in Education.
- (6) A qualification is awarded by an outside person if it is awarded by a person other than—
- (a) the school or institution or employer, or
 - (b) a member of the staff of the school or institution or employer.
- (7) A qualification is authenticated by an outside person if it is awarded by the school or institution or employer and is authenticated by a person other than—
- (a) the school or institution or employer, or
 - (b) a member of the staff of the school or institution or employer.
- (8) These are maintained schools—
- (a) a community, foundation or voluntary school;
 - (b) a community or foundation special school.

97 Persons over 19

- (1) This section applies if an institution or employer—
- (a) receives financial resources from an authorised body (as defined in section 100), and
 - (b) provides for persons who have attained the age of 19 a course of education or training which leads to an external qualification.
- (2) The authorised body must carry out its functions with a view to securing that, unless the external qualification is approved under section 98 or 99, the institution or employer does not make a payment which—
- (a) is a payment in respect of the qualification,
 - (b) is made to the outside person who awards or authenticates the qualification, and
 - (c) can reasonably be said to consist of or come from the financial resources received from the authorised body (or those resources and others).
- (3) The course mentioned in subsection (1) may be one of two or more components leading to the same qualification.
- (4) An external qualification is a qualification awarded or authenticated by an outside person, other than a qualification resulting from any of these courses—
- (a) a course for the further training of teachers or youth and community workers;
 - (b) a post-graduate course (including a higher degree course);
 - (c) a first degree course;
 - (d) a course for the Diploma of Higher Education;
 - (e) a course for the Certificate in Education.
- (5) A qualification is awarded by an outside person if it is awarded by a person other than the institution or employer or a member of its or his staff.
- (6) A qualification is authenticated by an outside person if it is awarded by the institution or employer and is authenticated by a person other than the institution or employer or a member of its or his staff.
- (7) A payment in respect of a qualification includes a payment in respect of—

- (a) devising, administering, verifying or certifying the qualification;
- (b) setting or moderating examinations for the purposes of the qualification;
- (c) registering, assessing or examining candidates.

98 Approved qualifications: England

- (1) This section has effect for the purposes of sections 96 and 97 in their application to England.
- (2) A qualification is approved at a given time if—
 - (a) it is then approved by the Secretary of State, or
 - (b) it is then approved by a body then designated by him for the purposes of this section.
- (3) Approval may be given generally or in relation to particular cases.
- (4) An approval given by a designated body is ineffective unless the Secretary of State consents to the approval.
- (5) The Secretary of State may at any time revoke—
 - (a) a designation;
 - (b) an approval given by him;
 - (c) an approval given by a designated body.
- (6) A designated body may at any time revoke an approval given by it.
- (7) If the Secretary of State asks the Qualifications and Curriculum Authority to do so, it must advise him on any approval he proposes to give under subsection (2)(a).
- (8) If a designated body asks the Qualifications and Curriculum Authority to do so, it must advise the body on any approval the body proposes to give under subsection (2)(b).

99 Approved qualifications: Wales

- (1) This section has effect for the purposes of sections 96 and 97 in their application to Wales.
- (2) A qualification is approved at a given time if—
 - (a) it is then approved by the National Assembly for Wales, or
 - (b) it is then approved by a body then designated by the National Assembly for the purposes of this section.
- (3) Approval may be given generally or in relation to particular cases.
- (4) An approval given by a designated body is ineffective unless the National Assembly consents to the approval.
- (5) The National Assembly may at any time revoke—
 - (a) a designation;
 - (b) an approval given by the National Assembly;
 - (c) an approval given by a designated body.
- (6) A designated body may at any time revoke an approval given by it.

Status: This is the original version (as it was originally enacted).

- (7) If the National Assembly asks the Qualifications, Curriculum and Assessment Authority for Wales to do so, it must advise the National Assembly on any approval the National Assembly proposes to give under subsection (2)(a).
- (8) If a designated body asks the Qualifications, Curriculum and Assessment Authority for Wales to do so, it must advise the body on any approval the body proposes to give under subsection (2)(b).

100 Authorised bodies

- (1) For the purposes of sections 96 and 97 in their application to England these are authorised bodies—
- (a) the Learning and Skills Council for England;
 - (b) a local education authority;
 - (c) a body specified by order by the Secretary of State for the purposes of this section.
- (2) For the purposes of sections 96 and 97 in their application to Wales these are authorised bodies—
- (a) the National Council for Education and Training for Wales;
 - (b) a local education authority;
 - (c) a body specified by order by the National Assembly for Wales for the purposes of this section.

101 Enforcement: England

- (1) This section has effect for the purposes of sections 96 and 97 in their application to England, and it applies if the Secretary of State is satisfied that—
- (a) a local education authority or specified body has failed to comply with section 96(2)(a) or is proposing to do so,
 - (b) a local education authority or governing body has failed to comply with section 96(3) or is proposing to do so, or
 - (c) a local education authority or specified body has failed to comply with section 97(2) or is proposing to do so.
- (2) The Secretary of State may give such directions to the authority or body as he thinks fit.
- (3) An authority or body must comply with any directions given to it under this section.
- (4) A specified body is a body specified under section 100(1)(c).

102 Enforcement: Wales

- (1) This section has effect for the purposes of sections 96 and 97 in their application to Wales, and it applies if the National Assembly for Wales is satisfied that—
- (a) a local education authority or specified body has failed to comply with section 96(2)(a) or is proposing to do so,
 - (b) a local education authority or governing body has failed to comply with section 96(3) or is proposing to do so, or
 - (c) a local education authority or specified body has failed to comply with section 97(2) or is proposing to do so.

- (2) The National Assembly may give such directions to the authority or body as it thinks fit.
- (3) An authority or body must comply with any directions given to it under this section.
- (4) A specified body is a body specified under section 100(2)(c).

103 Amendments relating to external qualifications

- (1) The Education Act 1997 shall be amended as follows.
- (2) In section 24 (functions of Qualifications and Curriculum Authority in relation to external qualifications) in subsection (2) for paragraphs (h) and (i) substitute—
 - “(gg) to make arrangements (whether or not with others) for the development, setting or administration of tests or tasks which fall to be undertaken with a view to obtaining such qualifications and which fall within a prescribed description.”
- (3) In subsection (3) of section 24 for “(g)” substitute “(gg)”.
- (4) In section 30 (functions of Qualifications, Curriculum and Assessment Authority for Wales in relation to external qualifications)—
 - (a) in subsection (1) omit “or by subsection (3)”;
 - (b) in subsection (2) for “(g)” substitute “(gg)”;
 - (c) omit subsection (3).
- (5) In section 37 (requirement for approval of certain courses leading to external qualifications) omit subsections (1) to (4) and in subsection (5) the words “, which are superseded by this section,”.